



Healthcare Council

Thursday, April 17, 2008
8:30 AM – 10:00 AM
Morris Hall

Action Packet

COUNCIL MEETING REPORT

Healthcare Council

4/17/2008 8:30:00AM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Aaron Bean (Chair)	X		
Thomas Anderson	X		
Loranne Ausley	X		
Joyce Cusack	X		
Bill Galvano	X		
Rene Garcia	X		
Hugh Gibson III	X		
Denise Grimsley	X		
Gayle Harrell	X		
D. Alan Hays	X		
Ed Hooper	X		
Matt Hudson	X		
Jimmy Patronis	X		
Ari Porth	X		
Yolly Roberson	X		
Elaine Schwartz			X
Kelly Skidmore	X		
Juan Zapata	X		
Totals:	17	0	1

Committee meeting was reported out: Thursday, April 17, 2008 12:42:42PM

COUNCIL MEETING REPORT

Healthcare Council

4/17/2008 8:30:00AM

Location: Morris Hall (17 HOB)

HB 183 : Relief/Adrian Fuentes/South Broward Hospital District

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
<input checked="" type="checkbox"/> Favorable					
Thomas Anderson	X				
Loranne Ausley	X				
Joyce Cusack	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson III	X				
Denise Grimsley	X				
Gayle Harrell	X				
D. Alan Hays	X				
Ed Hooper	X				
Matt Hudson	X				
Jimmy Patronis	X				
Ari Porth	X				
Yolly Roberson	X				
Elaine Schwartz			X		
Kelly Skidmore	X				
Juan Zapata	X				
Aaron Bean (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Appearances:

HB 183

Monica Rodriguez (Lobbyist) - Proponent

Fuentes Family

106 E. College Avenue

Tallahassee FL 32311

Phone: 305-898-2892

Committee meeting was reported out: Thursday, April 17, 2008 12:42:42PM

COUNCIL MEETING REPORT

Healthcare Council

4/17/2008 8:30:00AM

Location: Morris Hall (17 HOB)

HB 443 : Relief/Marissa Amora/DCFS

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Loranne Ausley	X				
Joyce Cusack	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson III	X				
Denise Grimsley	X				
Gayle Harrell	X				
D. Alan Hays	X				
Ed Hooper	X				
Matt Hudson	X				
Jimmy Patronis	X				
Ari Porth	X				
Yolly Roberson	X				
Elaine Schwartz			X		
Kelly Skidmore	X				
Juan Zapata	X				
Aaron Bean (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Appearances:

Relief/Amora

Sec. Bob Butterworth (Lobbyist) (State Employee) - Proponent

Department of Children & Families

1317 Winewood Blvd.

Tallahassee FL 32399-0700

Phone: 850-487-1111

Committee meeting was reported out: Thursday, April 17, 2008 12:42:42PM

COUNCIL MEETING REPORT

Healthcare Council

4/17/2008 8:30:00AM

Location: Morris Hall (17 HOB)

HB 483 : Relief/Janaria Miller & Shakima Brown/Memorial Healthcare System of Broward, Inc.

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Loranne Ausley	X				
Joyce Cusack	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson III	X				
Denise Grimsley	X				
Gayle Harrell	X				
D. Alan Hays	X				
Ed Hooper	X				
Matt Hudson	X				
Jimmy Patronis	X				
Ari Porth	X				
Yolly Roberson	X				
Elaine Schwartz			X		
Kelly Skidmore	X				
Juan Zapata				X	
Aaron Bean (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Committee meeting was reported out: Thursday, April 17, 2008 12:42:42PM

COUNCIL MEETING REPORT

Healthcare Council

4/17/2008 8:30:00AM

Location: Morris Hall (17 HOB)

HB 525 : Medical Assistance Eligibility of Inmates

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Loranne Ausley	X				
Joyce Cusack	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson III	X				
Denise Grimsley	X				
Gayle Harrell	X				
D. Alan Hays				X	
Ed Hooper	X				
Matt Hudson	X				
Jimmy Patronis	X				
Ari Porth	X				
Yolly Roberson	X				
Elaine Schwartz			X		
Kelly Skidmore	X				
Juan Zapata	X				
Aaron Bean (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Appearances:

HB 525

Brian Pitts - Proponent

Justice-2-Jesus

1119 Newton Avenue S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Thursday, April 17, 2008 12:42:42PM

COUNCIL MEETING REPORT

Healthcare Council

4/17/2008 8:30:00AM

Location: Morris Hall (17 HOB)

HB 691 : Medicaid Recipients with Psychiatric Disabilities

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Loranne Ausley	X				
Joyce Cusack	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson III	X				
Denise Grimsley	X				
Gayle Harrell	X				
D. Alan Hays	X				
Ed Hooper	X				
Matt Hudson	X				
Jimmy Patronis	X				
Ari Porth	X				
Yolly Roberson	X				
Elaine Schwartz			X		
Kelly Skidmore		X			
Juan Zapata	X				
Aaron Bean (Chair)	X				
Total Yeas: 16		Total Nays: 1			

Appearances:

Provider Service Network

Bob Sharpe (Lobbyist) - Proponent

Florida Council for Community Mental Health

316 E. Park Avenue

Tallahassee FL 32308

Phone: 850-224-6048

HB 691

Carole Green (Lobbyist) - Opponent

Florida Association of Health Plans, Inc.

3551 Blainstone Road, #128

Tallahassee FL 32301

Phone: 850-590-2206

Committee meeting was reported out: Thursday, April 17, 2008 12:42:42PM

COUNCIL MEETING REPORT

Healthcare Council

4/17/2008 8:30:00AM

Location: Morris Hall (17 HOB)

HB 875 : Relief/Tyler Giblin/Marion County Hospital District

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Loranne Ausley	X				
Joyce Cusack	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson III	X				
Denise Grimsley	X				
Gayle Harrell	X				
D. Alan Hays	X				
Ed Hooper	X				
Matt Hudson	X				
Jimmy Patronis	X				
Ari Porth	X				
Yolly Roberson	X				
Elaine Schwartz			X		
Kelly Skidmore	X				
Juan Zapata	X				
Aaron Bean (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Committee meeting was reported out: Thursday, April 17, 2008 12:42:42PM

COUNCIL MEETING REPORT

Healthcare Council

4/17/2008 8:30:00AM

Location: Morris Hall (17 HOB)

HB 915 : Relief/Pierreisna Archille/DCFS

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Loranne Ausley	X				
Joyce Cusack	X				
Bill Galvano	X				
Rene Garcia			X		
Hugh Gibson III	X				
Denise Grimsley	X				
Gayle Harrell	X				
D. Alan Hays	X				
Ed Hooper	X				
Matt Hudson	X				
Jimmy Patronis	X				
Ari Porth	X				
Yolly Roberson	X				
Elaine Schwartz			X		
Kelly Skidmore	X				
Juan Zapata	X				
Aaron Bean (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Committee meeting was reported out: Thursday, April 17, 2008 12:42:42PM

COUNCIL MEETING REPORT

Healthcare Council

4/17/2008 8:30:00AM

Location: Morris Hall (17 HOB)

HB 1075 : Child Custody and Support

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Loranne Ausley	X				
Joyce Cusack	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson III	X				
Denise Grimsley	X				
Gayle Harrell	X				
D. Alan Hays	X				
Ed Hooper	X				
Matt Hudson	X				
Jimmy Patronis	X				
Ari Porth	X				
Yolly Roberson	X				
Elaine Schwartz			X		
Kelly Skidmore	X				
Juan Zapata	X				
Aaron Bean (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Appearances:

HB 1075

Brian Pitts - Opponent

Justice-2-Jesus

1119 Newton Avenue, S.

St. Petersburg FL 33705

Phone: 727-897-9291

Committee meeting was reported out: Thursday, April 17, 2008 12:42:42PM

COUNCIL MEETING REPORT

Healthcare Council

4/17/2008 8:30:00AM

Location: Morris Hall (17 HOB)

HB 1233 : Certification of Radiologic Personnel

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Loranne Ausley	X				
Joyce Cusack	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson III	X				
Denise Grimsley	X				
Gayle Harrell	X				
D. Alan Hays	X				
Ed Hooper	X				
Matt Hudson	X				
Jimmy Patronis	X				
Ari Porth	X				
Yolly Roberson	X				
Elaine Schwartz			X		
Kelly Skidmore	X				
Juan Zapata				X	
Aaron Bean (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Committee meeting was reported out: Thursday, April 17, 2008 12:42:42PM

COUNCIL MEETING REPORT

Healthcare Council

4/17/2008 8:30:00AM

Location: Morris Hall (17 HOB)

HB 1411 : Medicaid Managed Care Programs

Not Considered

Committee meeting was reported out: Thursday, April 17, 2008 12:42:42PM

COUNCIL MEETING REPORT

Healthcare Council

4/17/2008 8:30:00AM

Location: Morris Hall (17 HOB)

HB 1435 : Disclosure of Health Care Financial Information

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Loranne Ausley	X				
Joyce Cusack	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson III	X				
Denise Grimsley	X				
Gayle Harrell	X				
D. Alan Hays	X				
Ed Hooper	X				
Matt Hudson	X				
Jimmy Patronis	X				
Ari Porth	X				
Yolly Roberson	X				
Elaine Schwartz			X		
Kelly Skidmore	X				
Juan Zapata	X				
Aaron Bean (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Appearances:

HB 1435

Kathy Holzer (Lobbyist) - Proponent

Florida Hospital Association

306 E. College Avenue

Tallahassee FL 32317

Phone: 850-222-9800

Price Transparency

Brad Ashwell (Lobbyist) - Proponent

Florida PIRG

926 E. Park Avenue

Tallahassee FL 32301

Phone: 850-224-3321

Financial Transparency

Sally House (Lobbyist) - Proponent

Florida Retail Federation

P. O. Box 10024

Tallahassee FL 32302

Phone: 850-222-4082

Committee meeting was reported out: Thursday, April 17, 2008 12:42:42PM

COUNCIL MEETING REPORT

Healthcare Council

4/17/2008 8:30:00AM

Location: Morris Hall (17 HOB)

HB 1485 : Organ and Tissue Donation

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Loranne Ausley	X				
Joyce Cusack	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson III	X				
Denise Grimsley	X				
Gayle Harrell	X				
D. Alan Hays	X				
Ed Hooper	X				
Matt Hudson	X				
Jimmy Patronis	X				
Ari Porth	X				
Yolly Roberson	X				
Elaine Schwartz			X		
Kelly Skidmore	X				
Juan Zapata	X				
Aaron Bean (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Committee meeting was reported out: Thursday, April 17, 2008 12:42:42PM

COUNCIL MEETING REPORT

Healthcare Council

4/17/2008 8:30:00AM

Location: Morris Hall (17 HOB)

HB 1487 : Pub. Rec./Organ and Tissue Donors

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Thomas Anderson	X				
Loranne Ausley	X				
Joyce Cusack	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson III	X				
Denise Grimsley	X				
Gayle Harrell	X				
D. Alan Hays	X				
Ed Hooper	X				
Matt Hudson	X				
Jimmy Patronis	X				
Ari Porth	X				
Yolly Roberson	X				
Elaine Schwartz			X		
Kelly Skidmore	X				
Juan Zapata	X				
Aaron Bean (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Committee meeting was reported out: Thursday, April 17, 2008 12:42:42PM

COUNCIL MEETING REPORT

Healthcare Council

4/17/2008 8:30:00AM

Location: Morris Hall (17 HOB)

HB 1525 : Memory Disorder Clinics

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Thomas Anderson	X				
Loranne Ausley	X				
Joyce Cusack	X				
Bill Galvano	X				
Rene Garcia	X				
Hugh Gibson III	X				
Denise Grimsley	X				
Gayle Harrell	X				
D. Alan Hays	X				
Ed Hooper	X				
Matt Hudson	X				
Jimmy Patronis	X				
Ari Porth	X				
Yolly Roberson	X				
Elaine Schwartz			X		
Kelly Skidmore	X				
Juan Zapata	X				
Aaron Bean (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Committee meeting was reported out: Thursday, April 17, 2008 12:42:42PM

COUNCIL MEETING REPORT

Healthcare Council

4/17/2008 8:30:00AM

Location: Morris Hall (17 HOB)

Summary:

Healthcare Council

Thursday April 17, 2008 08:30 am

HB 183	Favorable	Yeas: 17	Nays: 0
HB 443	Favorable with Council Substitute	Yeas: 17	Nays: 0
HB 483	Favorable with Council Substitute	Yeas: 16	Nays: 0
HB 525	Favorable with Council Substitute	Yeas: 16	Nays: 0
HB 691	Favorable with Council Substitute	Yeas: 16	Nays: 1
HB 875	Favorable with Council Substitute	Yeas: 17	Nays: 0
HB 915	Favorable with Council Substitute	Yeas: 16	Nays: 0
HB 1075	Favorable with Council Substitute	Yeas: 17	Nays: 0
HB 1233	Favorable with Council Substitute	Yeas: 16	Nays: 0
HB 1411	Not Considered		
HB 1435	Favorable with Council Substitute	Yeas: 17	Nays: 0
HB 1485	Favorable with Council Substitute	Yeas: 17	Nays: 0
HB 1487	Favorable with Council Substitute	Yeas: 17	Nays: 0
HB 1525	Favorable	Yeas: 17	Nays: 0

Committee meeting was reported out: Thursday, April 17, 2008 12:42:42PM

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Healthcare Council
 Meeting Date: 4/17/08
 Place: Monica Hall
 Time: 8:30 A.M.

Bill Number: HB 183
 Date Received: _____
 Date Reported: _____
 Subject: Relief/Adrian Fuentes

Council/Committee Action:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input 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								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
✓		Anderson								
✓		Ausley								
✓		Cusack								
✓		Galvano								
✓		Garcia								
✓		Gibson								
✓		Grimsley								
✓		Harrell								
✓		Hays								
✓		Hooper								
✓		Hudson								
✓		Patronis								
✓		Porth								
✓		Roberson								
✓		Schwartz								
✓		Skidmore								
✓		Zapata								
✓		Bean, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
17	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Healthcare Council
 Meeting Date: 4/17/08
 Place: Monte Hall
 Time: 8:30 Am

Bill Number: HB 443
 Date Received: _____
 Date Reported: _____
 Subject: Belief / Marissa Amore

Council/Committee Action:

- | | |
|--|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input checked="" 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	Amended							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
✓		Anderson								
✓		Ausley	a/s							
✓		Cusack								
✓		Galvano								
✓		Garcia								
✓		Gibson								
✓		Grimsley								
✓		Harrell								
✓		Hays								
✓		Hooper								
✓		Hudson								
✓		Patronis								
✓		Porth								
✓		Roberson								
—		Schwartz								
✓		Skidmore								
✓		Zapata								
✓		Bean, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
17	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 443

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: Healthcare Council
2 Representative Coley offered the following:

3
4 **Amendment (with title amendment)**

5 Remove line(s) 220-276 and insert:

6 NOW, THEREFORE,

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. The facts stated in the preamble to this
11 act are found and declared to be true.

12 Section 2. There is appropriated from the Administrative
13 Trust Fund of the Department of Children and Family Services or
14 any successor thereto, or in the event sufficient funds are not
15 available from that fund to make payment for any given year, or
16 otherwise, from the General Revenue Fund, the sum of \$1,200,000
17 for fiscal year 2008-2009, and \$1,700,000 each year thereafter
18 for fiscal years 2009-2010 inclusive through 2019-2020, to be
19 paid to an insurance company or other financial institution
20 admitted and authorized to issue annuity contracts in this state
21 selected by the guardian of Marissa Amora, to finance and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

22 purchase a structured settlement for the benefit of Marissa
23 Amora, which shall include an annuity that must be used for the
24 habilitative care of Marissa Amora over the duration of her
25 lifetime and as a relief for the violations of her rights and
26 for injuries and damages she sustained as a result of the
27 department's wrongful conduct.

28 Section 3. The Chief Financial Officer is directed to
29 execute all necessary agreements to implement the payment of
30 this claim, and to draw a warrant in the amount of \$1,200,000
31 for fiscal year 2008-2009, and \$1,700,000 each fiscal year
32 thereafter beginning in 2009-2010 through 2019-2020, inclusive,
33 in favor of the financier of the structured settlement and to be
34 paid from the Administrative Trust Fund of the Department of
35 Children and Family Services or any successor thereto, or in the
36 event sufficient funds are not available from that fund to make
37 payment for any given fiscal year, or otherwise, from the
38 General Revenue Fund. The financing of this structured
39 settlement shall constitute a state debt or obligation as
40 defined in section 216.0442(1)(j), Florida Statutes, as now in
41 effect.

42 Section 4. The Department of Children and Family Services
43 shall include in its annual legislative budget request a
44 specific appropriation for funds sufficient to make the payment
45 due under this section during each relevant fiscal year
46 beginning in fiscal year 2008-2009 and inclusive through 2019-
47 2020.

48 Section 5. The appropriation made and authorized by this
49 section shall be deemed a continuing appropriation within the
50 meaning of section 216.011(1)(i), Florida Statutes, as in effect
51 on the date this act becomes a law. The Chief Financial Officer

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

52 shall not be obligated to make any payment to the acceptance
53 company in the event no funds are appropriated.

54 Section 6. This award is intended to provide the sole
55 compensation for all present and future claims arising out of
56 the factual situation described in the preamble to this act
57 which resulted in the injury to Marissa Amora. The total amount
58 paid for attorney's fees, lobbying fees, costs, and other
59 similar expenses relating to this claim may not exceed 25% of
60 each annual payment awarded pursuant to this act.

61 Section 7. This act shall take effect upon becoming a law.
62

63 -----

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

65
66 Remove line(s) 3-9 and insert:

67
68 appropriation to compensate Marissa Amora, a minor, for
69 injuries she sustained as a result of the negligence of
70 employees of the Department of Children and Family
71 Services; requiring a specified legislative budget request;
72 providing for a continuing appropriation; providing a
73
74

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Healthcare Council
 Meeting Date: 4/17/08
 Place: Mon Hall
 Time: 8:30 AM

Bill Number: HB 483
 Date Received: _____
 Date Reported: _____
 Subject: Relief/Janara Miller
* Shakina Brown

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	<i>Strike all</i>							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Anderson								
<input checked="" type="checkbox"/>		Ausley								
<input checked="" type="checkbox"/>		Cusack								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		Gibson								
<input checked="" type="checkbox"/>		Grimsley								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Hays								
<input checked="" type="checkbox"/>		Hooper								
<input checked="" type="checkbox"/>		Hudson								
<input checked="" type="checkbox"/>		Patronis								
<input checked="" type="checkbox"/>		Porth								
<input checked="" type="checkbox"/>		Roberson								
<input checked="" type="checkbox"/>		Schwartz								
<input checked="" type="checkbox"/>		Skidmore								
<input checked="" type="checkbox"/>		Zapata								
<input checked="" type="checkbox"/>		Bean, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
16	0									

Appearance Record

Rep Zapata - yes after roll call

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 483

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: Healthcare Council

2 Representative Skidmore offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. The facts stated in the preamble to this act
7 are found and declared to be true.

8 Section 2. The South Broward Hospital District is
9 authorized and directed to appropriate the sum of \$300,000 from
10 funds not otherwise appropriated and to draw a warrant payable
11 to Shakima Brown, parent and legal guardian of Janaria Miller,
12 to be placed in a special needs trust created for the exclusive
13 use and benefit of Janaria Miller, a minor, to compensate
14 Janaria Miller for injuries and damages sustained. Upon the
15 death of Janaria Miller, the trust balance shall revert to
16 Shakima Brown or, in the event that Shakima Brown is deceased,
17 to the South Broward Hospital District.

18 Section 3. This award is intended to provide the sole
19 compensation for all present and future claims arising out of
20 the factual situation that resulted in the injury to Janaria
21 Miller described in this act. The total amount paid for

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

22 attorney's fees, lobbying fees, costs, and other similar
23 expenses relating to this claim may not exceed 25 percent of the
24 amount awarded under this act.

25 Section 4. This act shall take effect upon becoming a law.
26

27 -----
28 T I T L E A M E N D M E N T

29 Remove the title and insert:

30 A bill to be entitled

31 An act relating to the South Broward Hospital District;
32 providing for the relief of Janaria Miller, a minor child,
33 to compensate her for injuries sustained as a result of
34 the negligence of employees of the hospital; providing an
35 appropriation; providing a limitation on the payment of
36 fees and costs; providing an effective date.
37

38 WHEREAS, on December 13 and 14, 2002, Janaria Miller
39 suffered fetal distress for more than 3 ½ hours and, as a
40 result, sustained permanent and irreversible brain damage, and

41 WHEREAS, doctors at Memorial Regional Hospital had ordered
42 that nurses oversee 24-hour monitoring of Shakima Brown,
43 Janaria's mother, during her labor and that the nurses
44 immediately report to Ms. Brown's doctor any signs of abnormal
45 fetal heart rate, and

46 WHEREAS, beginning at approximately 11:57 p.m. on December
47 13, 2002, the fetal monitor strips depicted dangerous drops in
48 Janaria's heart rate, and the late decelerations and drops in
49 the fetal heart rate continued for several hours into the early
50 morning of December 14, and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

51 WHEREAS, despite the doctor's order to call him, the nurses
52 failed to advise a physician of the fetal distress and, instead,
53 acknowledged the alert and turned it off, and

54 WHEREAS, in addition, the nurses failed to initiate
55 necessary intrauterine resuscitative measures, and

56 WHEREAS, even after physicians were finally notified, the
57 nursing staff failed to timely carry out the orders provided by
58 the physician, and

59 WHEREAS, as a result of the nurses' failure to take
60 appropriate measures during her birth, Janaria presently suffers
61 from permanent and irreversible brain damage causing partial
62 paralysis, seizures, and delayed cognitive impairment,
63 development, and speech, and

64 WHEREAS, she also has deficits in reasoning,
65 decisionmaking, and expressive and respective language, and

66 WHEREAS, Janaria has a significant permanent functional
67 impairment rating and acute functional decline, resulting in
68 total dependence on others; will require lifelong attendant
69 care; and will be unable to participate in gainful employment,
70 and

71 WHEREAS, suit was brought in the Broward County Circuit
72 Court, a settlement was reached, and, on December 13, 2006, the
73 court entered a consent judgment in favor of Shakima Brown,
74 individually, and on behalf of Janaria Miller, in the amount of
75 \$500,000, and

76 WHEREAS, the hospital has paid to the plaintiff the sum of
77 \$200,000, pursuant to the statutory limits of liability set
78 forth in s. 768.28, Florida Statutes, leaving the sum of
79 \$300,000 unpaid, NOW, THEREFORE,

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Healthcare Council
 Meeting Date: 4/11/08
 Place: Monte Hall
 Time: 8:30 AM

Bill Number: HB 525
 Date Received: _____
 Date Reported: _____
 Subject: medical assistants
eligibility of inmates

Council/Committee Action:

- | | | | |
|-------------------------------------|--|--------------------------|------------------------------|
| <input type="checkbox"/> | Favorable | <input type="checkbox"/> | Retained for Reconsideration |
| <input checked="" 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	<u>Amend 1</u>		Yea	Nay	Yea	Nay	Yea	Nay
Yea	Nay		Yea	Nay						
<input checked="" type="checkbox"/>		Anderson								
<input checked="" type="checkbox"/>		Ausley								
<input checked="" type="checkbox"/>		Cusack								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		Gibson								
<input checked="" type="checkbox"/>		Grimsley								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Hays								
<input checked="" type="checkbox"/>		Hooper								
<input checked="" type="checkbox"/>		Hudson								
<input checked="" type="checkbox"/>		Patronis								
<input checked="" type="checkbox"/>		Porth								
<input checked="" type="checkbox"/>		Roberson								
<input checked="" type="checkbox"/>		Schwartz								
<input checked="" type="checkbox"/>		Skidmore								
<input checked="" type="checkbox"/>		Zapata								
<input checked="" type="checkbox"/>		Bean, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
16	0									

Appearance Record

Rep Hays - Yes after roll call

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 525

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: Healthcare Council
 2 Representative(s) Bean offered the following:

Amendment (with title amendment)

Between lines 43 and 44, insert:

6 (4) Implementation and enforcement of this section is
 7 subject to a specific appropriation in the General
 8 Appropriations Act.

10 -----
 11 **T I T L E A M E N D M E N T**

12 Remove line 11 and insert:
 13 eligibility; providing that this section is subject to an
 14 appropriation; providing an effective date.

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Healthcare Council
 Meeting Date: 4/17/08
 Place: Mon - Hall
 Time: 8:30 AM

Bill Number: HB 691
 Date Received: _____
 Date Reported: _____
 Subject: Medicaid recipients with psychiatric disabilities

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	<i>Traveling substitute</i>		<i>Substitute</i>		Yea	Nay	Yea	Nay
Yea	Nay		Yea	Nay	Yea	Nay				
<input checked="" type="checkbox"/>		Anderson								
<input checked="" type="checkbox"/>		Ausley								
<input checked="" type="checkbox"/>		Cusack								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		Gibson								
<input checked="" type="checkbox"/>		Grimsley								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Hays								
<input checked="" type="checkbox"/>		Hooper								
<input checked="" type="checkbox"/>		Hudson								
<input checked="" type="checkbox"/>		Patronis								
<input checked="" type="checkbox"/>		Porth								
<input checked="" type="checkbox"/>		Roberson								
<input type="checkbox"/>		Schwartz								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Skidmore								
<input checked="" type="checkbox"/>		Zapata								
<input checked="" type="checkbox"/>		Bean, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
16	1									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 691

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 *See Substitute*

1 Council/Committee hearing bill: Healthcare Council
 2 Committee on Health Innovation offered the following:
 3

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (d) of subsection (4) of section
 7 409.912, Florida Statutes, is amended to read:

8 409.912 Cost-effective purchasing of health care.--The
 9 agency shall purchase goods and services for Medicaid recipients
 10 in the most cost-effective manner consistent with the delivery
 11 of quality medical care. To ensure that medical services are
 12 effectively utilized, the agency may, in any case, require a
 13 confirmation or second physician's opinion of the correct
 14 diagnosis for purposes of authorizing future services under the
 15 Medicaid program. This section does not restrict access to
 16 emergency services or poststabilization care services as defined
 17 in 42 C.F.R. part 438.114. Such confirmation or second opinion
 18 shall be rendered in a manner approved by the agency. The agency
 19 shall maximize the use of prepaid per capita and prepaid
 20 aggregate fixed-sum basis services when appropriate and other
 21 alternative service delivery and reimbursement methodologies,

This strike all was adopted in HI on 3/11/08 and is traveling with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

22 including competitive bidding pursuant to s. 287.057, designed
23 to facilitate the cost-effective purchase of a case-managed
24 continuum of care. The agency shall also require providers to
25 minimize the exposure of recipients to the need for acute
26 inpatient, custodial, and other institutional care and the
27 inappropriate or unnecessary use of high-cost services. The
28 agency shall contract with a vendor to monitor and evaluate the
29 clinical practice patterns of providers in order to identify
30 trends that are outside the normal practice patterns of a
31 provider's professional peers or the national guidelines of a
32 provider's professional association. The vendor must be able to
33 provide information and counseling to a provider whose practice
34 patterns are outside the norms, in consultation with the agency,
35 to improve patient care and reduce inappropriate utilization.
36 The agency may mandate prior authorization, drug therapy
37 management, or disease management participation for certain
38 populations of Medicaid beneficiaries, certain drug classes, or
39 particular drugs to prevent fraud, abuse, overuse, and possible
40 dangerous drug interactions. The Pharmaceutical and Therapeutics
41 Committee shall make recommendations to the agency on drugs for
42 which prior authorization is required. The agency shall inform
43 the Pharmaceutical and Therapeutics Committee of its decisions
44 regarding drugs subject to prior authorization. The agency is
45 authorized to limit the entities it contracts with or enrolls as
46 Medicaid providers by developing a provider network through
47 provider credentialing. The agency may competitively bid single-
48 source-provider contracts if procurement of goods or services
49 results in demonstrated cost savings to the state without
50 limiting access to care. The agency may limit its network based
51 on the assessment of beneficiary access to care, provider

This strike all was adopted in HI on 3/11/08 and is traveling with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

52 availability, provider quality standards, time and distance
53 standards for access to care, the cultural competence of the
54 provider network, demographic characteristics of Medicaid
55 beneficiaries, practice and provider-to-beneficiary standards,
56 appointment wait times, beneficiary use of services, provider
57 turnover, provider profiling, provider licensure history,
58 previous program integrity investigations and findings, peer
59 review, provider Medicaid policy and billing compliance records,
60 clinical and medical record audits, and other factors. Providers
61 shall not be entitled to enrollment in the Medicaid provider
62 network. The agency shall determine instances in which allowing
63 Medicaid beneficiaries to purchase durable medical equipment and
64 other goods is less expensive to the Medicaid program than long-
65 term rental of the equipment or goods. The agency may establish
66 rules to facilitate purchases in lieu of long-term rentals in
67 order to protect against fraud and abuse in the Medicaid program
68 as defined in s. 409.913. The agency may seek federal waivers
69 necessary to administer these policies.

70 (4) The agency may contract with:

71 (d) A provider service network, which may be reimbursed on
72 a fee-for-service or prepaid basis. A provider service network
73 that ~~which~~ is reimbursed by the agency on a prepaid basis is
74 ~~shall be~~ exempt from parts I and III of chapter 641, but must
75 comply with the solvency requirements in s. 641.2261(2) and meet
76 appropriate financial reserve, quality assurance, and patient
77 rights requirements as established by the agency.

78 1. Except as provided in subparagraph 2., Medicaid
79 recipients assigned to a provider service network shall be
80 chosen equally from those who would otherwise have been assigned
81 to prepaid plans and MediPass. The agency is authorized to seek

This strike all was adopted in HI on 3/11/08 and is traveling with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

82 federal Medicaid waivers as necessary to implement the
83 provisions of this section. Any contract previously awarded to a
84 provider service network operated by a hospital pursuant to this
85 subsection shall remain in effect for a period of 3 years
86 following the current contract expiration date, regardless of
87 any contractual provisions to the contrary. A provider service
88 network is a network established or organized and operated by a
89 health care provider, or group of affiliated health care
90 providers, including minority physician networks and emergency
91 room diversion programs that meet the requirements of s.
92 409.91211, which provides a substantial proportion of the health
93 care items and services under a contract directly through the
94 provider or affiliated group of providers and may make
95 arrangements with physicians or other health care professionals,
96 health care institutions, or any combination of such individuals
97 or institutions to assume all or part of the financial risk on a
98 prospective basis for the provision of basic health services by
99 the physicians, by other health professionals, or through the
100 institutions. The health care providers must have a controlling
101 interest in the governing body of the provider service network
102 organization.

103 2. The agency shall seek applications for and is
104 authorized to contract with a specialty provider service network
105 that exclusively enrolls Medicaid beneficiaries who have
106 psychiatric disabilities. The Medicaid specialty provider
107 service network shall be responsible for providing the full
108 range of physical and behavioral health services that other
109 Medicaid health maintenance organizations and provider service
110 networks are required to provide. Medicaid beneficiaries having
111 psychiatric disabilities who are required but fail to select a

This strike all was adopted in HI on 3/11/08 and is traveling with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

112 managed care plan shall be assigned to the specialty provider
113 service network in those geographic areas where a specialty
114 provider service network is available. For purposes of
115 enrollment, in addition to those who meet the diagnostic
116 criteria indicating a mental illness or emotional disturbance,
117 beneficiaries served by Medicaid-enrolled community mental
118 health agencies or who voluntarily choose the specialty provider
119 service network shall be presumed to meet the plan enrollment
120 criteria.

121 Section 2. Paragraphs (o) and (aa) of subsection (3) and
122 paragraphs (a), (b), (c), (d), and (e) of subsection (4) of
123 section 409.91211, Florida Statutes, are amended, and paragraph
124 (ee) is added to subsection (3) of that section, to read:

125 409.91211 Medicaid managed care pilot program.--

126 (3) The agency shall have the following powers, duties,
127 and responsibilities with respect to the pilot program:

128 (o) To implement eligibility assignment processes to
129 facilitate client choice while ensuring pilot programs of
130 adequate enrollment levels. These processes shall ensure that
131 pilot sites have sufficient levels of enrollment to conduct a
132 valid test of the managed care pilot program within a 2-year
133 timeframe. The eligibility assignment process shall be modified
134 as specified in paragraph (aa).

135 (aa) To implement a mechanism whereby Medicaid recipients
136 who are already enrolled in a managed care plan or the MediPass
137 program in the pilot areas shall be offered the opportunity to
138 change to capitated managed care plans on a staggered basis, as
139 defined by the agency. All Medicaid recipients shall have 30
140 days in which to make a choice of capitated managed care plans.
141 Those Medicaid recipients who do not make a choice shall be

This strike all was adopted in HI on 3/11/08 and is traveling with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

142 assigned to a capitated managed care plan in accordance with
143 paragraph (4) (a) and shall be exempt from s. 409.9122. To
144 facilitate continuity of care for a Medicaid recipient who is
145 also a recipient of Supplemental Security Income (SSI), prior to
146 assigning the SSI recipient to a capitated managed care plan,
147 the agency shall determine whether the SSI recipient has an
148 ongoing relationship with a provider, including a community
149 mental health provider or capitated managed care plan, and, if
150 so, the agency shall assign the SSI recipient to that provider,
151 provider service network, or capitated managed care plan where
152 feasible. Those SSI recipients who do not have such a provider
153 relationship shall be assigned to a capitated managed care plan
154 provider in accordance with this paragraph and paragraphs (4) (a)
155 through (d) and shall be exempt from s. 409.9122.

156 (ee) To develop and implement a service delivery
157 alternative within capitated managed care plans to provide
158 Medicaid services as specified in ss. 409.905 and 409.906 for
159 persons who have psychiatric disabilities which are sufficient
160 to meet the medical, developmental, and emotional needs of those
161 persons.

162 (4) (a) A Medicaid recipient in the pilot area who is not
163 currently enrolled in a capitated managed care plan upon
164 implementation is not eligible for services as specified in ss.
165 409.905 and 409.906, for the amount of time that the recipient
166 does not enroll in a capitated managed care network. If a
167 Medicaid recipient has not enrolled in a capitated managed care
168 plan within 30 days after eligibility, the agency shall assign
169 the Medicaid recipient to a capitated managed care plan based on
170 the assessed needs of the recipient as determined by the agency
171 and the recipient shall be exempt from s. 409.9122. When making

This strike all was adopted in HI on 3/11/08 and is traveling with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

172 assignments, the agency shall take into account the following
173 criteria:

174 1. A capitated managed care network has sufficient network
175 capacity to meet the needs of members.

176 2. The capitated managed care network has previously
177 enrolled the recipient as a member, or one of the capitated
178 managed care network's primary care providers has previously
179 provided health care to the recipient.

180 3. The agency has knowledge that the member has previously
181 expressed a preference for a particular capitated managed care
182 network as indicated by Medicaid fee-for-service claims data,
183 but has failed to make a choice.

184 4. The capitated managed care network's primary care
185 providers are geographically accessible to the recipient's
186 residence.

187 5. The extent of the psychiatric disability of the
188 Medicaid beneficiary.

189 (b) When more than one capitated managed care network
190 provider meets the criteria specified in paragraph (3) (h), the
191 agency shall assess a beneficiary's psychiatric disability
192 before making an assignment and make recipient assignments
193 consecutively by family unit.

194 (c) If a recipient is currently enrolled with a Medicaid
195 managed care organization that also operates an approved reform
196 plan within a demonstration area and the recipient fails to
197 choose a plan during the reform enrollment process or during
198 redetermination of eligibility, the recipient shall be
199 automatically assigned by the agency into the most appropriate
200 reform plan operated by the recipient's current Medicaid managed
201 care plan. If the recipient's current managed care plan does not

This strike all was adopted in HI on 3/11/08 and is traveling
with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

202 operate a reform plan in the demonstration area which adequately
203 meets the needs of the Medicaid recipient, the agency shall use
204 the automatic assignment process as prescribed in the special
205 terms and conditions numbered 11-W-00206/4. All enrollment and
206 choice counseling materials provided by the agency must contain
207 an explanation of the provisions of this paragraph for current
208 managed care recipients and an explanation of the choice of any
209 specialty provider service network or specialty managed care
210 plan.

211 (d) Except as provided in paragraph (b), the agency may
212 not engage in practices that are designed to favor one capitated
213 managed care plan over another or that are designed to influence
214 Medicaid recipients to enroll in a particular capitated managed
215 care network in order to strengthen its particular fiscal
216 viability.

217 (e) After a recipient has made a selection or has been
218 enrolled in a capitated managed care network, the recipient
219 shall have 90 days in which to voluntarily disenroll and select
220 another capitated managed care network. After 90 days, no
221 further changes may be made except for cause. Cause shall
222 include, but not be limited to, poor quality of care, lack of
223 access to necessary specialty services, an unreasonable delay or
224 denial of service, inordinate or inappropriate changes of
225 primary care providers, service access impairments due to
226 significant changes in the geographic location of services, or
227 fraudulent enrollment. The agency may require a recipient to use
228 the capitated managed care network's grievance process as
229 specified in paragraph (3)(q) prior to the agency's
230 determination of cause, except in cases in which immediate risk
231 of permanent damage to the recipient's health is alleged. The

This strike all was adopted in HI on 3/11/08 and is traveling with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

232 grievance process, when used, must be completed in time to
233 permit the recipient to disenroll no later than the first day of
234 the second month after the month the disenrollment request was
235 made. If the capitated managed care network, as a result of the
236 grievance process, approves an enrollee's request to disenroll,
237 the agency is not required to make a determination in the case.
238 The agency must make a determination and take final action on a
239 recipient's request so that disenrollment occurs no later than
240 the first day of the second month after the month the request
241 was made. If the agency fails to act within the specified
242 timeframe, the recipient's request to disenroll is deemed to be
243 approved as of the date agency action was required. Recipients
244 who disagree with the agency's finding that cause does not exist
245 for disenrollment shall be advised of their right to pursue a
246 Medicaid fair hearing to dispute the agency's finding. When a
247 specialty provider service network or specialty managed care
248 plan first becomes available in a geographic area, beneficiaries
249 meeting diagnostic criteria shall be offered an open enrollment
250 period during which they may choose to reenroll in a specialty
251 provider service network or specialty managed care plan.

252 Section 3. This act shall take effect July 1, 2008.

253
254
255
256 -----
257 T I T L E A M E N D M E N T

258 Remove the entire title and insert:

259 An act relating to Medicaid provider service networks;
260 amending s. 409.912, F.S.; authorizing the Agency for
261 Health Care Administration to contract with a specialty

This strike all was adopted in HI on 3/11/08 and is traveling with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

262 provider service network that exclusively enrolls Medicaid
263 beneficiaries who have psychiatric disabilities; requiring
264 the specialty provider to offer the same physical and
265 behavioral health services that are required from other
266 Medicaid health maintenance organizations and provider
267 service networks; requiring that beneficiaries be assigned
268 to a specialty provider service network under certain
269 circumstances; amending s. 409.91211, F.S.; requiring that
270 the agency modify eligibility assignment processes for
271 managed care pilot programs to include specialty plans
272 that specialize in care for beneficiaries who have
273 psychiatric disabilities; requiring the agency to provide
274 a service delivery alternative to provide Medicaid
275 services to persons having psychiatric disabilities;
276 providing an additional criterion for the agency in making
277 assignments; requiring that enrollment and choice
278 counseling materials contain an explanation concerning the
279 choice of a network or plan; providing for an additional
280 open enrollment period following the availability of
281 specialty services; providing an effective date.
282
283

This strike all was adopted in HI on 3/11/08 and is traveling with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. HB 691

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: Healthcare Council
2 Representative(s) Zapata offered the following substitute
3 amendment to Amendment #1 :

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (d) of subsection (4) of section
8 409.912, Florida Statutes, is amended to read:

9 409.912 Cost-effective purchasing of health care.--The
10 agency shall purchase goods and services for Medicaid recipients
11 in the most cost-effective manner consistent with the delivery
12 of quality medical care. To ensure that medical services are
13 effectively utilized, the agency may, in any case, require a
14 confirmation or second physician's opinion of the correct
15 diagnosis for purposes of authorizing future services under the
16 Medicaid program. This section does not restrict access to
17 emergency services or poststabilization care services as defined
18 in 42 C.F.R. part 438.114. Such confirmation or second opinion
19 shall be rendered in a manner approved by the agency. The agency
20 shall maximize the use of prepaid per capita and prepaid
21 aggregate fixed-sum basis services when appropriate and other

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

22 alternative service delivery and reimbursement methodologies,
23 including competitive bidding pursuant to s. 287.057, designed
24 to facilitate the cost-effective purchase of a case-managed
25 continuum of care. The agency shall also require providers to
26 minimize the exposure of recipients to the need for acute
27 inpatient, custodial, and other institutional care and the
28 inappropriate or unnecessary use of high-cost services. The
29 agency shall contract with a vendor to monitor and evaluate the
30 clinical practice patterns of providers in order to identify
31 trends that are outside the normal practice patterns of a
32 provider's professional peers or the national guidelines of a
33 provider's professional association. The vendor must be able to
34 provide information and counseling to a provider whose practice
35 patterns are outside the norms, in consultation with the agency,
36 to improve patient care and reduce inappropriate utilization.
37 The agency may mandate prior authorization, drug therapy
38 management, or disease management participation for certain
39 populations of Medicaid beneficiaries, certain drug classes, or
40 particular drugs to prevent fraud, abuse, overuse, and possible
41 dangerous drug interactions. The Pharmaceutical and Therapeutics
42 Committee shall make recommendations to the agency on drugs for
43 which prior authorization is required. The agency shall inform
44 the Pharmaceutical and Therapeutics Committee of its decisions
45 regarding drugs subject to prior authorization. The agency is
46 authorized to limit the entities it contracts with or enrolls as
47 Medicaid providers by developing a provider network through
48 provider credentialing. The agency may competitively bid single-
49 source-provider contracts if procurement of goods or services
50 results in demonstrated cost savings to the state without
51 limiting access to care. The agency may limit its network based

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

52 on the assessment of beneficiary access to care, provider
53 availability, provider quality standards, time and distance
54 standards for access to care, the cultural competence of the
55 provider network, demographic characteristics of Medicaid
56 beneficiaries, practice and provider-to-beneficiary standards,
57 appointment wait times, beneficiary use of services, provider
58 turnover, provider profiling, provider licensure history,
59 previous program integrity investigations and findings, peer
60 review, provider Medicaid policy and billing compliance records,
61 clinical and medical record audits, and other factors. Providers
62 shall not be entitled to enrollment in the Medicaid provider
63 network. The agency shall determine instances in which allowing
64 Medicaid beneficiaries to purchase durable medical equipment and
65 other goods is less expensive to the Medicaid program than long-
66 term rental of the equipment or goods. The agency may establish
67 rules to facilitate purchases in lieu of long-term rentals in
68 order to protect against fraud and abuse in the Medicaid program
69 as defined in s. 409.913. The agency may seek federal waivers
70 necessary to administer these policies.

71 (4) The agency may contract with:

72 (d) A provider service network, which may be reimbursed on
73 a fee-for-service or prepaid basis. A provider service network
74 that ~~which~~ is reimbursed by the agency on a prepaid basis is
75 ~~shall be~~ exempt from parts I and III of chapter 641, but must
76 comply with the solvency requirements in s. 641.2261(2) and meet
77 appropriate financial reserve, quality assurance, and patient
78 rights requirements as established by the agency.

79 1. Except as provided in subparagraph 2., Medicaid
80 recipients assigned to a provider service network shall be
81 chosen equally from those who would otherwise have been assigned

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

82 to prepaid plans and MediPass. The agency is authorized to seek
83 federal Medicaid waivers as necessary to implement the
84 provisions of this section. Any contract previously awarded to a
85 provider service network operated by a hospital pursuant to this
86 subsection shall remain in effect for a period of 3 years
87 following the current contract expiration date, regardless of
88 any contractual provisions to the contrary. A provider service
89 network is a network established or organized and operated by a
90 health care provider, or group of affiliated health care
91 providers, including minority physician networks and emergency
92 room diversion programs that meet the requirements of s.
93 409.91211, which provides a substantial proportion of the health
94 care items and services under a contract directly through the
95 provider or affiliated group of providers and may make
96 arrangements with physicians or other health care professionals,
97 health care institutions, or any combination of such individuals
98 or institutions to assume all or part of the financial risk on a
99 prospective basis for the provision of basic health services by
100 the physicians, by other health professionals, or through the
101 institutions. The health care providers must have a controlling
102 interest in the governing body of the provider service network
103 organization.

104 2. The agency shall seek applications for and is
105 authorized to contract with a specialty provider service network
106 that exclusively enrolls Medicaid beneficiaries who have
107 psychiatric disabilities. For purposes of this section,
108 "psychiatric disability" includes schizophrenia, schizoaffective
109 disorder, major depression, bipolar, manic and depressive
110 disorders, delusional disorders, psychosis, conduct disorders
111 and other emotional disturbances, attention deficit

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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112 hyperactivity disorder, panic disorders, and obsessive-
113 compulsive disorders or any person who, during the past year,
114 has met at least one of the following severity criteria:
115 inpatient psychiatric hospitalization or use of antipsychotic
116 medications. The Medicaid specialty provider service network
117 shall provide the full range of physical and behavioral health
118 services that other Medicaid health maintenance organizations
119 and provider service networks are required to provide. Medicaid
120 beneficiaries having psychiatric disabilities who are required
121 but fail to select a managed care plan shall be assigned to the
122 specialty provider service network in those geographic areas
123 where a specialty provider service network is available. For
124 purposes of enrollment, in addition to those who meet the
125 diagnostic criteria indicating a mental illness or emotional
126 disturbance, beneficiaries served by Medicaid-enrolled community
127 mental health agencies or who voluntarily choose the specialty
128 provider service network shall be presumed to meet the plan
129 enrollment criteria. The agency is not required to complete an
130 assessment to determine the eligibility of beneficiaries for
131 enrollment in a specialty provider service network. For current
132 beneficiaries with a claims history, a determination shall be
133 based on current Medicaid data. New beneficiaries without a
134 claims history who have not made a choice are not eligible for
135 assignment to a specialty provider service network. However,
136 during the open enrollment period when beneficiaries can change
137 their plan, a beneficiary's request to be assigned to a
138 specialty provider service network is sufficient for the agency
139 to determine that the beneficiary qualifies for the specialty
140 provider service network.

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141 Section 2. Paragraphs (o) and (aa) of subsection (3) and
142 paragraphs (a), (b), (c), (d), and (e) of subsection (4) of
143 section 409.91211, Florida Statutes, are amended, and paragraph
144 (ee) is added to subsection (3) of that section, to read:

145 409.91211 Medicaid managed care pilot program.--

146 (3) The agency shall have the following powers, duties,
147 and responsibilities with respect to the pilot program:

148 (o) To implement eligibility assignment processes to
149 facilitate client choice while ensuring pilot programs of
150 adequate enrollment levels. These processes shall ensure that
151 pilot sites have sufficient levels of enrollment to conduct a
152 valid test of the managed care pilot program within a 2-year
153 timeframe. The eligibility assignment process shall be modified
154 as specified in paragraph (aa).

155 (aa) To implement a mechanism whereby Medicaid recipients
156 who are already enrolled in a managed care plan or the MediPass
157 program in the pilot areas shall be offered the opportunity to
158 change to capitated managed care plans on a staggered basis, as
159 defined by the agency. All Medicaid recipients shall have 30
160 days in which to make a choice of capitated managed care plans.
161 Those Medicaid recipients who do not make a choice shall be
162 assigned to a capitated managed care plan in accordance with
163 paragraph (4)(a) and shall be exempt from s. 409.9122. To
164 facilitate continuity of care for a Medicaid recipient who is
165 also a recipient of Supplemental Security Income (SSI), prior to
166 assigning the SSI recipient to a capitated managed care plan,
167 the agency shall determine whether the SSI recipient has an
168 ongoing relationship with a provider, including a community
169 mental health provider or capitated managed care plan, and, if
170 so, the agency shall assign the SSI recipient to that provider

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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171 or capitated managed care plan where feasible. Those SSI
172 recipients who do not have such a provider relationship shall be
173 assigned to a capitated managed care plan provider in accordance
174 with this paragraph and paragraphs (4)(a) through (d) ~~and shall~~
175 ~~be exempt from s. 409.9122.~~

176 (ee) To develop and implement a service delivery
177 alternative within capitated managed care plans to provide
178 Medicaid services as specified in ss. 409.905 and 409.906 for
179 persons who have psychiatric disabilities, which are sufficient
180 to meet the medical, developmental, and emotional needs of those
181 persons.

182 (4) (a) A Medicaid recipient in the pilot area who is not
183 currently enrolled in a capitated managed care plan upon
184 implementation is not eligible for services as specified in ss.
185 409.905 and 409.906, for the amount of time that the recipient
186 does not enroll in a capitated managed care network. If a
187 Medicaid recipient has not enrolled in a capitated managed care
188 plan within 30 days after eligibility, the agency shall assign
189 the Medicaid recipient to a capitated managed care plan based on
190 the assessed needs of the recipient as determined by the agency
191 and the recipient shall be exempt from s. 409.9122. When making
192 assignments, the agency shall take into account the following
193 criteria:

194 1. A capitated managed care network has sufficient network
195 capacity to meet the needs of members.

196 2. The capitated managed care network has previously
197 enrolled the recipient as a member, or one of the capitated
198 managed care network's primary care providers has previously
199 provided health care to the recipient.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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200 3. The agency has knowledge that the member has previously
201 expressed a preference for a particular capitated managed care
202 network as indicated by Medicaid fee-for-service claims data,
203 but has failed to make a choice.

204 4. The capitated managed care network's primary care
205 providers are geographically accessible to the recipient's
206 residence.

207 5. The extent of the psychiatric disability of the
208 Medicaid beneficiary.

209 (b) When more than one capitated managed care network
210 provider meets the criteria specified in paragraph (3)(h), the
211 agency shall assess a beneficiary's psychiatric disability
212 before making an assignment and make recipient assignments
213 consecutively by family unit.

214 (c) If a recipient is currently enrolled with a Medicaid
215 managed care organization that also operates an approved reform
216 plan within a demonstration area and the recipient fails to
217 choose a plan during the reform enrollment process or during
218 redetermination of eligibility, the recipient shall be
219 automatically assigned by the agency into the most appropriate
220 reform plan operated by the recipient's current Medicaid managed
221 care plan. If the recipient's current managed care plan does not
222 operate a reform plan in the demonstration area which adequately
223 meets the needs of the Medicaid recipient, the agency shall use
224 the automatic assignment process as prescribed in the special
225 terms and conditions numbered 11-W-00206/4. All enrollment and
226 choice counseling materials provided by the agency must contain
227 an explanation of the provisions of this paragraph for current
228 managed care recipients and an explanation of the choice of any

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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229 specialty provider service network or specialty managed care
230 plan.

231 (d) Except as provided in paragraph (b), the agency may
232 not engage in practices that are designed to favor one capitated
233 managed care plan over another or that are designed to influence
234 Medicaid recipients to enroll in a particular capitated managed
235 care network in order to strengthen its particular fiscal
236 viability.

237 (e) After a recipient has made a selection or has been
238 enrolled in a capitated managed care network, the recipient
239 shall have 90 days in which to voluntarily disenroll and select
240 another capitated managed care network. After 90 days, no
241 further changes may be made except for cause. Cause shall
242 include, but not be limited to, poor quality of care, lack of
243 access to necessary specialty services, an unreasonable delay or
244 denial of service, inordinate or inappropriate changes of
245 primary care providers, service access impairments due to
246 significant changes in the geographic location of services, or
247 fraudulent enrollment. The agency may require a recipient to use
248 the capitated managed care network's grievance process as
249 specified in paragraph (3)(q) prior to the agency's
250 determination of cause, except in cases in which immediate risk
251 of permanent damage to the recipient's health is alleged. The
252 grievance process, when used, must be completed in time to
253 permit the recipient to disenroll no later than the first day of
254 the second month after the month the disenrollment request was
255 made. If the capitated managed care network, as a result of the
256 grievance process, approves an enrollee's request to disenroll,
257 the agency is not required to make a determination in the case.
258 The agency must make a determination and take final action on a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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259 recipient's request so that disenrollment occurs no later than
260 the first day of the second month after the month the request
261 was made. If the agency fails to act within the specified
262 timeframe, the recipient's request to disenroll is deemed to be
263 approved as of the date agency action was required. Recipients
264 who disagree with the agency's finding that cause does not exist
265 for disenrollment shall be advised of their right to pursue a
266 Medicaid fair hearing to dispute the agency's finding. When a
267 specialty provider service network or specialty managed care
268 plan first becomes available in a geographic area, beneficiaries
269 meeting diagnostic criteria shall be offered an open enrollment
270 period during which they may choose to reenroll in a specialty
271 provider service network or specialty managed care plan.

272 Section 3. This act shall take effect July 1, 2008.

273
274
275
276 -----
277 **T I T L E A M E N D M E N T**

278 Remove the entire title and insert:

279 An act relating to Medicaid provider service networks; amending
280 s. 409.912, F.S.; authorizing the Agency for Health Care
281 Administration to contract with a specialty provider service
282 network that exclusively enrolls Medicaid beneficiaries who have
283 psychiatric disabilities; defining "psychiatric disabilities";
284 requiring the specialty provider to offer the same physical and
285 behavioral health services that are required from other Medicaid
286 health maintenance organizations and provider service networks;
287 requiring that beneficiaries be assigned to a specialty provider
288 service network under certain circumstances; amending s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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289 409.91211, F.S.; requiring that the agency modify eligibility
290 assignment processes for managed care pilot programs to include
291 specialty plans that specialize in care for beneficiaries who
292 have psychiatric disabilities; requiring the agency to provide a
293 service delivery alternative to provide Medicaid services to
294 persons having psychiatric disabilities; providing an additional
295 criterion for the agency in making assignments; requiring that
296 enrollment and choice counseling materials contain an
297 explanation concerning the choice of a network or plan;
298 providing for an additional open enrollment period following the
299 availability of specialty services; providing an effective date.

300

301

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Healthcare Council
 Meeting Date: 4/17/08
 Place: Monroe Hall
 Time: 8:30 AM

Bill Number: HB 895
 Date Received: _____
 Date Reported: _____
 Subject: Relief / Tyler B. Dolan

Council/Committee Action:

- | | | | |
|-------------------------------------|--|--------------------------|------------------------------|
| <input type="checkbox"/> | Favorable | <input type="checkbox"/> | Retained for Reconsideration |
| <input checked="" 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	<i>Strike all</i>							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Anderson								
<input checked="" type="checkbox"/>		Ausley								
<input checked="" type="checkbox"/>		Cusack								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		Gibson								
<input checked="" type="checkbox"/>		Grimsley								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Hays								
<input checked="" type="checkbox"/>		Hooper								
<input checked="" type="checkbox"/>		Hudson								
<input checked="" type="checkbox"/>		Patronis								
<input checked="" type="checkbox"/>		Porth								
<input checked="" type="checkbox"/>		Roberson								
<input checked="" type="checkbox"/>		Schwartz								
<input checked="" type="checkbox"/>		Skidmore								
<input checked="" type="checkbox"/>		Zapata								
<input checked="" type="checkbox"/>		Bean, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
17	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 875

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: Healthcare Council

2 Representative Llorente offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. The facts stated in the preamble to this act
7 are found and declared to be true.

8 Section 2. Munroe Regional Health System, Inc., is
9 authorized and directed to appropriate from its funds not
10 otherwise encumbered and draw a warrant in the sum of \$700,000,
11 payable to Gina and Mark Giblin, parents and legal guardians of
12 Tyler Giblin, as compensation for injuries and damages sustained
13 by Tyler due to the negligence of the hospital, and 75 percent
14 of such funds shall be placed in a special needs trust created
15 for the use and benefit of Tyler Giblin, as agreed to by the
16 parties in a consent judgment.

17 Section 3. Any amount paid by Munroe Regional Health
18 System, Inc., pursuant to the waiver of sovereign immunity
19 permitted under s. 768.28, Florida Statutes, and this award are
20 intended to provide the sole compensation for all present and
21 future claims against the hospital arising out of the factual

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

22 situation described in the preamble to this act. The total
23 amount paid for attorney's fees, lobbying fees, costs, and other
24 similar expenses relating to this claim may not exceed 25
25 percent of the amount awarded under section 2 of this act.

26 Section 4. The governmental entity responsible for payment
27 of the warrant shall pay to the Agency for Health Care
28 Administration the amount due under s. 409.910, Florida
29 Statutes, prior to disbursing any funds to the claimants. The
30 amount due the agency shall be equal to all unreimbursed medical
31 payments paid by Medicaid up to the date upon which this act
32 becomes law.

33 Section 5. This act shall take effect upon becoming a law.
34

35 -----
36 T I T L E A M E N D M E N T

37 Remove the title and insert:

38 A bill to be entitled

39 An act for the relief of Tyler Giblin, a minor, by and
40 through Gina and Mark Giblin, parents of Tyler Giblin;
41 providing for an appropriation by the Munroe Regional
42 Health System, Inc., to compensate Tyler for injuries
43 sustained as a result of the negligence of the hospital;
44 providing for the use of funds; providing a limitation on
45 the payment of fees and costs; providing for payment of
46 unreimbursed medical costs to the Agency for Health Care
47 Administration; providing an effective date.
48

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

49 WHEREAS, Gina Giblin, age 22, obtained prenatal obstetrical
50 care from Rasiklal Nagda, M.D., from May 3, 2004, through
51 December 14, 2004, the day Dr. Nagda delivered Tyler Giblin, a
52 full-term baby boy and the son of Gina and Mark Giblin, at
53 Munroe Regional Medical Center in Ocala, a full-service hospital
54 operated by Munroe Regional Health System, Inc., and leased from
55 the Marion County Hospital District, and

56 WHEREAS, Ms. Giblin had undergone two fetal ultrasounds
57 during her pregnancy, the first on August 10, 2004, and the
58 second prior to delivery, both of which were misinterpreted and
59 reported to the Giblins as being without abnormalities despite
60 the fact that the fetus had a severely deformed heart, and

61 WHEREAS, Dr. Nagda delivered Tyler Giblin by emergency
62 cesarean section because of fetal distress as evidenced by a
63 fetal heart rate in the 70's, significantly below the normal 120
64 to 160 beats per minute, with newborn Apgar scores of 9 and 9,
65 and a system assessment by the hospital nursing staff which
66 wrongly concluded that Tyler did not have a heart murmur, and

67 WHEREAS, upon initial examination on December 14, Tyler
68 Giblin's pediatrician, Yves-Lande Pierre, M.D., noted that Tyler
69 had a Grade II heart murmur but took no action, and

70 WHEREAS, on the following day, December 15, Dr. Pierre
71 concluded that Tyler had a Grade III murmur and subsequently
72 ordered four extremity blood pressures to be performed, which
73 were incorrectly taken and misinterpreted by nursing staff, and
74 a chest X ray that was interpreted and documented as within
75 normal limits by radiologist Kerry B. Raduns, M.D., who stated
76 that his assessment of the heart and thoracic cavity was limited
77 due to the baby's position in the X ray, and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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78 WHEREAS, a cardiology consultation was scheduled for
79 December 22, 2004, at Shands Hospital in Gainesville following
80 Tyler's discharge, and

81 WHEREAS, in the early morning of December 16, 2004, Tyler
82 was crying and grunting, found to be cyanotic with oxygen
83 saturation levels of 70 to 80 percent, decompensated and found
84 to have a base excess of 6.6, was started on Prostin VR,
85 intubated, placed on a ventilator, and transferred to Shands
86 Hospital, and

87 WHEREAS, Tyler was transferred to Miami Children's Hospital
88 on December 22, 2004, and underwent the open heart Norwood
89 procedure for a hypoplastic left heart ventricle and other
90 significant congenital heart disease, but, because of the delay
91 in the diagnosis of his heart condition, was found to have a
92 heart so damaged as to require a heart transplant, as well as to
93 have suffered from anoxic brain injury due to the cyanotic event
94 of December 16, and

95 WHEREAS, Tyler was transferred back to Shands Hospital
96 where he waited for a heart to become available, and
97 subsequently underwent cardiac transplant on June 3, 2005, and

98 WHEREAS, due to the anoxic brain injury, Tyler will remain
99 totally incapacitated for the remainder of his life, and

100 WHEREAS, due to the negligent failure to correctly diagnose
101 their son's congenital heart defect both prior to and after his
102 birth and because Tyler suffered from severe anoxic damage to
103 his heart and brain leading to the need for a heart transplant
104 and to brain injury, Gina and Mark Giblin, on behalf of their
105 son Tyler and individually, brought suit against the Munroe
106 Regional Health System, Inc., Munroe Regional Medical Center,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

107 Inc., and the Marion County Hospital District, as well as Dr.
108 Yves-Lande Pierre and Marion Pediatrics, and

109 WHEREAS, defendant Munroe Regional Health System, Inc., on
110 behalf of the Munroe Regional Medical Center and the Marion
111 County Hospital District, agreed to a consent judgment in the
112 amount of \$900,000, of which \$200,000 has been paid to Gina and
113 Mark Giblin pursuant to the limits of liability set forth in s.
114 768.28, Florida Statutes, and the remainder is conditioned upon
115 the passage of a claim bill by the Legislature in the amount of
116 \$700,000, of which 75 percent is to be placed in a special needs
117 trust created for the benefit of Tyler Giblin, NOW, THEREFORE,

118

119

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Healthcare Council
 Meeting Date: 4/17/08
 Place: Monro Hall
 Time: 8:30 AM

Bill Number: HB 915
 Date Received: _____
 Date Reported: _____
 Subject: Chief/Personnel
Article

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	<i>Stack all</i>							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Anderson								
<input checked="" type="checkbox"/>		Ausley	<i>W/O</i>							
<input checked="" type="checkbox"/>		Cusack	<i>W/O</i>							
<input checked="" type="checkbox"/>		Galvano	<i>W/O</i>							
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		Gibson								
<input checked="" type="checkbox"/>		Grimsley								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Hays								
<input checked="" type="checkbox"/>		Hooper								
<input checked="" type="checkbox"/>		Hudson								
<input checked="" type="checkbox"/>		Patronis								
<input checked="" type="checkbox"/>		Porth								
<input checked="" type="checkbox"/>		Roberson								
<input checked="" type="checkbox"/>		Schwartz								
<input checked="" type="checkbox"/>		Skidmore								
<input checked="" type="checkbox"/>		Zapata								
<input checked="" type="checkbox"/>		Bean, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
16	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 915

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: Healthcare Council

2 Representative Nehr offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. The facts stated in the preamble to this act
7 are found and declared to be true.

8 Section 2. (1) There is appropriated from the General
9 Revenue Fund to the Department of Children and Family Services
10 the sum of \$1,200,000 to be paid to Pierreisna Archille, by and
11 through Darlene Achille, Limited Guardian of Property for
12 Pierreisna Archille, as relief for injuries and damages
13 sustained. After payment of attorney's fees and costs, lobbying
14 fees, and other similar expenses relating to this claim as
15 provided for in this section, outstanding medical liens, and
16 other immediate needs, the remaining funds shall be placed in a
17 special needs trust created for the exclusive use and benefit of
18 Pierreisna Archille. Any funds remaining in the special needs
19 trust upon the death of Pierreisna Archille, after payment of
20 any outstanding Medicaid liens, shall revert to the General
21 Revenue Fund of the State of Florida.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

22 (2) Any amount awarded under this act pursuant to the
23 waiver of sovereign immunity permitted under s. 768.28, Florida
24 Statutes, and this award is intended to provide the sole
25 compensation for all present and future claims arising out of
26 the factual situation described in the preamble to this act
27 which resulted in the injury to Pierreisna Archille. The total
28 amount paid for attorney's fees, lobbying fees, costs, and other
29 similar expenses relating to this claim may not exceed 25
30 percent of the amount awarded under subsection (1).

31 Section 3. The Chief Financial Officer is authorized and
32 directed to draw a warrant in the sum of \$1,200,000, payable to
33 Pierreisna Archille, by and through Darlene Achille, Limited
34 Guardian of Property for Pierreisna Archille, upon funds in the
35 State Treasury to the credit of the Department of Children and
36 Family Services, and the Chief Financial Officer is directed to
37 pay the same out of such funds in the State Treasury not
38 otherwise appropriated.

39 Section 4. This act shall take effect upon becoming a law.
40 -----

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

42 Remove the title and insert:

43 A bill to be entitled

44 An act for the relief of Pierreisna Archille; providing an
45 appropriation to compensate Pierreisna Archille, a
46 mentally disabled person, by and through Darlene Achille,
47 Limited Guardian of Property for Pierreisna Archille, for
48 injuries and damages sustained as a result of the
49 negligence of employees of the Department of Children and
50 Family Services; providing for reversion of funds;
51 providing a limitation on the payment of attorney's fees,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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52 lobbying fees, costs, and other similar expenses relating
53 to the claim; providing an effective date.

54
55 WHEREAS, Pierreisna Archille, a 26-year-old moderately
56 retarded woman, has the cognitive ability of a child between
57 kindergarten and first-grade level, and

58 WHEREAS, because of allegations of neglect against her
59 biological mother and stepfather, Pierreisna Archille and her
60 sisters, Darlene and Muriel, were placed in foster care in 1993,
61 and

62 WHEREAS, in 1997, when Pierreisna Archille was 15 years
63 old, the Archille children were placed in the foster home of
64 Bonifacio and Josephine Velazquez, and

65 WHEREAS, the Velazquez foster home was licensed,
66 supervised, and monitored by the Department of Children and
67 Family Services and its employees and agents, and

68 WHEREAS, after placement of the Archille children in the
69 foster home, Darlene Achille complained that Bonifacio
70 Velazquez, the foster father, was sexually molesting her and was
71 also molesting S.A., a toddler, and

72 WHEREAS, after these complaints were made, both Darlene and
73 Muriel were removed from the Velazquez home, but Pierreisna
74 Archille remained in the home, and

75 WHEREAS, between June of 1998 through June of 1999,
76 Bonifacio Velazquez repeatedly raped and molested Pierreisna
77 Archille, resulting in her impregnation and subsequent birth of
78 a daughter, and

79 WHEREAS, after the birth of Pierreisna Archille's daughter,
80 Takeisha, Pierreisna Archille's younger sister, Darlene, then 19

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

81 years old, undertook the responsibility of helping Pierreisna
82 Archille take care of her daughter, and

83 WHEREAS, as a developmentally disabled person, Pierreisna
84 Archille is in need of funds necessary for her to care for her
85 daughter with the assistance of her sister, Darlene, and

86 WHEREAS, Pierreisna Archille continues to suffer nightmares
87 and extreme emotional and psychological trauma as a result of
88 the actions giving rise to this claim, and

89 WHEREAS, a life care continuum was formulated by
90 comprehensive rehabilitation consultants detailing the funds
91 necessary to provide treatment to Pierreisna Archille, as well
92 as to help provide for the support necessary for Pierreisna
93 Archille to take care of her daughter, and

94 WHEREAS, Dr. Fred Raffa, an economist, reduced such cost to
95 present value in the amount of \$4,067,431, and

96 WHEREAS, the dependency court appointed a Limited Guardian
97 of Property for Pierreisna Archille for the purpose of assisting
98 in obtaining compensation for her damages, and

99 WHEREAS, a lawsuit was filed on behalf of the Limited
100 Guardian of Property for Pierreisna Archille in Naples, Florida,
101 against the Department of Children and Family Services, and

102 WHEREAS, Pierreisna Archille, by and through her previous
103 Limited Guardian of Property, Patrick Weber, and the Department
104 of Children and Family Services agreed to mediation to resolve
105 this matter and entered into a settlement agreement to
106 compensate Pierreisna Archille for her damages and to provide a
107 basis for this claim bill, and

108 WHEREAS, as a result of good-faith negotiations between the
109 parties at a court-sanctioned mediation, the Department of
110 Children and Family Services and the Limited Guardian of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

111 Property agreed that \$1.3 million is reasonable and fair
112 compensation for Pierreisna Archille's damages, and

113 WHEREAS, the Department of Children and Family Services has
114 already paid \$100,000 in accordance with the provisions of s.
115 768.28, Florida Statutes, and

116 WHEREAS, with respect to the \$100,000 already paid by the
117 department, deferred payment of attorney's fees and costs of
118 plaintiff's counsel was agreed to in order that Pierreisna
119 Archille could immediately have access to needed funds, and

120 WHEREAS, the Department of Children and Family Services
121 supports a claim bill in the amount of \$1.2 million, NOW,
122 THEREFORE,

123

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Healthcare Council
Meeting Date: 4/17/08
Place: Monk Hall
Time: 8:30 AM

Bill Number: HB 1095
Date Received: _____
Date Reported: _____
Subject: Child custody and support

Council/Committee Action:

- Favorable
- Favorable w/ _____ amendments
- Favorable w/Council/Committee Substitute
- Other Action: _____
- Retained for Reconsideration
- Reconsidered
- Temporarily Postponed
- Unfavorable

Final Vote On Bill		MEMBERS	Traveling 1		Traveling 2		Traveling 3		Traveling 4	
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Anderson								
<input checked="" type="checkbox"/>		Ausley								
<input checked="" type="checkbox"/>		Cusack								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		Gibson								
<input checked="" type="checkbox"/>		Grimsley								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Hays								
<input checked="" type="checkbox"/>		Hooper								
<input checked="" type="checkbox"/>		Hudson								
<input checked="" type="checkbox"/>		Patronis								
<input checked="" type="checkbox"/>		Porth								
<input checked="" type="checkbox"/>		Roberson								
<input checked="" type="checkbox"/>		Schwartz								
<input checked="" type="checkbox"/>		Skidmore								
<input checked="" type="checkbox"/>		Zapata								
<input checked="" type="checkbox"/>		Bean, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
17	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

Pg. 293

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Healthcare Council
 Meeting Date: _____
 Place: _____
 Time: _____

Bill Number: HB 1075
 Date Received: _____
 Date Reported: _____
 Subject: _____

Council/Committee Action:

- | | |
|---|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input 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	<i>Traveler</i>		<i>Strike all</i>		<i>1a</i>		<i>2a</i>	
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
		Anderson								
		Ausley								
		Cusack								
		Galvano								
		Garcia								
		Gibson								
		Grimsley								
		Harrell								
		Hays								
		Hooper								
		Hudson								
		Patronis								
		Porth								
		Roberson								
		Schwartz								
		Skidmore								
		Zapata								
		Bean, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

Pg. 3 of 3

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Healthcare Council
Meeting Date: _____
Place: _____
Time: _____

Bill Number: HB 1095
Date Received: _____
Date Reported: _____
Subject: _____

Council/Committee Action:

- Favorable
- Favorable w/ _____ amendments
- Favorable w/Council/Committee Substitute
- Other Action: _____
- Retained for Reconsideration
- Reconsidered
- Temporarily Postponed
- Unfavorable

Final Vote On Bill		MEMBERS	3a		4a		5a		6a	
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
		Anderson								
		Ausley	4/0		4/0		4/0		4/0	
		Cusack	4/0		4/0		4/0		4/0	
		Galvano	4/0		4/0		4/0		4/0	
		Garcia								
		Gibson								
		Grimsley								
		Harrell								
		Hays								
		Hooper								
		Hudson								
		Patronis								
		Porth								
		Roberson								
		Schwartz								
		Skidmore								
		Zapata								
		Bean, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.1 (for drafter's use only)

Bill No. HB 1075

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 _____ *See Strike all*

1 Council/Committee hearing bill: Healthcare Council
2 Committee on Healthy Families offered the following:

3
4
5
6
7
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9
10

Amendment

Remove line(s) 516 and insert:

~~of a child irrespective of the age or sex of the child.~~

This amendment was adopted in HF on 3/25/08 and is traveling with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.2 (for drafter's use only)

Bill No. HB 1075

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 _____

See I track all

1 Committee hearing bill: Healthcare Council
2 Committee on Healthy Families offered the following:

3
4
5
6
7
8

Amendment

Remove line 689 and insert:

violated shall continue ~~not fail~~ to pay any ordered child

This amendment was adopted in HF on 3/25/08 and is traveling with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.3 (for drafter's use only)

Bill No. HB 1075

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 _____

See strike all

1 Committee hearing bill: Healthcare Council
2 Committee on Healthy Families offered the following:

3
4 **Amendment**

5 Remove line 905 and insert:
6 restricting time-sharing ~~visitation~~ or other good cause
7 predating the Notice
8
9

This amendment was adopted in HF on 3/25/08 and is traveling with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.4 (for drafter's use only)

Bill No. HB 1075

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 _____

See Staff all

1 Committee hearing bill: Healthcare Council

2 Committee on Healthy Families offered the following:

3
4 **Amendment**

5 Remove line 1571-1576 and insert:

6 For combined monthly net available income less than the amount
7 set out on the above guidelines schedule schedules, the parent
8 should be ordered to pay a child support amount, determined on a
9 case-by-case basis, to establish the principle of payment and
10 lay the basis for increased orders should the parent's income
11 increase in the future. For combined monthly net available
12 income

13
14
This amendment was adopted in HF on 3/25/08 and is traveling
with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.5 (for drafter's use only)

Bill No. HB 1075

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 _____

See Strike off

1 Committee hearing bill: Healthcare Council
2 Committee on Healthy Families offered the following:

3
4 **Amendment**

5 Remove lines 2006-2754 and insert:

6 Section 21. Paragraph (a) of subsection (1), paragraphs (b),
7 (c), (d), and (f) of subsection (2), subsection (4), paragraphs
8 (a) and (c) of subsection (5), subsection (6), paragraphs (b),
9 (c), (d), and (e) of subsection (7), paragraphs (a) and (b) of
10 subsection (10), and subsections (13) and (17) of section
11 409.2563, Florida Statutes, are amended to read:

12 409.2563 Administrative establishment of child support
13 obligations.--

14 (1) DEFINITIONS.--As used in this section, the term:

15 (a) "Administrative support order" means a final order
16 rendered by or on behalf of the department pursuant to this
17 section establishing or modifying the obligation of a
18 ~~neneustodial~~ parent to contribute to the support and maintenance
19 of his or her child or children, which may include provisions
20 for monetary support, retroactive support, health care, and
21 other elements of support pursuant to chapter 61.

This amendment was adopted in HF on 3/25/08 and is traveling with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.5 (for drafter's use only)

22 (2) PURPOSE AND SCOPE.--

23 (b) The administrative procedure set forth in this section
24 concerns only the establishment of child support obligations.
25 This section does not grant jurisdiction to the department or
26 the Division of Administrative Hearings to hear or determine
27 issues of dissolution of marriage, separation, alimony or
28 spousal support, termination of parental rights, dependency,
29 disputed paternity, except for a determination of paternity as
30 provided in s. 409.256, award of or change of time-sharing
31 ~~eustody, or visitation~~. This paragraph notwithstanding, the
32 department and the Division of Administrative Hearings may make
33 findings of fact that are necessary for a proper determination
34 of a ~~noncustodial~~ parent's support obligation as authorized by
35 this section.

36 (c) If there is no support order for a child in a Title
37 IV-D case whose paternity has been established or is presumed by
38 law, or whose paternity is the subject of a proceeding under s.
39 409.256, the department may establish a ~~the noncustodial~~
40 parent's child support obligation pursuant to this section, s.
41 61.30, and other relevant provisions of state law. The
42 ~~noncustodial~~ parent's obligation determined by the department
43 may include any obligation to pay retroactive support and any
44 obligation to provide for health care for a child, whether
45 through insurance coverage, reimbursement of expenses, or both.
46 The department may proceed on behalf of:

47 1. An applicant or recipient of public assistance, as
48 provided by ss. 409.2561 and 409.2567;

49 2. A former recipient of public assistance, as provided by
50 s. 409.2569;

This amendment was adopted in HF on 3/25/08 and is traveling
with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.5 (for drafter's use only)

51 3. An individual who has applied for services as provided
52 by s. 409.2567;

53 4. Itself or the child, as provided by s. 409.2561; or

54 5. A state or local government of another state, as
55 provided by chapter 88.

56 (d) Either parent, or a caretaker relative if applicable,
57 may at any time file a civil action in a circuit court having
58 jurisdiction and proper venue to determine parental support
59 obligations the noncustodial parent's child support obligations,
60 if any. A support order issued by a circuit court prospectively
61 supersedes an administrative support order rendered by the
62 department.

63 (f) The department shall terminate the administrative
64 proceeding and file an action in circuit court to determine
65 support if within 20 days after receipt of the initial notice
66 the ~~noncustodial~~ parent from whom support is being sought
67 requests in writing that the department proceed in circuit court
68 or states in writing his or her the noncustodial parent's
69 intention to address issues concerning custody or rights to
70 parental contact in court and if within 10 days after receipt of
71 the department's petition and waiver of service the ~~noncustodial~~
72 parent from whom support is being sought signs and returns the
73 waiver of service form to the department.

74 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
75 SUPPORT ORDER.--To commence a proceeding under this section, the
76 department shall provide to the ~~custodial~~ parent from whom
77 support is not being sought and serve the ~~noncustodial~~ parent
78 from whom support is being sought with a notice of proceeding to
79 establish administrative support order and a blank financial
80 affidavit form. The notice must state:

This amendment was adopted in HF on 3/25/08 and is traveling
with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.5 (for drafter's use only)

81 (a) The names of both parents, the name of the caretaker
82 relative, if any, and the name and date of birth of the child or
83 children;

84 (b) That the department intends to establish an
85 administrative support order as defined in this section;

86 (c) That both parents must submit a completed financial
87 affidavit to the department within 20 days after receiving the
88 notice, as provided by paragraph (13) (a);

89 (d) That both parents, or parent and caretaker relative if
90 applicable, are required to furnish to the department
91 information regarding their identities and locations, as
92 provided by paragraph (13) (b);

93 (e) That both parents, or parent and caretaker relative if
94 applicable, are required to promptly notify the department of
95 any change in their mailing addresses to ensure receipt of all
96 subsequent pleadings, notices, and orders, as provided by
97 paragraph (13) (c);

98 (f) That the department will calculate support obligations
99 based on the child support guidelines schedule in s. 61.30 and
100 using all available information, as provided by paragraph
101 (5) (a), and will incorporate such obligations into a proposed
102 administrative support order;

103 (g) That the department will send by regular mail to both
104 parents, or parent and caretaker relative if applicable, a copy
105 of the proposed administrative support order, the department's
106 child support worksheet, and any financial affidavits submitted
107 by a parent or prepared by the department;

108 (h) That the ~~noncustodial~~ parent from whom support is
109 being sought may file a request for a hearing in writing within
110 20 days after the date of mailing or other service of the
This amendment was adopted in HF on 3/25/08 and is traveling
with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.5 (for drafter's use only)

111 proposed administrative support order or will be deemed to have
112 waived the right to request a hearing;

113 (i) That if the ~~noncustodial~~ parent from whom support is
114 being sought does not file a timely request for hearing after
115 service of the proposed administrative support order, the
116 department will issue an administrative support order that
117 incorporates the findings of the proposed administrative support
118 order, and will send by regular mail a copy of the
119 administrative support order to both parents, or parent and
120 caretaker relative if applicable;

121 (j) That after an administrative support order is
122 rendered, the department will file a copy of the order with the
123 clerk of the circuit court;

124 (k) That after an administrative support order is
125 rendered, the department may enforce the administrative support
126 order by any lawful means;

127 (l) That either parent, or caretaker relative if
128 applicable, may file at any time a civil action in a circuit
129 court having jurisdiction and proper venue to determine parental
130 support obligations ~~the noncustodial parent's child support~~
131 ~~obligations~~, if any, and that a support order issued by a
132 circuit court supersedes an administrative support order
133 rendered by the department;

134 (m) That, neither the department nor the Division of
135 Administrative Hearings has jurisdiction to award or change
136 child custody or rights of parental contact or time-sharing and
137 these issues may only be addressed in circuit court.

138 1. The parent from whom support is being sought
139 ~~noncustodial parent~~ may request in writing that the department

This amendment was adopted in HF on 3/25/08 and is traveling
with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.5 (for drafter's use only)

140 proceed in circuit court to determine his or her support
141 obligations.

142 2. The parent from whom support is being sought
143 ~~noneustodial parent~~ may state in writing to the department his
144 or her intention to address issues concerning custody or rights
145 to parental contact in circuit court.

146 3. If the parent from whom support is being sought
147 ~~noneustodial parent~~ submits the request authorized in
148 subparagraph 1., or the statement authorized in subparagraph 2.
149 to the department within 20 days after the receipt of the
150 initial notice, the department shall file a petition in circuit
151 court for the determination of the ~~noneustodial~~ parent's child
152 support obligations, and shall send to the parent from whom
153 support is being sought ~~noneustodial parent~~ a copy of its
154 petition, a notice of commencement of action, and a request for
155 waiver of service of process as provided in the Florida Rules of
156 Civil Procedure.

157 4. If, within 10 days after receipt of the department's
158 petition and waiver of service, the parent from whom support is
159 being sought ~~noneustodial parent~~ signs and returns the waiver of
160 service form to the department, the department shall terminate
161 the administrative proceeding without prejudice and proceed in
162 circuit court.

163 5. In any circuit court action filed by the department
164 pursuant to this paragraph or filed by a parent from whom
165 support is being sought ~~noneustodial parent~~ or other person
166 pursuant to paragraph (l) or paragraph (n), the department shall
167 be a party only with respect to those issues of support allowed
168 and reimbursable under Title IV-D of the Social Security Act. It
169 is the responsibility of the parent from whom support is being

This amendment was adopted in HF on 3/25/08 and is traveling
with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.5 (for drafter's use only)

170 ~~sought noncustodial parent~~ or other person to take the necessary
171 steps to present other issues for the court to consider.

172 (n) That if the parent from whom support is being sought
173 ~~noncustodial parent~~ files an action in circuit court and serves
174 the department with a copy of the petition within 20 days after
175 being served notice under this subsection, the administrative
176 process ends without prejudice and the action must proceed in
177 circuit court;

178 (o) Information provided by the Office of State Courts
179 Administrator concerning the availability and location of self-
180 help programs for those who wish to file an action in circuit
181 court but who cannot afford an attorney.

182

183 The department may serve the notice of proceeding to establish
184 administrative support order by certified mail, restricted
185 delivery, return receipt requested. Alternatively, the
186 department may serve the notice by any means permitted for
187 service of process in a civil action. For purposes of this
188 section, an authorized employee of the department may serve the
189 notice and execute an affidavit of service. Service by certified
190 mail is completed when the certified mail is received or refused
191 by the addressee or by an authorized agent as designated by the
192 addressee in writing. If a person other than the addressee signs
193 the return receipt, the department shall attempt to reach the
194 addressee by telephone to confirm whether the notice was
195 received, and the department shall document any telephonic
196 communications. If someone other than the addressee signs the
197 return receipt, the addressee does not respond to the notice,
198 and the department is unable to confirm that the addressee has
199 received the notice, service is not completed and the department
This amendment was adopted in HF on 3/25/08 and is traveling
with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.5 (for drafter's use only)

200 shall attempt to have the addressee served personally. The
201 department shall provide the ~~eustodial~~ parent from whom support
202 is not being sought or caretaker relative with a copy of the
203 notice by regular mail to the last known address of the
204 ~~eustodial~~ parent from whom support is not being sought or
205 caretaker.

206 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

207 (a) After serving notice upon a ~~the noncustodial~~ parent in
208 accordance with subsection (4), the department shall calculate
209 that ~~the noncustodial~~ parent's child support obligation under
210 the child support guidelines schedule as provided by s. 61.30,
211 based on any timely financial affidavits received and other
212 information available to the department. If either parent fails
213 to comply with the requirement to furnish a financial affidavit,
214 the department may proceed on the basis of information available
215 from any source, if such information is sufficiently reliable
216 and detailed to allow calculation of guideline schedule amounts
217 under s. 61.30. If a ~~the custodial~~ parent receives public
218 assistance and fails to submit a financial affidavit, the
219 department may submit a financial affidavit for that ~~the~~
220 ~~eustodial~~ parent pursuant to s. 61.30(15). If there is a lack of
221 sufficient reliable information concerning a parent's actual
222 earnings for a current or past period, it shall be presumed for
223 the purpose of establishing a support obligation that the parent
224 had an earning capacity equal to the federal minimum wage during
225 the applicable period.

226 (c) The department shall provide a notice of rights with
227 the proposed administrative support order, which notice must
228 inform the noncustodial parent that:

This amendment was adopted in HF on 3/25/08 and is traveling
with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.5 (for drafter's use only)

229 1. The ~~noneustodial~~ parent from whom support is being
230 sought may, within 20 days after the date of mailing or other
231 service of the proposed administrative support order, request a
232 hearing by filing a written request for hearing in a form and
233 manner specified by the department;

234 2. If the ~~noneustodial~~ parent from whom support is being
235 sought files a timely request for a hearing, the case shall be
236 transferred to the Division of Administrative Hearings, which
237 shall conduct further proceedings and may enter an
238 administrative support order;

239 3. A ~~noneustodial~~ parent from whom support is being sought
240 who fails to file a timely request for a hearing shall be deemed
241 to have waived the right to a hearing, and the department may
242 render an administrative support order pursuant to paragraph
243 (7) (b);

244 4. The ~~noneustodial~~ parent from whom support is being
245 sought may consent in writing to entry of an administrative
246 support order without a hearing;

247 5. The ~~noneustodial~~ parent from whom support is being
248 sought may, within 10 days after the date of mailing or other
249 service of the proposed administrative support order, contact a
250 department representative, at the address or telephone number
251 specified in the notice, to informally discuss the proposed
252 administrative support order and, if informal discussions are
253 requested timely, the time for requesting a hearing will be
254 extended until 10 days after the department notifies the
255 ~~noneustodial~~ parent that the informal discussions have been
256 concluded; and

257 6. If an administrative support order that establishes a
258 ~~noneustodial~~ parent's support obligation is rendered, whether
This amendment was adopted in HF on 3/25/08 and is traveling
with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.5 (for drafter's use only)

259 after a hearing or without a hearing, the department may enforce
260 the administrative support order by any lawful means.

261 (6) HEARING.--If the ~~noneustodial~~ parent from whom support
262 is being sought files a timely request for hearing, the
263 department shall refer the hearing request to the Division of
264 Administrative Hearings. Unless otherwise provided by this
265 section, chapter 120 and the Uniform Rules of Procedure shall
266 govern the conduct of the proceedings. The administrative law
267 judge shall consider all available and admissible information
268 and any presumptions that apply as provided by paragraph (5) (a).

269 (7) ADMINISTRATIVE SUPPORT ORDER.--

270 (b) If the ~~noneustodial~~ parent from whom support is being
271 sought does not file a timely request for a hearing, the
272 ~~noneustodial~~ parent will be deemed to have waived the right to
273 request a hearing.

274 (c) If the ~~noneustodial~~ parent from whom support is being
275 sought waives the right to a hearing, or consents in writing to
276 the entry of an order without a hearing, the department may
277 render an administrative support order.

278 (d) The department shall send by regular mail a copy of
279 the administrative support order, or the final order denying an
280 administrative support order, to both parents, or a parent and
281 caretaker relative if applicable. The ~~noneustodial~~ parent from
282 whom support is being sought shall be notified of the right to
283 seek judicial review of the administrative support order in
284 accordance with s. 120.68.

285 (e) An administrative support order must comply with s.
286 61.30. The department shall develop a standard form or forms for
287 administrative support orders. An administrative support order
288 must provide and state findings, if applicable, concerning:
This amendment was adopted in HF on 3/25/08 and is traveling
with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.5 (for drafter's use only)

- 289 1. The full name and date of birth of the child or
290 children;
- 291 2. The name of the ~~noncustodial~~ parent from whom support
292 is being sought and the custodial parent or caretaker relative;
- 293 3. The ~~noncustodial~~ parent's duty and ability to provide
294 support;
- 295 4. The amount of the ~~noncustodial~~ parent's monthly support
296 obligation ;
- 297 5. Any obligation to pay retroactive support;
- 298 6. The ~~noncustodial~~ parent's obligation to provide for the
299 health care needs of each child, whether through insurance
300 coverage, contribution towards the cost of insurance coverage,
301 payment or reimbursement of health care expenses for the child,
302 or any combination thereof;
- 303 7. The beginning date of any required monthly payments and
304 health care coverage;
- 305 8. That all support payments ordered must be paid to the
306 Florida State Disbursement Unit as provided by s. 61.1824;
- 307 9. That the parents, or caretaker relative if applicable,
308 must file with the department when the administrative support
309 order is rendered, if they have not already done so, and update
310 as appropriate the information required pursuant to paragraph
311 (13) (b) ;
- 312 10. That both parents, or parent and caretaker relative if
313 applicable, are required to promptly notify the department of
314 any change in their mailing addresses pursuant to paragraph
315 (13) (c) ; and
- 316 11. That if the ~~noncustodial~~ parent ordered to pay support
317 receives unemployment compensation benefits, the payor shall

This amendment was adopted in HF on 3/25/08 and is traveling with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.5 (for drafter's use only)

318 withhold, and transmit to the department, 40 percent of the
319 benefits for payment of support, not to exceed the amount owed.

320

321 An income deduction order as provided by s. 61.1301 must be
322 incorporated into the administrative support order or, if not
323 incorporated into the administrative support order, the
324 department or the Division of Administrative Hearings shall
325 render a separate income deduction order.

326 (10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER
327 SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.--

328 (a) The obligor ~~A noncustodial parent~~ has the right to
329 seek judicial review of an administrative support order or a
330 final order denying an administrative support order in
331 accordance with s. 120.68. The department has the right to seek
332 judicial review, in accordance with s. 120.68, of an
333 administrative support order or a final order denying an
334 administrative support order entered by an administrative law
335 judge of the Division of Administrative Hearings.

336 (b) An administrative support order rendered under this
337 section has the same force and effect as a court order and may
338 be enforced by any circuit court in the same manner as a support
339 order issued by the court, except for contempt. If the circuit
340 court issues its own order enforcing the administrative support
341 order, the circuit court may enforce its own order by contempt.
342 The presumption of ability to pay and purge contempt established
343 in s. 61.14(5)(a) applies to an administrative support order
344 that includes a finding of present ability to pay. Enforcement
345 by the court, without any change by the court in the support
346 obligations established in the administrative support order,
347 does not supersede the administrative support order or affect
This amendment was adopted in HF on 3/25/08 and is traveling
with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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348 the department's authority to modify the administrative support
349 order as provided by subsection (12). An order by the court that
350 requires a ~~the noncustodial~~ parent to make periodic payments on
351 arrearages does not constitute a change in the support
352 obligations established in the administrative support order and
353 does not supersede the administrative order.

354 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO
355 ADDRESS OF RECORD.--In all proceedings pursuant to this section:

356 (a) Each ~~The noncustodial parent and custodial parent~~ must
357 execute and furnish to the department, no later than 20 days
358 after receipt of the notice of proceeding to establish
359 administrative support order, a financial affidavit in the form
360 prescribed by the department. An updated financial affidavit
361 must be executed and furnished to the department at the
362 inception of each proceeding to modify an administrative support
363 order. Caretaker relatives are not required to furnish financial
364 affidavits.

365 (b) Each ~~The noncustodial parent, custodial parent,~~ and
366 caretaker relative if applicable, shall disclose to the
367 department, no later than 20 days after receipt of the notice of
368 proceeding to establish administrative support order, and update
369 as appropriate, information regarding his or her ~~their~~ identity
370 and location, including names he or she is ~~they are~~ known by;
371 social security number ~~numbers~~; residential and mailing
372 addresses; telephone numbers; driver's license numbers; and
373 names, addresses, and telephone numbers of employers. Pursuant
374 to the federal Personal Responsibility and Work Opportunity
375 Reconciliation Act of 1996, each person must provide his or her
376 social security number in accordance with this section.

377 Disclosure of social security numbers obtained through this
This amendment was adopted in HF on 3/25/08 and is traveling
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378 requirement shall be limited to the purpose of administration of
379 the Title IV-D program for child support enforcement.

380 (c) ~~Each~~ The noncustodial parent, ~~custodial parent,~~ and
381 caretaker relative, if applicable, have a continuing obligation
382 to promptly inform the department in writing of any change in
383 his or her ~~their~~ mailing address ~~addresses~~ to ensure receipt of
384 all subsequent pleadings, notices, payments, statements, and
385 orders, and receipt is presumed if sent by regular mail to the
386 most recent address furnished by the person.

387 ~~(17) EVALUATION. The Office of Program Policy Analysis~~
388 ~~and Government Accountability shall conduct an evaluation of the~~
389 ~~statewide implementation of the administrative process for~~
390 ~~establishing child support provided for in this section. This~~
391 ~~evaluation shall examine whether these processes have been~~
392 ~~effectively implemented and administered statewide and are~~
393 ~~operating to the benefit of the children, including, but not~~
394 ~~limited to the ability of Title IV D parents to easily access~~
395 ~~the court system for necessary court action. The Office of~~
396 ~~Program Policy Analysis and Government Accountability shall~~
397 ~~submit an evaluation report on the statewide implementation of~~
398 ~~the administrative processes for establishing child support by~~
399 ~~June 30, 2006.~~

400 Section 22. Subsections (1), (4), and (11) of section
401 409.2564, Florida Statutes, are amended to read:

402 409.2564 Actions for support.--

403 (1) In each case in which regular support payments are not
404 being made as provided herein, the department shall institute,
405 within 30 days after determination of the obligor's reasonable
406 ability to pay, action as is necessary to secure the obligor's
407 payment of current support and any arrearage which may have
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408 accrued under an existing order of support. The department shall
409 notify the program attorney in the judicial circuit in which the
410 recipient resides setting forth the facts in the case, including
411 the obligor's address, if known, and the public assistance case
412 number. Whenever applicable, the procedures established under
413 the provisions of chapter 88, Uniform Interstate Family Support
414 Act, chapter 61, Dissolution of Marriage; Support; Time-sharing
415 Custody, chapter 39, Proceedings Relating to Children, chapter
416 984, Children and Families in Need of Services, and chapter 985,
417 Delinquency; Interstate Compact on Juveniles, may govern actions
418 instituted under the provisions of this act, except that actions
419 for support under chapter 39, chapter 984, or chapter 985
420 brought pursuant to this act shall not require any additional
421 investigation or supervision by the department.

422 (4) Whenever the Department of Revenue has undertaken an
423 action for enforcement of support, the Department of Revenue may
424 enter into an agreement with the obligor for the entry of a
425 judgment determining paternity, if applicable, and for periodic
426 child support payments based on the child support guidelines
427 schedule in s. 61.30. Prior to entering into this agreement, the
428 obligor shall be informed that a judgment will be entered based
429 on the agreement. The clerk of the court shall file the
430 agreement without the payment of any fees or charges, and the
431 court, upon entry of the judgment, shall forward a copy of the
432 judgment to the parties to the action. To encourage out-of-court
433 settlement and promote support order compliance, if the obligor
434 and the Department of Revenue agree on entry of a support order
435 and its terms, the guideline amount owed for retroactive support
436 that is permanently assigned to the state shall be reduced by 25
437 percent.

This amendment was adopted in HF on 3/25/08 and is traveling with the bill and requires no further action.

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438 (11) The Title IV-D agency shall review child support
439 orders in IV-D cases at least every 3 years upon request by
440 either party, or the agency in cases where there is an
441 assignment of support to the state under s. 414.095(7), and may
442 seek adjustment of the order if appropriate under the guidelines
443 schedule established in s. 61.30. Not less than once every 3
444 years the IV-D agency shall provide notice to the parties
445 subject to the order informing them of their right to request a
446 review and, if appropriate, an adjustment of the child support
447 order. Said notice requirement may be met by including
448 appropriate language in the initial support order or any
449 subsequent orders.

450 Section 23. Paragraph (a) of subsection (2) of section
451 409.25657, Florida Statutes, is amended to read:

452 409.25657 Requirements for financial institutions.--

453 (2) The department shall develop procedures to enter into
454 agreements with financial institutions doing business in the
455 state, in coordination with such financial institutions and with
456 the Federal Parent Locator Service in the case of financial
457 institutions doing business in two or more states, to develop
458 and operate a data match system, using automated data exchanges
459 to the maximum extent feasible, in which each financial
460 institution is required to provide for each calendar quarter the
461 name, record address, social security number or other taxpayer
462 identification number, average daily account balance, and other
463 identifying information for:

464 (a) Each ~~noncustodial~~ parent who maintains an account at
465 such institution and who owes past due support, as identified by
466 the department by name and social security number or other
467 taxpayer identification number; or

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with the bill and requires no further action.

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468 Section 24. Subsections (2) and (5) of section 409.25659,
469 Florida Statutes, are amended to read:

470 409.25659 Insurance claim data exchange.--

471 (2) The department shall develop and operate a data match
472 system after consultation with one or more insurers, using
473 automated data exchanges to the maximum extent feasible, in
474 which an insurer may voluntarily provide the department monthly
475 with the name, address, and, if known, date of birth and social
476 security number or other taxpayer identification number for each
477 ~~noncustodial~~ parent who has a claim with the insurer and who
478 owes past due support, and the claim number maintained by the
479 insurer for each claim. An insurer may provide such data by:

480 (a) Authorizing an insurance claim data collection
481 organization, to which the insurer subscribes and to which the
482 insurer submits the required claim data on at least a monthly
483 basis, to:

484 1. Receive or access a data file from the department and
485 conduct a data match of all ~~noncustodial~~ parents who have a
486 claim with the insurer and who owe past due support and submit
487 the required data for each such ~~noncustodial~~ parent to the
488 department; or

489 2. Submit a data file to the department which contains the
490 required data for each claim being maintained by the insurer for
491 the department to conduct a data match;

492 (b) Providing the required data for each claim being
493 maintained by the insurer directly to the department in an
494 electronic medium; or

495 (c) Receiving or accessing a data file from the department
496 and conducting a data match of all ~~noncustodial~~ parents who have
497 a claim with the insurer and who owe past due support and

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498 submitting the required data for each such ~~neneustodial~~ parent
499 to the department.

500 (5) The department and insurers may only use the data
501 obtained pursuant to subsection (2) for the purpose of
502 identifying ~~neneustodial~~ parents who owe past due support. If
503 the department does not match such data with a ~~neneustodial~~
504 parent who owes past due support, such data shall be destroyed
505 immediately and shall not be maintained by the department.

506 Section 25. Section 409.2577, Florida Statutes, is amended
507 to read:

508 409.2577 Parent locator service.--The department shall
509 establish a parent locator service to assist in locating parents
510 who have deserted their children and other persons liable for
511 support of dependent children. The department shall use all
512 sources of information available, including the Federal Parent
513 Locator Service, and may request and shall receive information
514 from the records of any person or the state or any of its
515 political subdivisions or any officer thereof. Any agency as
516 defined in s. 120.52, any political subdivision, and any other
517 person shall, upon request, provide the department any
518 information relating to location, salary, insurance, social
519 security, income tax, and employment history necessary to locate
520 parents who owe or potentially owe a duty of support pursuant to
521 Title IV-D of the Social Security Act. This provision shall
522 expressly take precedence over any other statutory nondisclosure
523 provision which limits the ability of an agency to disclose such
524 information, except that law enforcement information as provided
525 in s. 119.071(4)(d) is not required to be disclosed, and except
526 that confidential taxpayer information possessed by the
527 Department of Revenue shall be disclosed only to the extent
This amendment was adopted in HF on 3/25/08 and is traveling
with the bill and requires no further action.

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528 authorized in s. 213.053(16). Nothing in this section requires
529 the disclosure of information if such disclosure is prohibited
530 by federal law. Information gathered or used by the parent
531 locator service is confidential and exempt from the provisions
532 of s. 119.07(1). Additionally, the department is authorized to
533 collect any additional information directly bearing on the
534 identity and whereabouts of a person owing or asserted to be
535 owing an obligation of support for a dependent child. The
536 department shall, upon request, make information available only
537 to public officials and agencies of this state; political
538 subdivisions of this state, including any agency thereof
539 providing child support enforcement services to non-Title IV-D
540 clients; the ~~eustodial~~ parent owed support, legal guardian,
541 attorney, or agent of the child; and other states seeking to
542 locate parents who have deserted their children and other
543 persons liable for support of dependents, for the sole purpose
544 of establishing, modifying, or enforcing their liability for
545 support, and shall make such information available to the
546 Department of Children and Family Services for the purpose of
547 diligent search activities pursuant to chapter 39. If the
548 department has reasonable evidence of domestic violence or child
549 abuse and the disclosure of information could be harmful to the
550 ~~eustodial~~ parent owed support or the child of such parent, the
551 child support program director or designee shall notify the
552 Department of Children and Family Services and the Secretary of
553 the United States Department of Health and Human Services of
554 this evidence. Such evidence is sufficient grounds for the
555 department to disapprove an application for location services.

556 Section 26. Paragraph (e) of subsection (1) of section
557 409.2579, Florida Statutes, is amended to read:

This amendment was adopted in HF on 3/25/08 and is traveling with the bill and requires no further action.

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558 409.2579 Safeguarding Title IV-D case file information.--

559 (1) Information concerning applicants for or recipients of
560 Title IV-D child support services is confidential and exempt
561 from the provisions of s. 119.07(1). The use or disclosure of
562 such information by the IV-D program is limited to purposes
563 directly connected with:

564 (e) Mandatory disclosure of identifying and location
565 information as provided in s. 61.13(7)-(8) by the IV-D program
566 when providing Title IV-D services.

567 Section 27. Subsection (11) of section 409.811, Florida
568 Statutes, is amended to read:

569 409.811 Definitions relating to Florida Kidcare Act.--As
570 used in ss. 409.810-409.820, the term:

571 (11) "Family" means the group or the individuals whose
572 income is considered in determining eligibility for the Florida
573 Kidcare program. The family includes a child with a custodial
574 parent or caretaker relative who resides in the same house or
575 living unit or, in the case of a child whose disability of
576 nonage has been removed under chapter 743, the child. The family
577 may also include other individuals whose income and resources
578 are considered in whole or in part in determining eligibility of
579 the child.

580 Section 28. Subsection (5) of section 414.0252, Florida
581 Statutes, is amended to read:

582 414.0252 Definitions.--As used in ss. 414.025-414.55, the
583 term:

584 (5) "Family" means the assistance group or the individuals
585 whose needs, resources, and income are considered when
586 determining eligibility for temporary assistance. The family for
587 purposes of temporary assistance includes the minor child, a
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588 ~~eustodial~~ parent, or caretaker relative who resides in the same
589 house or living unit. The family may also include individuals
590 whose income and resources are considered in whole or in part in
591 determining eligibility for temporary assistance but whose
592 needs, due to federal or state restrictions, are not considered.
593 These individuals include, but are not limited to, ineligible
594 noncitizens or sanctioned individuals.

595 Section 29. Paragraph (a) of subsection (4) and subsection
596 (5) of section 414.065, Florida Statutes, are amended to read:

597 414.065 Noncompliance with work requirements.--

598 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--Unless
599 otherwise provided, the situations listed in this subsection
600 shall constitute exceptions to the penalties for noncompliance
601 with participation requirements, except that these situations do
602 not constitute exceptions to the applicable time limit for
603 receipt of temporary cash assistance:

604 (a) Noncompliance related to child care.--Temporary cash
605 assistance may not be terminated for refusal to participate in
606 work activities if the individual is a single ~~eustodial~~ parent
607 caring for a child who has not attained 6 years of age, and the
608 adult proves to the regional workforce board an inability to
609 obtain needed child care for one or more of the following
610 reasons, as defined in the Child Care and Development Fund State
611 Plan required by 45 C.F.R. part 98:

- 612 1. Unavailability of appropriate child care within a
613 reasonable distance from the individual's home or worksite.
- 614 2. Unavailability or unsuitability of informal child care
615 by a relative or under other arrangements.
- 616 3. Unavailability of appropriate and affordable formal
617 child care arrangements.

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with the bill and requires no further action.

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Amendment No.5 (for drafter's use only)

618 (5) WORK ACTIVITY REQUIREMENTS FOR NONCUSTODIAL PARENTS.--

619 (a) The court may order a ~~noncustodial~~ parent who is
620 delinquent in support payments, pursuant to the terms of a
621 support order, to participate in work activities under this
622 chapter, or as provided in s. 61.14(5)(b), so that the parent
623 may obtain employment and fulfill the obligation to provide
624 support payments. A ~~noncustodial~~ parent who fails to
625 satisfactorily engage in court-ordered work activities may be
626 held in contempt.

627 (b) The court may order a ~~noncustodial~~ parent to
628 participate in work activities under this chapter if the child
629 of the ~~noncustodial~~ parent has been placed with a relative, in
630 an emergency shelter, in foster care, or in other substitute
631 care, and:

632 1. The case plan requires the ~~noncustodial~~ parent to
633 participate in work activities; or

634 2. The ~~noncustodial~~ parent would be eligible to
635 participate in work activities and subject to work activity
636 requirements if the child were living with the parent.

637

638 If a ~~noncustodial~~ parent fails to comply with the case plan, the
639 ~~noncustodial~~ parent may be removed from program participation.

640 Section 30. Paragraph (c) of subsection (1) of section
641 414.085, Florida Statutes, is amended to read:

642 414.085 Income eligibility standards.--

643 (1) For purposes of program simplification and effective
644 program management, certain income definitions, as outlined in
645 the food stamp regulations at 7 C.F.R. s. 273.9, shall be
646 applied to the temporary cash assistance program as determined
647 by the department to be consistent with federal law regarding
This amendment was adopted in HF on 3/25/08 and is traveling
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648 temporary cash assistance and Medicaid for needy families,
649 except as to the following:

650 (c) The first \$50 of child support paid to a ~~eustodial~~
651 parent receiving temporary cash assistance may not be
652 disregarded in calculating the amount of temporary cash
653 assistance for the family, unless such exclusion is required by
654 federal law.

655 Section 31. Subsection (2) and paragraph (a) of subsection
656 (6) of section 414.095, Florida Statutes, are amended to read:

657 414.095 Determining eligibility for temporary cash
658 assistance.--

659 (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

660 (a) To be eligible for services or temporary cash
661 assistance and Medicaid:

662 1. An applicant must be a United States citizen, or a
663 qualified noncitizen, as defined in this section.

664 2. An applicant must be a legal resident of the state.

665 3. Each member of a family must provide to the department
666 the member's social security number or shall provide proof of
667 application for a social security number. An individual who
668 fails to provide a social security number, or proof of
669 application for a social security number, is not eligible to
670 participate in the program.

671 4. A minor child must reside with a ~~eustodial~~ parent or
672 parents, with a relative caretaker who is within the specified
673 degree of blood relationship as defined by 45 C.F.R. part 233,
674 or, if the minor is a teen parent with a child, in a setting
675 approved by the department as provided in subsection (14).

676 5. Each family must have a minor child and meet the income
677 and resource requirements of the program. All minor children who
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678 live in the family, as well as the parents of the minor
679 children, shall be included in the eligibility determination
680 unless specifically excluded.

681 (b) The following members of a family are eligible to
682 participate in the program if all eligibility requirements are
683 met:

684 1. A minor child who resides with a ~~eustodial~~ parent or
685 other adult caretaker relative.

686 2. The parent of a minor child with whom the child
687 resides.

688 3. The caretaker relative with whom the minor child
689 resides who chooses to have her or his needs and income included
690 in the family.

691 4. Unwed minor children and their children if the unwed
692 minor child lives at home or in an adult-supervised setting and
693 if temporary cash assistance is paid to an alternative payee.

694 5. A pregnant woman.

695 (6) CHILD SUPPORT ENFORCEMENT.--As a condition of
696 eligibility for public assistance, the family must cooperate
697 with the state agency responsible for administering the child
698 support enforcement program in establishing the paternity of the
699 child, if the child is born out of wedlock, and in obtaining
700 support for the child or for the parent or caretaker relative
701 and the child. Cooperation is defined as:

702 (a) Assisting in identifying and locating a ~~noneustodial~~
703 parent who does not live in the same home as the child and
704 providing complete and accurate information on that parent;

705

706 This subsection does not apply if the state agency that
707 administers the child support enforcement program determines
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708 that the parent or caretaker relative has good cause for failing
709 to cooperate.

710 Section 32. Subsection (1) of section 414.295, Florida
711 Statutes, is amended to read:

712 414.295 Temporary cash assistance programs; public records
713 exemption.--

714 (1) Personal identifying information of a temporary cash
715 assistance program participant, a participant's family, or a
716 participant's family or household member, except for information
717 identifying a ~~noncustodial~~ parent who does not live in the same
718 home as the child, held by the department, the Agency for
719 Workforce Innovation, Workforce Florida, Inc., the Department of
720 Health, the Department of Revenue, the Department of Education,
721 or a regional workforce board or local committee created
722 pursuant to s. 445.007 is confidential and exempt from s.
723 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
724 confidential and exempt information may be released for purposes
725 directly connected with:

726 (a) The administration of the temporary assistance for
727 needy families plan under Title IV-A of the Social Security Act,
728 as amended, by the department, the Agency for Workforce
729 Innovation, Workforce Florida, Inc., the Department of Military
730 Affairs, the Department of Health, the Department of Revenue,
731 the Department of Education, a regional workforce board or local
732 committee created pursuant to s. 445.007, or a school district.

733 (b) The administration of the state's plan or program
734 approved under Title IV-B, Title IV-D, or Title IV-E of the
735 Social Security Act, as amended, or under Title I, Title X,
736 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
737 Social Security Act, as amended.

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with the bill and requires no further action.

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738 (c) Any investigation, prosecution, or any criminal,
739 civil, or administrative proceeding conducted in connection with
740 the administration of any of the plans or programs specified in
741 paragraph (a) or paragraph (b) by a federal, state, or local
742 governmental entity, upon request by that entity, when such
743 request is made pursuant to the proper exercise of that entity's
744 duties and responsibilities.

745 (d) The administration of any other state, federal, or
746 federally assisted program that provides assistance or services
747 on the basis of need, in cash or in kind, directly to a
748 participant.

749 (e) Any audit or similar activity, such as a review of
750 expenditure reports or financial review, conducted in connection
751 with the administration of any of the plans or programs
752 specified in paragraph (a) or paragraph (b) by a governmental
753 entity authorized by law to conduct such audit or activity.

754 (f) The administration of the unemployment compensation
755 program.

756 (g) The reporting to the appropriate agency or official of
757 information about known or suspected instances of physical or
758 mental injury, sexual abuse or exploitation, or negligent
759 treatment or maltreatment of a child or elderly person receiving
760 assistance, if circumstances indicate that the health or welfare
761 of the child or elderly person is threatened.

762 (h) The administration of services to elderly persons
763 under ss. 430.601-430.606.

764

765

766

This amendment was adopted in HF on 3/25/08 and is traveling with the bill and requires no further action.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 (for drafter's use only)

Bill No. 1075

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: Healthcare Council

2 Representative Frishe offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. The Division of Statutory Revision is directed
7 to redesignate chapter 61, Florida Statutes, as "Dissolution of
8 Marriage; Support; Time-sharing."

9 Section 2. Section 61.046, Florida Statutes, is amended to
10 read:

11 61.046 Definitions.--As used in this chapter, the term:

12 (1) "Business day" means any day other than a Saturday,
13 Sunday, or legal holiday.

14 (2) "Clerk of Court Child Support Collection System" or
15 "CLERC System" means the automated system established pursuant
16 to s. 61.181(2)(b)1., integrating all clerks of court and
17 depositories and through which payment data and State Case
18 Registry data is transmitted to the department's automated child
19 support enforcement system.

20 ~~(3) "Custodial parent" or "primary residential parent"~~
21 ~~means the parent with whom the child maintains his or her~~
22 ~~primary residence.~~

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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23 ~~(3)-(4)~~ "Department" means the Department of Revenue.

24 ~~(4)-(5)~~ "Depository" means the central governmental
25 depository established pursuant to s. 61.181, created by special
26 act of the Legislature or other entity established before June
27 1, 1985, to perform depository functions and to receive, record,
28 report, disburse, monitor, and otherwise handle alimony and
29 child support payments not otherwise required to be processed by
30 the State Disbursement Unit.

31 ~~(5)-(6)~~ "Electronic communication" means contact, other
32 than face-to-face contact, facilitated by tools such as
33 telephones, electronic mail or e-mail, webcams, video-
34 conferencing equipment and software or other wired or wireless
35 technologies, or other means of communication to supplement
36 face-to-face contact between a parent and that parent's minor
37 child.

38 ~~(6)-(7)~~ "Federal Case Registry of Child Support Orders"
39 means the automated registry of support order abstracts and
40 other information established and maintained by the United
41 States Department of Health and Human Services as provided by 42
42 U.S.C. s. 653(h).

43 ~~(7)-(8)~~ "Income" means any form of payment to an
44 individual, regardless of source, including, but not limited to:
45 wages, salary, commissions and bonuses, compensation as an
46 independent contractor, worker's compensation, disability
47 benefits, annuity and retirement benefits, pensions, dividends,
48 interest, royalties, trusts, and any other payments, made by any
49 person, private entity, federal or state government, or any unit
50 of local government. United States Department of Veterans
51 Affairs disability benefits and unemployment compensation, as
52 defined in chapter 443, are excluded from this definition of
53 income except for purposes of establishing an amount of support.

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54 ~~(8)-(9)~~ "IV-D" means services provided pursuant to Title
55 IV-D of the Social Security Act, 42 U.S.C. ss. 651 et seq.

56 ~~(9)-(10)~~ "Local officer" means an elected or appointed
57 constitutional or charter government official including, but not
58 limited to, the state attorney and clerk of the circuit court.

59 ~~(10)-(11)~~ "National medical support notice" means the
60 notice required under 42 U.S.C. s. 666(a)(19).

61 ~~(12)~~ "~~Noncustodial parent~~" means the parent with whom the
62 child does not maintain his or her primary residence.

63 ~~(11)-(13)~~ "Obligee" means the person to whom payments are
64 made pursuant to an order establishing, enforcing, or modifying
65 an obligation for alimony, for child support, or for alimony and
66 child support.

67 ~~(12)-(14)~~ "Obligor" means a person responsible for making
68 payments pursuant to an order establishing, enforcing, or
69 modifying an obligation for alimony, for child support, or for
70 alimony and child support.

71 (13) "Parenting plan" means a document created to govern
72 the relationship between the parties relating to the decisions
73 that must be made regarding the minor child and shall contain a
74 time-sharing schedule for the parents and child. The issues
75 concerning the minor child may include, but are not limited to,
76 the child's education, health care, and physical, social, and
77 emotional well-being. In creating the plan, all circumstances
78 between the parties, including the parties' historic
79 relationship, domestic violence, and other factors must be taken
80 into consideration. The parenting plan shall be developed and
81 agreed to by the parents and approved by a court or, if the
82 parents cannot agree, established by the court.

83 (a) Any parenting plan formulated under this chapter must
84 address all jurisdictional issues, including, but not limited

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85 to, the Uniform Child Custody Jurisdiction and Enforcement Act,
86 part II of this chapter, the International Child Abduction
87 Remedies Act, 42 U.S.C. ss. 11601 et seq., the Parental
88 Kidnapping Prevention Act, and the Convention on the Civil
89 Aspects of International Child Abduction enacted at the Hague on
90 October 25, 1980.

91 (b) For purposes of the application of the Uniform Child
92 Custody Jurisdiction and Enforcement Act, part II of this
93 chapter, a judgment or order incorporating a parenting plan
94 under this part is a child custody determination under part II
95 of this chapter.

96 (c) For purposes of the International Child Abduction
97 Remedies Act, 42 U.S.C. ss. 11601 et seq., and the Convention on
98 the Civil Aspects of International Child Abduction, enacted at
99 the Hague on October 25, 1980, rights of custody shall be
100 determined under the parenting plan under this part.

101 (14) "Parenting plan recommendation" means a nonbinding
102 recommendation made by a psychologist licensed under chapter
103 490.

104 (15) "Payor" means an employer or former employer or any
105 other person or agency providing or administering income to the
106 obligor.

107 (16) "Shared parental responsibility" means a court-
108 ordered relationship in which both parents retain full parental
109 rights and responsibilities with respect to their child and in
110 which both parents confer with each other so that major
111 decisions affecting the welfare of the child will be determined
112 jointly.

113 (17) "Sole parental responsibility" means a court-ordered
114 relationship in which one parent makes decisions regarding the
115 minor child.

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116 (18) "State Case Registry" means the automated registry
117 maintained by the Title IV-D agency, containing records of each
118 Title IV-D case and of each support order established or
119 modified in the state on or after October 1, 1998. Such records
120 shall consist of data elements as required by the United States
121 Secretary of Health and Human Services.

122 (19) "State Disbursement Unit" means the unit established
123 and operated by the Title IV-D agency to provide one central
124 address for collection and disbursement of child support
125 payments made in cases enforced by the department pursuant to
126 Title IV-D of the Social Security Act and in cases not being
127 enforced by the department in which the support order was
128 initially issued in this state on or after January 1, 1994, and
129 in which the obligor's child support obligation is being paid
130 through income deduction order.

131 (20) "Support order" means a judgment, decree, or order,
132 whether temporary or final, issued by a court of competent
133 jurisdiction or administrative agency for the support and
134 maintenance of a child which provides for monetary support,
135 health care, arrearages, or past support. When the child support
136 obligation is being enforced by the Department of Revenue, the
137 term "support order" also means a judgment, decree, or order,
138 whether temporary or final, issued by a court of competent
139 jurisdiction for the support and maintenance of a child and the
140 spouse or former spouse of the obligor with whom the child is
141 living which provides for monetary support, health care,
142 arrearages, or past support.

143 (21) "Support," unless otherwise specified, means:

144 (a) Child support and, when the child support obligation
145 is being enforced by the Department of Revenue, spousal support

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146 or alimony for the spouse or former spouse of the obligor with
147 whom the child is living.

148 (b) Child support only in cases not being enforced by the
149 Department of Revenue.

150 (22) "Time-sharing schedule" means a timetable that must
151 be included in the parenting plan that specifies the time,
152 including overnights and holidays, that a minor child will spend
153 with each parent. If developed and agreed to by the parents of a
154 minor child, it must be approved by the court. If the parents
155 cannot agree, the schedule shall be established by the court.

156 Section 3. Subsection (3) of section 61.052, Florida
157 Statutes, is amended to read:

158 61.052 Dissolution of marriage.--

159 (3) During any period of continuance, the court may make
160 appropriate orders for the support and alimony of the parties;
161 the parenting plan primary residence, custody, rotating custody,
162 visitation, support, maintenance, and education of the minor
163 child of the marriage; attorney's fees; and the preservation of
164 the property of the parties.

165 Section 4. Section 61.09, Florida Statutes, is amended to
166 read:

167 61.09 Alimony and child support unconnected with
168 dissolution.--If a person having the ability to contribute to
169 the maintenance of his or her spouse and support of his or her
170 minor child fails to do so, the spouse who is not receiving
171 support ~~or who has custody of the child or with whom the child~~
172 ~~has primary residence~~ may apply to the court for alimony and for
173 support for the child without seeking dissolution of marriage,
174 and the court shall enter an order as it deems just and proper.

175 Section 5. Section 61.10, Florida Statutes, is amended to
176 read:

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177 61.10 Adjudication of obligation to support spouse or
178 minor child unconnected with dissolution; parenting plan child
179 ~~custody, child's primary residence, and visitation.~~--Except when
180 relief is afforded by some other pending civil action or
181 proceeding, a spouse residing in this state apart from his or
182 her spouse and minor child, whether or not such separation is
183 through his or her fault, may obtain an adjudication of
184 obligation to maintain the spouse and minor child, if any. The
185 court shall adjudicate his or her financial obligations to the
186 spouse and child and, shall establish the parenting plan for
187 ~~child's primary residence, and shall determine the custody and~~
188 ~~visitation rights~~ of the parties. Such an action does not
189 preclude either party from maintaining any other proceeding
190 under this chapter for other or additional relief at any time.

191 Section 6. Section 61.121, Florida Statutes, is repealed.

192 Section 7. Section 61.122, Florida Statutes, is amended to
193 read:

194 61.122 Parenting plan recommendation ~~Child custody~~
195 ~~evaluations~~; presumption of psychologist's good faith;
196 prerequisite to parent's filing suit; award of fees, costs,
197 reimbursement.--

198 (1) A psychologist who has been appointed by the court to
199 develop a parenting plan recommendation ~~conduct a child custody~~
200 ~~evaluation~~ in a dissolution of marriage, a case of domestic
201 violence, or a paternity matter involving the relationship of a
202 child and a parent, including time-sharing of children, judicial
203 ~~proceeding~~ is presumed to be acting in good faith if the
204 psychologist's recommendation evaluation has been reached under
205 ~~conducted pursuant to~~ standards that a reasonable psychologist
206 would use to develop a parenting plan recommendation ~~have used~~

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207 ~~as recommended by the American Psychological Association's~~
208 ~~guidelines for child custody evaluation in divorce proceedings.~~

209 (2) An administrative complaint against a court-appointed
210 psychologist which relates to a parenting plan recommendation
211 ~~child custody evaluation~~ conducted by the psychologist may not
212 be filed anonymously. The individual who files such an
213 administrative complaint must include in the complaint his or
214 her name, address, and telephone number.

215 (3) A parent who desires ~~wishes~~ to file a legal action
216 against a court-appointed psychologist who has acted in good
217 faith in developing ~~conducting~~ a parenting plan recommendation
218 ~~child custody evaluation~~ must petition the judge who presided
219 over the dissolution of marriage, case of domestic violence, or
220 paternity matter involving the relationship of a child and a
221 parent, including time-sharing of children, child custody
222 ~~proceeding~~ to appoint another psychologist. Upon the parent's
223 showing of good cause, the court shall appoint another
224 psychologist. The court shall determine ~~make a determination~~ as
225 to who is responsible for all court costs and attorney's fees
226 associated with making such an appointment.

227 (4) If a legal action, whether it be a civil action, a
228 criminal action, or an administrative proceeding, is filed
229 against a court-appointed psychologist in a dissolution of
230 marriage, case of domestic violence, or paternity matter
231 involving the relationship of a child and a parent, including
232 time-sharing of children ~~child custody proceeding~~, the claimant
233 is responsible for all reasonable costs and reasonable
234 attorney's fees associated with the action for both parties if
235 the psychologist is held not liable. If the psychologist is held
236 liable in civil court, the psychologist must pay all reasonable
237 costs and reasonable attorney's fees for the claimant.

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238 Section 8. Section 61.13, Florida Statutes, is amended to
239 read:

240 61.13 ~~Custody and Support of children; parenting and time-~~
241 ~~sharing visitation rights; powers~~ power of court in making
242 orders.--

243 (1) (a) In a proceeding under this chapter, the court may
244 at any time order either or both parents who owe a duty of
245 support to a child to pay support to the other parent or, in the
246 case of both parents, to the person with custody in accordance
247 with the child support guidelines schedule in s. 61.30. The
248 court initially entering an order requiring one or both parents
249 to make child support payments has ~~shall~~ have continuing
250 jurisdiction after the entry of the initial order to modify the
251 amount and terms and conditions of the child support payments
252 when the modification is found necessary by the court in the
253 best interests of the child, when the child reaches majority, ~~or~~
254 when there is a substantial change in the circumstances of the
255 parties, when s. 743.07(2) applies, or when a child is
256 emancipated, marries, joins the armed services, or dies. The
257 court initially entering a child support order has ~~shall~~ also
258 have continuing jurisdiction to require the obligee to report to
259 the court on terms prescribed by the court regarding the
260 disposition of the child support payments.

261 (b) Each order for support shall contain a provision for
262 health care coverage for the minor child when the coverage is
263 reasonably available. Coverage is reasonably available if either
264 the obligor or obligee has access at a reasonable rate to a
265 group health plan. The court may require the obligor either to
266 provide health care coverage or to reimburse the obligee for the
267 cost of health care coverage for the minor child when coverage
268 is provided by the obligee. In either event, the court shall

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269 apportion the cost of coverage, and any noncovered medical,
270 dental, and prescription medication expenses of the child, to
271 both parties by adding the cost to the basic obligation
272 determined pursuant to s. 61.30(6). The court may order that
273 payment of uncovered medical, dental, and prescription
274 medication expenses of the minor child be made directly to the
275 obligee on a percentage basis.

276 1. In a non-Title IV-D case, a copy of the court order for
277 health care coverage shall be served on the obligor's union or
278 employer by the obligee when the following conditions are met:

279 a. The obligor fails to provide written proof to the
280 obligee within 30 days after receiving effective notice of the
281 court order that the health care coverage has been obtained or
282 that application for coverage has been made;

283 b. The obligee serves written notice of intent to enforce
284 an order for health care coverage on the obligor by mail at the
285 obligor's last known address; and

286 c. The obligor fails within 15 days after the mailing of
287 the notice to provide written proof to the obligee that the
288 health care coverage existed as of the date of mailing.

289 2.a. A support order enforced under Title IV-D of the
290 Social Security Act which requires that the obligor provide
291 health care coverage is enforceable by the department through
292 the use of the national medical support notice, and an amendment
293 to the support order is not required. The department shall
294 transfer the national medical support notice to the obligor's
295 union or employer. The department shall notify the obligor in
296 writing that the notice has been sent to the obligor's union or
297 employer, and the written notification must include the
298 obligor's rights and duties under the national medical support
299 notice. The obligor may contest the withholding required by the

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300 national medical support notice based on a mistake of fact. To
301 contest the withholding, the obligor must file a written notice
302 of contest with the department within 15 business days after the
303 date the obligor receives written notification of the national
304 medical support notice from the department. Filing with the
305 department is complete when the notice is received by the person
306 designated by the department in the written notification. The
307 notice of contest must be in the form prescribed by the
308 department. Upon the timely filing of a notice of contest, the
309 department shall, within 5 business days, schedule an informal
310 conference with the obligor to discuss the obligor's factual
311 dispute. If the informal conference resolves the dispute to the
312 obligor's satisfaction or if the obligor fails to attend the
313 informal conference, the notice of contest is deemed withdrawn.
314 If the informal conference does not resolve the dispute, the
315 obligor may request an administrative hearing under chapter 120
316 within 5 business days after the termination of the informal
317 conference, in a form and manner prescribed by the department.
318 However, the filing of a notice of contest by the obligor does
319 not delay the withholding of premium payments by the union,
320 employer, or health plan administrator. The union, employer, or
321 health plan administrator must implement the withholding as
322 directed by the national medical support notice unless notified
323 by the department that the national medical support notice is
324 terminated.

325 b. In a Title IV-D case, the department shall notify an
326 obligor's union or employer if the obligation to provide health
327 care coverage through that union or employer is terminated.

328 3. In a non-Title IV-D case, upon receipt of the order
329 pursuant to subparagraph 1., or upon application of the obligor
330 pursuant to the order, the union or employer shall enroll the

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331 minor child as a beneficiary in the group health plan regardless
332 of any restrictions on the enrollment period and withhold any
333 required premium from the obligor's income. If more than one
334 plan is offered by the union or employer, the child shall be
335 enrolled in the group health plan in which the obligor is
336 enrolled.

337 4.a. Upon receipt of the national medical support notice
338 under subparagraph 2. in a Title IV-D case, the union or
339 employer shall transfer the notice to the appropriate group
340 health plan administrator within 20 business days after the date
341 on the notice. The plan administrator must enroll the child as a
342 beneficiary in the group health plan regardless of any
343 restrictions on the enrollment period, and the union or employer
344 must withhold any required premium from the obligor's income
345 upon notification by the plan administrator that the child is
346 enrolled. The child shall be enrolled in the group health plan
347 in which the obligor is enrolled. If the group health plan in
348 which the obligor is enrolled is not available where the child
349 resides or if the obligor is not enrolled in group coverage, the
350 child shall be enrolled in the lowest cost group health plan
351 that is available where the child resides.

352 b. If health care coverage or the obligor's employment is
353 terminated in a Title IV-D case, the union or employer that is
354 withholding premiums for health care coverage under a national
355 medical support notice must notify the department within 20 days
356 after the termination and provide the obligor's last known
357 address and the name and address of the obligor's new employer,
358 if known.

359 5.a. The amount withheld by a union or employer in
360 compliance with a support order may not exceed the amount
361 allowed under s. 303(b) of the Consumer Credit Protection Act,

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362 15 U.S.C. s. 1673(b), as amended. The union or employer shall
363 withhold the maximum allowed by the Consumer Credit Protection
364 Act in the following order:

365 (I) Current support, as ordered.

366 (II) Premium payments for health care coverage, as
367 ordered.

368 (III) Past due support, as ordered.

369 (IV) Other medical support or coverage, as ordered.

370 b. If the combined amount to be withheld for current
371 support plus the premium payment for health care coverage exceed
372 the amount allowed under the Consumer Credit Protection Act, and
373 the health care coverage cannot be obtained unless the full
374 amount of the premium is paid, the union or employer may not
375 withhold the premium payment. However, the union or employer
376 shall withhold the maximum allowed in the following order:

377 (I) Current support, as ordered.

378 (II) Past due support, as ordered.

379 (III) Other medical support or coverage, as ordered.

380 6. An employer, union, or plan administrator who does not
381 comply with the requirements in sub-subparagraph 4.a. is subject
382 to a civil penalty not to exceed \$250 for the first violation
383 and \$500 for subsequent violations, plus attorney's fees and
384 costs. The department may file a petition in circuit court to
385 enforce the requirements of this subparagraph subsection.

386 7. The department may adopt rules to administer the child
387 support enforcement provisions of this section that affect Title
388 IV-D cases.

389 (c) To the extent necessary to protect an award of child
390 support, the court may order the obligor to purchase or maintain
391 a life insurance policy or a bond, or to otherwise secure the

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392 child support award with any other assets which may be suitable
393 for that purpose.

394 (d)1. Unless the provisions of subparagraph 3. apply, all
395 child support orders entered on or after January 1, 1985, shall
396 direct that the payments of child support be made as provided in
397 s. 61.181 through the depository in the county where the court
398 is located. All child support orders shall provide the full name
399 and date of birth of each minor child who is the subject of the
400 child support order.

401 2. Unless the provisions of subparagraph 3. apply, all
402 child support orders entered before January 1, 1985, shall be
403 modified by the court to direct that payments of child support
404 shall be made through the depository in the county where the
405 court is located upon the subsequent appearance of either or
406 both parents to modify or enforce the order, or in any related
407 proceeding.

408 3. If both parties request and the court finds that it is
409 in the best interest of the child, support payments need not be
410 directed through the depository. The order of support shall
411 provide, or shall be deemed to provide, that either party may
412 subsequently apply to the depository to require direction of the
413 payments through the depository. The court shall provide a copy
414 of the order to the depository.

415 4. If the parties elect not to require that support
416 payments be made through the depository, any party may
417 subsequently file an affidavit with the depository alleging a
418 default in payment of child support and stating that the party
419 wishes to require that payments be made through the depository.
420 The party shall provide copies of the affidavit to the court and
421 to each other party. Fifteen days after receipt of the

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422 affidavit, the depository shall notify both parties that future
423 payments shall be paid through the depository.

424 5. In IV-D cases, the IV-D agency shall have the same
425 rights as the obligee in requesting that payments be made
426 through the depository.

427 (2) (a) The court shall have jurisdiction to approve,
428 grant, or modify a parenting plan ~~determine custody,~~
429 notwithstanding that the child is not physically present in this
430 state at the time of filing any proceeding under this chapter,
431 if it appears to the court that the child was removed from this
432 state for the primary purpose of removing the child from the
433 jurisdiction of the court in an attempt to avoid the court's
434 approval, creation, or modification of a parenting plan a
435 ~~determination or modification of custody.~~

436 (b) Any parenting plan approved by the court must, at
437 minimum, describe in adequate detail how the parents will share
438 and be responsible for the daily tasks associated with the
439 upbringing of the child, the time-sharing schedule arrangements
440 that specify the time that the minor child will spend with each
441 parent, a designation of who will be responsible for any and all
442 forms of health care, school-related matters, other activities,
443 and the methods and technologies that the parents will use to
444 communicate with the child.

445 (c) ~~(b)~~ 1. The court shall determine all matters relating to
446 parenting and time-sharing custody of each minor child of the
447 parties in accordance with the best interests of the child and
448 in accordance with the Uniform Child Custody Jurisdiction and
449 Enforcement Act. It is the public policy of this state to assure
450 that each minor child has frequent and continuing contact with
451 both parents after the parents separate or the marriage of the
452 parties is dissolved and to encourage parents to share the

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453 rights and responsibilities, and joys, of childrearing. There is
454 no presumption for or against ~~After considering all relevant~~
455 ~~facts,~~ the father or mother of the child when creating or
456 modifying the parenting plan shall be given the same
457 ~~consideration as the mother in determining the primary residence~~
458 ~~of a child irrespective of the age or sex~~ of the child.

459 2. The court shall order that the parental responsibility
460 for a minor child be shared by both parents unless the court
461 finds that shared parental responsibility would be detrimental
462 to the child. Evidence that a parent has been convicted of a
463 felony of the third degree or higher involving domestic
464 violence, as defined in s. 741.28 and chapter 775, or meets the
465 criteria of s. 39.806(1)(d), creates a rebuttable presumption of
466 detriment to the child. If the presumption is not rebutted,
467 shared parental responsibility, including time-sharing with
468 ~~visitation, residence of~~ the child, and decisions made regarding
469 the child, may not be granted to the convicted parent. However,
470 the convicted parent is not relieved of any obligation to
471 provide financial support. If the court determines that shared
472 parental responsibility would be detrimental to the child, it
473 may order sole parental responsibility and make such
474 arrangements for time-sharing as specified in the parenting plan
475 ~~visitation~~ as will best protect the child or abused spouse from
476 further harm. Whether or not there is a conviction of any
477 offense of domestic violence or child abuse or the existence of
478 an injunction for protection against domestic violence, the
479 court shall consider evidence of domestic violence or child
480 abuse as evidence of detriment to the child.

481 a. In ordering shared parental responsibility, the court
482 may consider the expressed desires of the parents and may grant
483 to one party the ultimate responsibility over specific aspects

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484 of the child's welfare or may divide those responsibilities
485 between the parties based on the best interests of the child.
486 Areas of responsibility may include ~~primary residence,~~
487 education, health care ~~medical and dental care~~, and any other
488 responsibilities that the court finds unique to a particular
489 family.

490 b. The court shall order "sole parental responsibility for
491 a minor child to one parent, with or without time-sharing with
492 ~~visitation rights, to the other parent~~" when it is in the best
493 interests of^u the minor child.

494 3. Access to records and information pertaining to a minor
495 child, including, but not limited to, medical, dental, and
496 school records, may not be denied to either a parent ~~because the~~
497 ~~parent is not the child's primary residential parent~~. Full
498 rights under this subparagraph apply to either parent unless a
499 court order specifically revokes these rights, including any
500 restrictions on these rights as provided in a domestic violence
501 injunction. A parent having rights under this subparagraph has
502 the same rights upon request as to form, substance, and manner
503 of access as are available to the other parent of a child,
504 including, without limitation, the right to in-person
505 communication with medical, dental, and education providers.

506 ~~(d)-(e)~~ The circuit court in the county in which either
507 parent and the child reside or the circuit court in which the
508 original order approving or creating the parenting plan ~~award of~~
509 ~~e custody~~ was entered has ~~have~~ jurisdiction to modify the
510 parenting plan ~~an award of child custody~~. The court may change
511 the venue in accordance with s. 47.122.

512 (3) For purposes of establishing or modifying parental
513 responsibility and creating, developing, approving, or modifying
514 a parenting plan, including a time-sharing schedule, which

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515 governs each parent's relationship with his or her minor child
516 and the relationship between each parent with regard to his or
517 her minor child, the best interest of the child shall be the
518 primary consideration. Determination of the best interests of
519 the child shall be made by evaluating all of the factors
520 affecting the welfare and interests of the minor child,
521 including, but not limited to:

522 (a) The demonstrated capacity and disposition of each
523 parent to facilitate and encourage a close and continuing
524 parent-child relationship, to honor the time-sharing schedule,
525 and to be reasonable when changes are required.

526 (b) The anticipated division of parental responsibilities
527 after the litigation, including the extent to which parental
528 responsibilities will be delegated to third parties.

529 (c) The demonstrated capacity and disposition of each
530 parent to determine, consider, and act upon the needs of the
531 child as opposed to the needs or desires of the parent. shared
532 parental responsibility and primary residence, the best
533 interests of the child shall include an evaluation of all
534 factors affecting the welfare and interests of the child,
535 including, but not limited to:

536 (a) The parent who is more likely to allow the child
537 frequent and continuing contact with the nonresidential parent.

538 (b) The love, affection, and other emotional ties existing
539 between the parents and the child.

540 (c) The capacity and disposition of the parents to provide
541 the child with food, clothing, medical care or other remedial
542 care recognized and permitted under the laws of this state in
543 lieu of medical care, and other material needs.

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544 (d) The length of time the child has lived in a stable,
545 satisfactory environment and the desirability of maintaining
546 continuity.

547 (e) The geographic viability of the parenting plan, with
548 special attention paid to the needs of school-age children and
549 the amount of time to be spent traveling to effectuate the
550 parenting plan. This factor does not create a presumption for or
551 against relocation of either parent with a child ~~The permanence,~~
552 ~~as a family unit, of the existing or proposed custodial home.~~

553 (f) The moral fitness of the parents.

554 (g) The mental and physical health of the parents.

555 (h) The demonstrated knowledge, capacity, and disposition
556 of each parent to be informed of the circumstances of the minor
557 child, including, but not limited to, the child's friends,
558 teachers, medical care providers, daily activities, and favorite
559 things ~~The home, school, and community record of the child.~~

560 (i) The demonstrated capacity and disposition of each
561 parent to provide a consistent routine for the child, such as
562 discipline, and daily schedules for homework, meals, and bedtime
563 ~~The reasonable preference of the child, if the court deems the~~
564 ~~child to be of sufficient intelligence, understanding, and~~
565 ~~experience to express a preference.~~

566 (j) The demonstrated capacity of each parent to
567 communicate with the other parent and keep the other parent
568 informed of issues and activities regarding the minor child, and
569 the willingness of each parent to adopt a unified front on all
570 major issues when dealing with the child ~~The willingness and~~
571 ~~ability of each parent to facilitate and encourage a close and~~
572 ~~continuing parent child relationship between the child and the~~
573 ~~other parent.~~

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574 (k) Evidence of domestic violence, sexual violence, child
575 abuse, child abandonment, or child neglect, regardless of
576 whether a prior or pending action regarding those issues has
577 been brought that any party has knowingly provided false
578 information to the court regarding a domestic violence
579 proceeding pursuant to s. 741.30.

580 (l) Evidence that either parent has knowingly provided
581 false information to the court regarding any prior or pending
582 action regarding domestic violence, sexual violence, child
583 abuse, child abandonment, or child neglect of domestic violence
584 or child abuse.

585 (m) The particular parenting tasks customarily performed
586 by each parent and the division of parental responsibilities
587 before the institution of litigations and during the pending
588 litigation, including the extent to which parenting
589 responsibilities were undertaken by third parties Any other fact
590 considered by the court to be relevant.

591 (n) The demonstrated capacity and disposition of each
592 parent to participate and be involved in the child's school and
593 extracurricular activities.

594 (o) The demonstrated capacity and disposition of each
595 parent to maintain an environment for the child which is free
596 from substance abuse.

597 (p) The capacity and disposition of each parent to protect
598 the child from the ongoing litigation as demonstrated by not
599 discussing the litigation with the child, not sharing documents
600 or electronic media related to the litigation with the child,
601 and refraining from disparaging comments about the other parent
602 to the child.

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603 (g) The developmental stages and needs of the child and
604 the demonstrated capacity and disposition of each parent to meet
605 the child's developmental needs.

606 (r) Any other factor that is relevant to the determination
607 of a specific parenting plan, including the time-sharing
608 schedule.

609 (4) (a) When a ~~nonecustodial~~ parent who is ordered to pay
610 child support or alimony ~~and who is awarded visitation rights~~
611 fails to pay child support or alimony, the ~~eustodial~~ parent who
612 should have received the child support or alimony may shall not
613 refuse to honor the time-sharing schedule presently in effect
614 between the parents nonecustodial parent's visitation rights.

615 (b) When a ~~eustodial~~ parent refuses to honor the other a
616 nonecustodial parent's visitation rights under the time-sharing
617 schedule, the ~~nonecustodial~~ parent whose time-sharing rights were
618 violated shall continue not fail to pay any ordered child
619 support or alimony.

620 (c) When a ~~eustodial~~ parent refuses to honor the time-
621 sharing schedule in the parenting plan a nonecustodial parent's
622 or grandparent's visitation rights without proper cause, the
623 court:

624 1. Shall, after calculating the amount of time-sharing
625 visitation improperly denied, award the nonecustodial parent
626 denied time or grandparent a sufficient amount of extra time-
627 sharing visitation to compensate for the time-sharing missed,
628 and such time-sharing the nonecustodial parent or grandparent,
629 which visitation shall be ordered as expeditiously as possible
630 in a manner consistent with the best interests of the child and
631 scheduled in a manner that is convenient for the parent person
632 deprived of time-sharing visitation. In ordering any makeup
633 time-sharing visitation, the court shall schedule such time-

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634 sharing visitation in a manner that is consistent with the best
635 interests of the child or children and that is convenient for
636 the nonoffending ~~noncustodial~~ parent and at the expense of the
637 noncompliant parent. ~~or grandparent.~~ In addition, the court:

638 2.1. May order the ~~custodial~~ parent who did not provide
639 time-sharing or did not properly exercise time-sharing under the
640 time-sharing schedule to pay reasonable court costs and
641 attorney's fees incurred by the ~~nonoffending noncustodial~~ parent
642 ~~or grandparent~~ to enforce the time-sharing schedule. ~~their~~
643 ~~visitation rights or make up improperly denied visitation.~~

644 3.2. May order the ~~custodial~~ parent who did not provide
645 time-sharing or did not properly exercise time-sharing under the
646 time-sharing schedule to attend a ~~the~~ parenting course approved
647 by the judicial circuit.

648 4.3. May order the ~~custodial~~ parent who did not provide
649 time-sharing or did not properly exercise time-sharing under the
650 time-sharing schedule to do community service if the order will
651 not interfere with the welfare of the child.

652 5.4. May order the ~~custodial~~ parent who did not provide
653 time-sharing or did not properly exercise time-sharing under the
654 time-sharing schedule to have the financial burden of promoting
655 frequent and continuing contact when ~~that the~~ ~~custodial~~ parent
656 and child reside further than 60 miles from the ~~other~~
657 ~~noncustodial~~ parent.

658 6.5. May award ~~custody, rotating custody, or primary~~
659 ~~residence to the noncustodial~~ parent, upon the request of the
660 ~~noncustodial~~ parent who did not violate the time-sharing
661 schedule, modify the parenting plan if modification ~~the~~ award is
662 in the best interests of the child.

663 7.6. May impose any other reasonable sanction as a result
664 of noncompliance.

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665 (d) A person who violates this subsection may be punished
666 by contempt of court or other remedies as the court deems
667 appropriate.

668 (5) The court may make specific orders regarding the
669 parenting plan and time-sharing schedule for the care and
670 custody of the minor child as such orders relate to from the
671 circumstances of the parties and the nature of the case and are
672 is equitable and provide for child support in accordance with
673 the guidelines schedule in s. 61.30. An order for equal time-
674 sharing for award of shared parental responsibility of a minor
675 child does not preclude the court from entering an order for
676 child support of the child.

677 (6) In any proceeding under this section, the court may
678 not deny shared parental responsibility and time-sharing,
679 custody, or visitation rights to a parent or grandparent solely
680 because that parent or grandparent is or is believed to be
681 infected with human immunodeficiency virus, + but the court may
682 condition such rights to require that parent in an order
683 approving the parenting plan upon the parent's or grandparent's
684 agreement to observe measures approved by the Centers for
685 Disease Control and Prevention of the United States Public
686 Health Service or by the Department of Health for preventing the
687 spread of human immunodeficiency virus to the child.

688 ~~(7) If the court orders that parental responsibility,~~
689 ~~including visitation, be shared by both parents, the court may~~
690 ~~not deny the noncustodial parent overnight contact and access to~~
691 ~~or visitation with the child solely because of the age or sex of~~
692 ~~the child.~~

693 (7)-(8)(a) Beginning July 1, 1997, Each party to any
694 paternity or support proceeding is required to file with the
695 tribunal as defined in s. 88.1011(22) and State Case Registry

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696 upon entry of an order, and to update as appropriate,
697 information on location and identity of the party, including
698 social security number, residential and mailing addresses,
699 telephone number, driver's license number, and name, address,
700 and telephone number of employer. ~~Beginning October 1, 1998,~~
701 Each party to any paternity or child support proceeding in a
702 non-Title IV-D case shall meet the above requirements for
703 updating the tribunal and State Case Registry.

704 (b) Pursuant to the federal Personal Responsibility and
705 Work Opportunity Reconciliation Act of 1996, each party is
706 required to provide his or her social security number in
707 accordance with this section. Disclosure of social security
708 numbers obtained through this requirement shall be limited to
709 the purpose of administration of the Title IV-D program for
710 child support enforcement.

711 (c) ~~Beginning July 1, 1997,~~ In any subsequent Title IV-D
712 child support enforcement action between the parties, upon
713 sufficient showing that diligent effort has been made to
714 ascertain the location of such a party, the court of competent
715 jurisdiction shall deem state due process requirements for
716 notice and service of process to be met with respect to the
717 party, upon delivery of written notice to the most recent
718 residential or employer address filed with the tribunal and
719 State Case Registry pursuant to paragraph (a). ~~Beginning October~~
720 ~~1, 1998,~~ In any subsequent non-Title IV-D child support
721 enforcement action between the parties, the same requirements
722 for service shall apply.

723 ~~(8)-(9)~~ At the time an order for child support is entered,
724 each party is required to provide his or her social security
725 number and date of birth to the court, as well as the name, date
726 of birth, and social security number of each minor child that is

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727 the subject of such child support order. Pursuant to the federal
728 Personal Responsibility and Work Opportunity Reconciliation Act
729 of 1996, each party is required to provide his or her social
730 security number in accordance with this section. All social
731 security numbers required by this section shall be provided by
732 the parties and maintained by the depository as a separate
733 attachment in the file. Disclosure of social security numbers
734 obtained through this requirement shall be limited to the
735 purpose of administration of the Title IV-D program for child
736 support enforcement.

737 Section 9. Section 61.13001, Florida Statutes, is amended
738 to read:

739 61.13001 Parental relocation with a child.--

740 (1) DEFINITIONS.--As used in this section, the term:

741 (a) "Change of residence address" means the relocation of
742 a child to a principal residence more than 50 miles away from
743 his or her principal place of residence at the time of the entry
744 of the last order establishing or modifying the parenting plan
745 or the time-sharing schedule or both for designation of the
746 primary residential parent or the custody of the minor child,
747 unless the move places the principal residence of the minor
748 child less than 50 miles from either ~~the nonresidential parent.~~

749 (b) "Child" means any person who is under the jurisdiction
750 of a state court pursuant to the Uniform Child Custody
751 Jurisdiction and Enforcement Act or is the subject of any order
752 granting to a parent or other person any right to time-sharing,
753 residential care, kinship, or custody, ~~or visitation~~ as provided
754 under state law.

755 (c) "Court" means the circuit court in an original
756 proceeding which has proper venue and jurisdiction in accordance
757 with the Uniform Child Custody Jurisdiction and Enforcement Act,

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758 the circuit court in the county in which either parent and the
759 child reside, or the circuit court in which the original action
760 was adjudicated.

761 (d) "Other person" means an individual who is not the
762 parent and who, by court order, maintains the primary residence
763 of a child or has visitation rights with a child.

764 (e) "Parent" means any person so named by court order or
765 express written agreement that is subject to court enforcement
766 or a person reflected as a parent on a birth certificate and in
767 whose home a child maintains a ~~primary or secondary~~ residence.

768 ~~(f) "Person entitled to be the primary residential parent~~
769 ~~of a child" means a person so designated by court order or by an~~
770 ~~express written agreement that is subject to court enforcement~~
771 ~~or a person seeking such a designation, or, when neither parent~~
772 ~~has been designated as primary residential parent, the person~~
773 ~~seeking to relocate with a child.~~

774 ~~(g) "Principal residence of a child" means the home of the~~
775 ~~designated primary residential parent. For purposes of this~~
776 ~~section only, when rotating custody is in effect, each parent~~
777 ~~shall be considered to be the primary residential parent.~~

778 ~~(f)(h)~~ "Relocation" means a change in the principal
779 residence of a child for a period of 60 consecutive days or more
780 but does not include a temporary absence from the principal
781 residence for purposes of vacation, education, or the provision
782 of health care for the child.

783 (2) RELOCATION BY AGREEMENT.--

784 (a) If the ~~parents primary residential parent and the~~
785 ~~other parent~~ and every other person entitled to time-sharing
786 ~~visitation~~ with the child agree to the relocation of the child
787 ~~child's principal residence~~, they may satisfy the requirements
788 of this section by signing a written agreement that:

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789 1. Reflects the consent to the relocation;

790 2. Defines a time-sharing schedule ~~the visitation rights~~
791 for the nonrelocating parent and any other persons who are
792 entitled to time-sharing visitation; and

793 3. Describes, if necessary, any transportation
794 arrangements related to the visitation.

795 (b) If there is an existing cause of action, judgment, or
796 decree of record pertaining to the child's ~~primary~~ residence or
797 a time-sharing schedule visitation, the parties shall seek
798 ratification of the agreement by court order without the
799 necessity of an evidentiary hearing unless a hearing is
800 requested, in writing, by one or more of the parties to the
801 agreement within 10 days after the date the agreement is filed
802 with the court. If a hearing is not timely requested, it shall
803 be presumed that the relocation is in the best interest of the
804 child and the court may ratify the agreement without an
805 evidentiary hearing.

806 (3) NOTICE OF INTENT TO RELOCATE WITH A CHILD.--Unless an
807 agreement has been entered as described in subsection (2), a
808 parent who is entitled to time-sharing with ~~primary residence of~~
809 the child shall notify the other parent, and every other person
810 entitled to time-sharing visitation with the child, of a
811 proposed relocation of the child's ~~principal~~ residence. The form
812 of notice shall be according to this section:

813 (a) The parent seeking to relocate shall prepare a Notice
814 of Intent to Relocate. The following information must be
815 included with the Notice of Intent to Relocate and signed under
816 oath under penalty of perjury:

817 1. A description of the location of the intended new
818 residence, including the state, city, and specific physical
819 address, if known.

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820 2. The mailing address of the intended new residence, if
821 not the same as the physical address, if known.

822 3. The home telephone number of the intended new
823 residence, if known.

824 4. The date of the intended move or proposed relocation.

825 5. A detailed statement of the specific reasons for the
826 proposed relocation of the child. If one of the reasons is based
827 upon a job offer which has been reduced to writing, that written
828 job offer must be attached to the Notice of Intent to Relocate.

829 6. A proposal for the revised postrelocation schedule of
830 time-sharing visitation together with a proposal for the
831 postrelocation transportation arrangements necessary to
832 effectuate time-sharing visitation with the child. Absent the
833 existence of a current, valid order abating, terminating, or
834 restricting visitation or other good cause predating the Notice
835 of Intent to Relocate, failure to comply with this provision
836 renders the Notice of Intent to Relocate legally insufficient.

837 7. Substantially the following statement, in all capital
838 letters and in the same size type, or larger, as the type in the
839 remainder of the notice:

840

841 AN OBJECTION TO THE PROPOSED RELOCATION MUST BE MADE IN WRITING,
842 FILED WITH THE COURT, AND SERVED ON THE PARENT OR OTHER PERSON
843 SEEKING TO RELOCATE WITHIN 30 DAYS AFTER SERVICE OF THIS NOTICE
844 OF INTENT TO RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE
845 RELOCATION, THE RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN
846 THE BEST INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND
847 WITHOUT A HEARING.

848 8. The mailing address of the parent or other person
849 seeking to relocate to which the objection filed under

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850 subsection (5) to the Notice of Intent to Relocate should be
851 sent.

852
853 The contents of the Notice of Intent to Relocate are not
854 privileged. For purposes of encouraging amicable resolution of
855 the relocation issue, a copy of the Notice of Intent to Relocate
856 shall initially not be filed with the court but instead served
857 upon the nonrelocating parent, other person, and every other
858 person entitled to time-sharing visitation with the child, and
859 the original thereof shall be maintained by the parent or other
860 person seeking to relocate.

861 (b) The parent seeking to relocate shall also prepare a
862 Certificate of Serving Filing Notice of Intent to Relocate. The
863 certificate shall certify the date that the Notice of Intent to
864 Relocate was served on the other parent and on every other
865 person entitled to time-sharing visitation with the child.

866 (c) The Notice of Intent to Relocate, and the Certificate
867 of Serving Filing Notice of Intent to Relocate, shall be served
868 on the other parent and on every other person entitled to time-
869 sharing visitation with the child. If there is a pending court
870 action regarding the child, service of process may be according
871 to court rule. Otherwise, service of process shall be according
872 to chapters 48 and 49 or via certified mail, restricted
873 delivery, return receipt requested.

874 (d) A person giving notice of a proposed relocation or
875 change of residence address under this section has a continuing
876 duty to provide current and updated information required by this
877 section when that information becomes known.

878 (e) If the other parent and any other person entitled to
879 time-sharing visitation with the child fails to timely file an
880 objection, it shall be presumed that the relocation is in the

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881 best interest of the child, the relocation shall be allowed, and
882 the court shall, absent good cause, enter an order, attaching a
883 copy of the Notice of Intent to Relocate, reflecting that the
884 order is entered as a result of the failure to object to the
885 Notice of Intent to Relocate, and adopting the time-sharing
886 ~~visitation~~ schedule and transportation arrangements contained in
887 the Notice of Intent to Relocate. The order may issue in an
888 expedited manner without the necessity of an evidentiary
889 hearing. If an objection is timely filed, the burden returns to
890 the parent or person seeking to relocate to initiate court
891 proceedings to obtain court permission to relocate before ~~prior~~
892 ~~to~~ doing so.

893 (f) The act of relocating the child after failure to
894 comply with the notice of intent to relocate procedure described
895 in this subsection subjects the party in violation thereof to
896 contempt and other proceedings to compel the return of the child
897 and may be taken into account by the court in any initial or
898 postjudgment action seeking a determination or modification of
899 the parenting plan or the time-sharing schedule, or both,
900 ~~designation of the primary residential parent or of the~~
901 ~~residence, custody, or visitation with the child as:~~

902 1. A factor in making a determination regarding the
903 relocation of a child.

904 2. A factor in determining whether the parenting plan or
905 the designation of the primary residential parent or the
906 ~~residence, contact, access, visitation, or time-sharing~~ schedule
907 ~~arrangements~~ should be modified.

908 3. A basis for ordering the temporary or permanent return
909 of the child.

910 4. Sufficient cause to order the parent or other person
911 seeking to relocate the child to pay reasonable expenses and

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912 attorney's fees incurred by the party objecting to the
913 relocation.

914 5. Sufficient cause for the award of reasonable attorney's
915 fees and costs, including interim travel expenses incident to
916 time-sharing visitation or securing the return of the child.

917 (4) APPLICABILITY OF PUBLIC RECORDS LAW.--If the parent or
918 other person seeking to relocate a child, or the child, is
919 entitled to prevent disclosure of location information under any
920 public records exemption applicable to that person, the court
921 may enter any order necessary to modify the disclosure
922 requirements of this section in compliance with the public
923 records exemption.

924 (5) CONTENT OF OBJECTION TO RELOCATION.--An objection
925 seeking to prevent the relocation of a child must ~~shall~~ be
926 verified and served within 30 days after service of the Notice
927 of Intent to Relocate. The objection must ~~shall~~ include the
928 specific factual basis supporting the reasons for seeking a
929 prohibition of the relocation, including a statement of the
930 amount of participation or involvement the objecting party
931 currently has or has had in the life of the child.

932 (6) TEMPORARY ORDER.--

933 (a) The court may grant a temporary order restraining the
934 relocation of a child or ordering the return of the child, if a
935 relocation has previously taken place, or other appropriate
936 remedial relief, if the court finds:

937 1. The required notice of a proposed relocation of a child
938 was not provided in a timely manner;

939 2. The child already has been relocated without notice or
940 written agreement of the parties or without court approval; or

941 3. From an examination of the evidence presented at the
942 preliminary hearing that there is a likelihood that upon final

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943 hearing the court will not approve the relocation of the ~~primary~~
944 ~~residence of the child.~~

945 (b) The court may grant a temporary order permitting the
946 relocation of the child pending final hearing, if the court:

947 1. Finds that the required Notice of Intent to Relocate
948 was provided in a timely manner; and

949 2. Finds from an examination of the evidence presented at
950 the preliminary hearing that there is a likelihood that on final
951 hearing the court will approve the relocation of the ~~primary~~
952 ~~residence of the child~~, which findings must be supported by the
953 same factual basis as would be necessary to support the
954 permitting of relocation in a final judgment.

955 (c) If the court has issued a temporary order authorizing
956 a party seeking to relocate or move a child before a final
957 judgment is rendered, the court may not give any weight to the
958 temporary relocation as a factor in reaching its final decision.

959 (d) If temporary relocation of a child is permitted, the
960 court may require the person relocating the child to provide
961 reasonable security, financial or otherwise, and guarantee that
962 the court-ordered contact with the child will not be interrupted
963 or interfered with by the relocating party.

964 (7) NO PRESUMPTION; FACTORS TO DETERMINE CONTESTED
965 RELOCATION.--~~A~~ No presumption does not shall arise in favor of
966 or against a request to relocate with the child when a ~~primary~~
967 ~~residential~~ parent seeks to move the child and the move will
968 materially affect the current schedule of contact, access, and
969 time-sharing with the nonrelocating parent or other person. In
970 reaching its decision regarding a proposed temporary or
971 permanent relocation, the court shall evaluate all of the
972 following factors:

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973 (a) The nature, quality, extent of involvement, and
974 duration of the child's relationship with the parent proposing
975 to relocate with the child and with the nonrelocating parent,
976 other persons, siblings, half-siblings, and other significant
977 persons in the child's life.

978 (b) The age and developmental stage of the child, the
979 needs of the child, and the likely impact the relocation will
980 have on the child's physical, educational, and emotional
981 development, taking into consideration any special needs of the
982 child.

983 (c) The feasibility of preserving the relationship between
984 the nonrelocating parent or other person and the child through
985 substitute arrangements that take into consideration the
986 logistics of contact, access, ~~visitation~~, and time-sharing, as
987 well as the financial circumstances of the parties; whether
988 those factors are sufficient to foster a continuing meaningful
989 relationship between the child and the nonrelocating parent or
990 other person; and the likelihood of compliance with the
991 substitute arrangements by the relocating parent once he or she
992 is out of the jurisdiction of the court.

993 (d) The child's preference, taking into consideration the
994 age and maturity of the child.

995 (e) Whether the relocation will enhance the general
996 quality of life for both the parent seeking the relocation and
997 the child, including, but not limited to, financial or emotional
998 benefits or educational opportunities.

999 (f) The reasons of each parent or other person for seeking
1000 or opposing the relocation.

1001 (g) The current employment and economic circumstances of
1002 each parent or other person and whether or not the proposed

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1003 relocation is necessary to improve the economic circumstances of
1004 the parent or other person seeking relocation of the child.

1005 (h) That the relocation is sought in good faith and the
1006 extent to which the objecting parent has fulfilled his or her
1007 financial obligations to the parent or other person seeking
1008 relocation, including child support, spousal support, and
1009 marital property and marital debt obligations.

1010 (i) The career and other opportunities available to the
1011 objecting parent or objecting other person if the relocation
1012 occurs.

1013 (j) A history of substance abuse or domestic violence as
1014 defined in s. 741.28 or which meets the criteria of s.
1015 39.806(1)(d) by either parent, including a consideration of the
1016 severity of such conduct and the failure or success of any
1017 attempts at rehabilitation.

1018 (k) Any other factor affecting the best interest of the
1019 child or as set forth in s. 61.13.

1020 (9) ORDER REGARDING RELOCATION.--If relocation is
1021 permitted:

1022 (a) The court may, in its discretion, order contact with
1023 the nonrelocating parent, including access, ~~visitation~~, time-
1024 sharing, telephone, Internet, webcam, and other arrangements
1025 sufficient to ensure that the child has frequent, continuing,
1026 and meaningful contact, access, ~~visitation~~, and time-sharing
1027 with the nonrelocating parent or other persons, if contact is
1028 financially affordable and in the best interest of the child.

1029 (b) If applicable, the court shall specify how the
1030 transportation costs will be allocated between the parents and
1031 other persons entitled to contact, access, ~~visitation~~, and time-
1032 sharing and may adjust the child support award, as appropriate,
1033 considering the costs of transportation and the respective net.

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1034 incomes of the parents in accordance with state child support
1035 guidelines schedule.

1036 (10) PRIORITY FOR HEARING OR TRIAL.--An evidentiary
1037 hearing or nonjury trial on a pleading seeking temporary or
1038 permanent relief filed under ~~pursuant to~~ this section shall be
1039 accorded priority on the court's calendar.

1040 (11) APPLICABILITY.--

1041 (a) ~~The provisions of~~ This section applies ~~apply~~:

1042 1. To orders entered before October 1, 2006, if the
1043 existing order defining custody, primary residence, time-
1044 sharing, or visitation of or with the child does not expressly
1045 govern the relocation of the child.

1046 2. To an order, whether temporary or permanent, regarding
1047 the parenting plan, custody, primary residence, time-sharing, or
1048 visitation of or with the child entered on or after October 1,
1049 2006.

1050 3. To any relocation or proposed relocation, whether
1051 permanent or temporary, of a child during any proceeding pending
1052 on October 1, 2006, wherein the parenting plan, custody, primary
1053 residence, time-sharing, or visitation of or with the child is
1054 an issue.

1055 (b) To the extent that a provision of this section
1056 conflicts with an order existing on October 1, 2006, this
1057 section does not apply to the terms of that order which
1058 expressly govern relocation of the child or a change in the
1059 principal residence address of a parent.

1060 Section 10. Section 61.13002, Florida Statutes, is amended
1061 to read:

1062 61.13002 Temporary time-sharing modification ~~child custody~~
1063 and child support modification due to military service.--

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1064 (1) If a supplemental petition ~~to modify~~ or a motion for
1065 modification of time-sharing ~~change of child custody~~ and
1066 parental responsibility is filed because ~~during the time~~ a
1067 parent is activated, deployed, or temporarily assigned to
1068 military service and the parent's ability to comply with time-
1069 sharing ~~continue as the primary caretaker of a minor child~~ is
1070 materially affected as a result, the court may not issue an
1071 order or modify or amend a previous judgment or order that
1072 changes time-sharing ~~custody~~ as it existed on the date the
1073 parent was activated, deployed, or temporarily assigned to
1074 military service, except that a court may enter a temporary
1075 order to modify or amend time-sharing ~~custody~~ if there is clear
1076 and convincing evidence that the temporary modification or
1077 amendment is in the best interests of the child. When entering a
1078 temporary order under this section, the court shall consider and
1079 provide for, if feasible, contact between the military
1080 servicemember and his or her child, including, but not limited
1081 to, electronic communication by webcam, telephone, or other
1082 available means. The court shall also permit liberal time-
1083 sharing during periods of leave from military service, as it is
1084 in the child's best interests to maintain the parent-child bond
1085 during the parent's military service.

1086 (2) If a temporary order is issued under this section, the
1087 court shall reinstate the time-sharing ~~custody~~ judgment or order
1088 previously in effect upon the servicemember parent's return from
1089 active military service, deployment, or temporary assignment.

1090 (3) If a temporary order is entered under this section,
1091 the court may address the issue of support for the child for
1092 whom time-sharing is temporarily modified by:

1093 (a) Entering an order of temporary support from the
1094 servicemember to the other parent under s. 61.30;

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1095 (b) Requiring the servicemember to enroll the child as a
1096 military dependant with DEERs, TriCare, or other similar
1097 benefits available to military dependents as provided by the
1098 service member's branch of service and federal regulations; or

1099 (c) Suspending, abating, or reducing the child support
1100 obligation of the non-servicemember until the custody judgment
1101 or time-share order previously in effect is reinstated.

1102 ~~(4)(3)~~ This section does not apply to permanent change of
1103 station moves by military personnel, which shall be governed by
1104 s. 61.13001.

1105 Section 11. Paragraph (a) of subsection (1) of section
1106 61.14, Florida Statutes, is amended to read:

1107 61.14 Enforcement and modification of support,
1108 maintenance, or alimony agreements or orders.--

1109 (1) (a) When the parties enter into an agreement for
1110 payments for, or instead of, support, maintenance, or alimony,
1111 whether in connection with a proceeding for dissolution or
1112 separate maintenance or with any voluntary property settlement,
1113 or when a party is required by court order to make any payments,
1114 and the circumstances or the financial ability of either party
1115 changes or the child who is a beneficiary of an agreement or
1116 court order as described herein reaches majority after the
1117 execution of the agreement or the rendition of the order, either
1118 party may apply to the circuit court of the circuit in which the
1119 parties, or either of them, resided at the date of the execution
1120 of the agreement or reside at the date of the application, or in
1121 which the agreement was executed or in which the order was
1122 rendered, for an order decreasing or increasing the amount of
1123 support, maintenance, or alimony, and the court has jurisdiction
1124 to make orders as equity requires, with due regard to the
1125 changed circumstances or the financial ability of the parties or

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1126 the child, decreasing, increasing, or confirming the amount of
1127 separate support, maintenance, or alimony provided for in the
1128 agreement or order. A finding that medical insurance is
1129 reasonably available or the child support guidelines schedule in
1130 s. 61.30 may constitute changed circumstances. Except as
1131 otherwise provided in s. 61.30(11)(c), the court may modify an
1132 order of support, maintenance, or alimony by increasing or
1133 decreasing the support, maintenance, or alimony retroactively to
1134 the date of the filing of the action or supplemental action for
1135 modification as equity requires, giving due regard to the
1136 changed circumstances or the financial ability of the parties or
1137 the child.

1138 Section 12. Paragraph (d) of subsection (3) of section
1139 61.181, Florida Statutes, is amended to read:

1140 61.181 Depository for alimony transactions, support,
1141 maintenance, and support payments; fees.--

1142 (3)

1143 (d) When time-sharing custody of a child is relinquished
1144 by a ~~custodial~~ parent who is entitled to receive child support
1145 moneys from the depository to the custody of a licensed or
1146 registered long-term care child agency, that agency may request
1147 from the court an order directing child support payments that
1148 ~~which~~ would otherwise be distributed to the ~~custodial~~ parent be
1149 distributed to the agency for the period of time that custody of
1150 the child is with by the agency. Thereafter, payments shall be
1151 distributed to the agency as if the agency were the ~~custodial~~
1152 parent until further order of the court.

1153 Section 13. Paragraphs (b) and (d) of subsection (1) of
1154 section 61.1827, Florida Statutes, are amended to read:

1155 61.1827 Identifying information concerning applicants for
1156 and recipients of child support services.--

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1157 (1) Any information that reveals the identity of
1158 applicants for or recipients of child support services,
1159 including the name, address, and telephone number of such
1160 persons, held by a non-Title IV-D county child support
1161 enforcement agency is confidential and exempt from s. 119.07(1)
1162 and s. 24(a) of Art. I of the State Constitution. The use or
1163 disclosure of such information by the non-Title IV-D county
1164 child support enforcement agency is limited to the purposes
1165 directly connected with:

1166 (b) Mandatory disclosure of identifying and location
1167 information as provided in s. 61.13(7)-(8) by the non-Title IV-D
1168 county child support enforcement agency when providing non-Title
1169 IV-D services;

1170 (d). Disclosure to an authorized person, as defined in 45
1171 C.F.R. s. 303.15, for purposes of enforcing any state or federal
1172 law with respect to the unlawful taking or restraint of a child
1173 or making or enforcing a parenting plan ~~child custody or~~
1174 ~~visitation determination~~. As used in this paragraph, the term
1175 "authorized person" includes a ~~noncustodial~~ parent with whom the
1176 child does not currently reside, unless a court has entered an
1177 order under s. 741.30, s. 741.31, or s. 784.046.

1178 Section 14. Subsections (1) and (3) of section 61.20,
1179 Florida Statutes, are amended to read:

1180 61.20 Social investigation and recommendations regarding a
1181 parenting plan when child custody is in issue.--

1182 (1) In any action where the parenting plan ~~custody of a~~
1183 ~~minor child is at in issue~~ because the parents are unable to
1184 agree, the court may order a social investigation and study
1185 concerning all pertinent details relating to the child and each
1186 parent when such an investigation has not been done and the
1187 study therefrom provided to the court by the parties or when the

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1188 court determines that the investigation and study that have been
1189 done are insufficient. The agency, staff, or person conducting
1190 the investigation and study ordered by the court pursuant to
1191 this section shall furnish the court and all parties of record
1192 in the proceeding a written study containing recommendations,
1193 including a written statement of facts found in the social
1194 investigation on which the recommendations are based. The court
1195 may consider the information contained in the study in making a
1196 decision on the parenting plan ~~child's custody~~ and the technical
1197 rules of evidence do not exclude the study from consideration.

1198 (3) Except as to persons who obtain certification of
1199 indigence as specified in subsection (2), for whom no costs
1200 shall be incurred, the adult parties involved in a ~~child custody~~
1201 proceeding to determine a parenting plan wherein the court has
1202 ordered the performance of a social investigation and study
1203 ~~performed~~ shall be responsible for the payment of the costs of
1204 such investigation and study. Upon submission of the study to
1205 the court, the agency, staff, or person performing the study
1206 shall include a bill for services, which shall be taxed and
1207 ordered paid as costs in the proceeding.

1208 Section 15. Paragraph (c) of subsection (1) and subsection
1209 (6) of section 61.21, Florida Statutes, are amended to read:

1210 61.21 Parenting course authorized; fees; required
1211 attendance authorized; contempt.--

1212 (1) LEGISLATIVE FINDINGS; PURPOSE.--It is the finding of
1213 the Legislature that:

1214 (c) It has been found to be beneficial to parents who are
1215 separating or divorcing to have available an educational program
1216 that will provide general information regarding:

1217 1. The issues and legal procedures for resolving time-
1218 sharing ~~custody~~ and child support disputes.

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1219 2. The emotional experiences and problems of divorcing
1220 adults.

1221 3. The family problems and the emotional concerns and
1222 needs of the children.

1223 4. The availability of community services and resources.

1224 (6) All parties to a modification of a final judgment
1225 involving a parenting plan or a time-sharing schedule shared
1226 ~~parental responsibilities, custody, or visitation~~ may be
1227 required to complete a court-approved parenting course prior to
1228 the entry of an order modifying the final judgment.

1229 Section 16. Section 61.30, Florida Statutes, is amended to
1230 read:

1231 61.30 Child support guidelines; retroactive child
1232 support.--

1233 (1) (a) The child support guideline amount as determined by
1234 this section presumptively establishes the amount the trier of
1235 fact shall order as child support in an initial proceeding for
1236 such support or in a proceeding for modification of an existing
1237 order for such support, whether the proceeding arises under this
1238 or another chapter. The trier of fact may order payment of child
1239 support which varies, plus or minus 5 percent, from the
1240 guideline amount, after considering all relevant factors,
1241 including the needs of the child or children, age, station in
1242 life, standard of living, and the financial status and ability
1243 of each parent. The trier of fact may order payment of child
1244 support in an amount which varies more than 5 percent from such
1245 guideline amount only upon a written finding explaining why
1246 ordering payment of such guideline amount would be unjust or
1247 inappropriate. Notwithstanding the variance limitations of this
1248 section, the trier of fact shall order payment of child support
1249 which varies from the guideline amount as provided in paragraph

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1250 (11) (b) whenever any of the children are required by court order
1251 or mediation agreement to spend a substantial amount of time
1252 with either parent ~~the primary and secondary residential~~
1253 ~~parents~~. This requirement applies to any living arrangement,
1254 whether temporary or permanent.

1255 (b) The guidelines may provide the basis for proving a
1256 substantial change in circumstances upon which a modification of
1257 an existing order may be granted. However, the difference
1258 between the existing monthly obligation and the amount provided
1259 for under the guidelines shall be at least 15 percent or \$50,
1260 whichever amount is greater, before the court may find that the
1261 guidelines provide a substantial change in circumstances.

1262 (c) For each support order reviewed by the department as
1263 required by s. 409.2564(11), if the amount of the child support
1264 award under the order differs by at least 10 percent but not
1265 less than \$25 from the amount that would be awarded under s.
1266 61.30, the department shall seek to have the order modified and
1267 any modification shall be made without a requirement for proof
1268 or showing of a change in circumstances.

1269 (2) Income shall be determined on a monthly basis for each
1270 parent ~~the obligor and for the obligee~~ as follows:

1271 (a) Gross income shall include, but is not limited to, the
1272 following items:

1273 1. Salary or wages.

1274 2. Bonuses, commissions, allowances, overtime, tips, and
1275 other similar payments.

1276 3. Business income from sources such as self-employment,
1277 partnership, close corporations, and independent contracts.

1278 "Business income" means gross receipts minus ordinary and
1279 necessary expenses required to produce income.

1280 4. Disability benefits.

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- 1281 5. All workers' compensation benefits and settlements.
1282 6. Unemployment compensation.
1283 7. Pension, retirement, or annuity payments.
1284 8. Social security benefits.
1285 9. Spousal support received from a previous marriage or
1286 court ordered in the marriage before the court.
1287 10. Interest and dividends.
1288 11. Rental income, which is gross receipts minus ordinary
1289 and necessary expenses required to produce the income.
1290 12. Income from royalties, trusts, or estates.
1291 13. Reimbursed expenses or in kind payments to the extent
1292 that they reduce living expenses.
1293 14. Gains derived from dealings in property, unless the
1294 gain is nonrecurring.
- 1295 (b) Income on a monthly basis shall be imputed to an
1296 unemployed or underemployed parent when such employment or
1297 underemployment is found by the court to be voluntary on that
1298 parent's part, absent a finding of fact by the court of physical
1299 or mental incapacity or other circumstances over which the
1300 parent has no control. In the event of such voluntary
1301 unemployment or underemployment, the employment potential and
1302 probable earnings level of the parent shall be determined based
1303 upon his or her recent work history, occupational
1304 qualifications, and prevailing earnings level in the community
1305 as provided in this paragraph; however, the court may refuse to
1306 impute income to a primary residential parent if the court finds
1307 it necessary for the parent to stay home with the child who is
1308 the subject of a child support calculation.
- 1309 (c) Public assistance as defined in s. 409.2554 shall be
1310 excluded from gross income.

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1311 (3) Net income is obtained by subtracting allowable
1312 deductions from gross income. Allowable deductions shall
1313 include:

1314 (a) Federal, state, and local income tax deductions,
1315 adjusted for actual filing status and allowable dependents and
1316 income tax liabilities.

1317 (b) Federal insurance contributions or self-employment
1318 tax.

1319 (c) Mandatory union dues.

1320 (d) Mandatory retirement payments.

1321 (e) Health insurance payments, excluding payments for
1322 coverage of the minor child.

1323 (f) Court-ordered support for other children which is
1324 actually paid.

1325 (g) Spousal support paid pursuant to a court order from a
1326 previous marriage or the marriage before the court.

1327 (4) Net income for each parent ~~the obligor and net income~~
1328 ~~for the obligee~~ shall be computed by subtracting allowable
1329 deductions from gross income.

1330 (5) Net income for each parent ~~the obligor and net income~~
1331 ~~for the obligee~~ shall be added together for a combined net
1332 income.

1333 (6) The following guidelines schedule ~~schedules~~ shall be
1334 applied to the combined net income to determine the minimum
1335 child support need:
1336

Combined Monthly <u>Net</u> Available Income		Child or Children				
	One	Two	Three	Four	Five	Six

1337

1338

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1339	650.00	74	75	75	76	77	78
1340	700.00	119	120	121	123	124	125
1341	750.00	164	166	167	169	171	173
1342	800.00	190	211	213	216	218	220
1343	850.00	202	257	259	262	265	268
1344	900.00	213	302	305	309	312	315
1345	950.00	224	347	351	355	359	363
1346	1000.00	235	365	397	402	406	410
1347	1050.00	246	382	443	448	453	458
1348	1100.00	258	400	489	495	500	505
1349	1150.00	269	417	522	541	547	553
1350	1200.00	280	435	544	588	594	600
1351	1250.00	290	451	565	634	641	648
1352	1300.00	300	467	584	659	688	695
1353	1350.00	310	482	603	681	735	743
	1400.00	320	498	623	702	765	790

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1354	1450.00	330	513	642	724	789	838
1355	1500.00	340	529	662	746	813	869
1356	1550.00	350	544	681	768	836	895
1357	1600.00	360	560	701	790	860	920
1358	1650.00	370	575	720	812	884	945
1359	1700.00	380	591	740	833	907	971
1360	1750.00	390	606	759	855	931	996
1361	1800.00	400	622	779	877	955	1022
1362	1850.00	410	638	798	900	979	1048
1363	1900.00	421	654	818	923	1004	1074
1364	1950.00	431	670	839	946	1029	1101
1365	2000.00	442	686	859	968	1054	1128
1366	2050.00	452	702	879	991	1079	1154
1367	2100.00	463	718	899	1014	1104	1181
1368	2150.00	473	734	919	1037	1129	1207
1369							

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1370	2200.00	484	751	940	1060	1154	1234
1371	2250.00	494	767	960	1082	1179	1261
1372	2300.00	505	783	980	1105	1204	1287
1373	2350.00	515	799	1000	1128	1229	1314
1374	2400.00	526	815	1020	1151	1254	1340
1375	2450.00	536	831	1041	1174	1279	1367
1376	2500.00	547	847	1061	1196	1304	1394
1377	2550.00	557	864	1081	1219	1329	1420
1378	2600.00	568	880	1101	1242	1354	1447
1379	2650.00	578	896	1121	1265	1379	1473
1380	2700.00	588	912	1141	1287	1403	1500
1381	2750.00	597	927	1160	1308	1426	1524
1382	2800.00	607	941	1178	1328	1448	1549
1383	2850.00	616	956	1197	1349	1471	1573
1384	2900.00	626	971	1215	1370	1494	1598
	2950.00	635	986	1234	1391	1517	1622

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1385	3000.00	644	1001	1252	1412	1540	1647
1386	3050.00	654	1016	1271	1433	1563	1671
1387	3100.00	663	1031	1289	1453	1586	1695
1388	3150.00	673	1045	1308	1474	1608	1720
1389	3200.00	682	1060	1327	1495	1631	1744
1390	3250.00	691	1075	1345	1516	1654	1769
1391	3300.00	701	1090	1364	1537	1677	1793
1392	3350.00	710	1105	1382	1558	1700	1818
1393	3400.00	720	1120	1401	1579	1723	1842
1394	3450.00	729	1135	1419	1599	1745	1867
1395	3500.00	738	1149	1438	1620	1768	1891
1396	3550.00	748	1164	1456	1641	1791	1915
1397	3600.00	757	1179	1475	1662	1814	1940
1398	3650.00	767	1194	1493	1683	1837	1964
1399	3700.00	776	1208	1503	1702	1857	1987
1400							

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1401	3750.00	784	1221	1520	1721	1878	2009
1402	3800.00	793	1234	1536	1740	1899	2031
1403	3850.00	802	1248	1553	1759	1920	2053
1404	3900.00	811	1261	1570	1778	1940	2075
1405	3950.00	819	1275	1587	1797	1961	2097
1406	4000.00	828	1288	1603	1816	1982	2119
1407	4050.00	837	1302	1620	1835	2002	2141
1408	4100.00	846	1315	1637	1854	2023	2163
1409	4150.00	854	1329	1654	1873	2044	2185
1410	4200.00	863	1342	1670	1892	2064	2207
1411	4250.00	872	1355	1687	1911	2085	2229
1412	4300.00	881	1369	1704	1930	2106	2251
1413	4350.00	889	1382	1721	1949	2127	2273
1414	4400.00	898	1396	1737	1968	2147	2295
1415	4450.00	907	1409	1754	1987	2168	2317
	4500.00	916	1423	1771	2006	2189	2339

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1416	4550.00	924	1436	1788	2024	2209	2361
1417	4600.00	933	1450	1804	2043	2230	2384
1418	4650.00	942	1463	1821	2062	2251	2406
1419	4700.00	951	1477	1838	2081	2271	2428
1420	4750.00	959	1490	1855	2100	2292	2450
1421	4800.00	968	1503	1871	2119	2313	2472
1422	4850.00	977	1517	1888	2138	2334	2494
1423	4900.00	986	1530	1905	2157	2354	2516
1424	4950.00	993	1542	1927	2174	2372	2535
1425	5000.00	1000	1551	1939	2188	2387	2551
1426	5050.00	1006	1561	1952	2202	2402	2567
1427	5100.00	1013	1571	1964	2215	2417	2583
1428	5150.00	1019	1580	1976	2229	2432	2599
1429	5200.00	1025	1590	1988	2243	2447	2615
1430	5250.00	1032	1599	2000	2256	2462	2631
1431							

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1432	5300.00	1038	1609	2012	2270	2477	2647
1433	5350.00	1045	1619	2024	2283	2492	2663
1434	5400.00	1051	1628	2037	2297	2507	2679
1435	5450.00	1057	1638	2049	2311	2522	2695
1436	5500.00	1064	1647	2061	2324	2537	2711
1437	5550.00	1070	1657	2073	2338	2552	2727
1438	5600.00	1077	1667	2085	2352	2567	2743
1439	5650.00	1083	1676	2097	2365	2582	2759
1440	5700.00	1089	1686	2109	2379	2597	2775
1441	5750.00	1096	1695	2122	2393	2612	2791
1442	5800.00	1102	1705	2134	2406	2627	2807
1443	5850.00	1107	1713	2144	2418	2639	2820
1444	5900.00	1111	1721	2155	2429	2651	2833
1445	5950.00	1116	1729	2165	2440	2663	2847
1446	6000.00	1121	1737	2175	2451	2676	2860
	6050.00	1126	1746	2185	2462	2688	2874

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1447	6100.00	1131	1754	2196	2473	2700	2887
1448	6150.00	1136	1762	2206	2484	2712	2900
1449	6200.00	1141	1770	2216	2495	2724	2914
1450	6250.00	1145	1778	2227	2506	2737	2927
1451	6300.00	1150	1786	2237	2517	2749	2941
1452	6350.00	1155	1795	2247	2529	2761	2954
1453	6400.00	1160	1803	2258	2540	2773	2967
1454	6450.00	1165	1811	2268	2551	2785	2981
1455	6500.00	1170	1819	2278	2562	2798	2994
1456	6550.00	1175	1827	2288	2573	2810	3008
1457	6600.00	1179	1835	2299	2584	2822	3021
1458	6650.00	1184	1843	2309	2595	2834	3034
1459	6700.00	1189	1850	2317	2604	2845	3045
1460	6750.00	1193	1856	2325	2613	2854	3055
1461	6800.00	1196	1862	2332	2621	2863	3064
1462							

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1463	6850.00	1200	1868	2340	2630	2872	3074
1464	6900.00	1204	1873	2347	2639	2882	3084
1465	6950.00	1208	1879	2355	2647	2891	3094
1466	7000.00	1212	1885	2362	2656	2900	3103
1467	7050.00	1216	1891	2370	2664	2909	3113
1468	7100.00	1220	1897	2378	2673	2919	3123
1469	7150.00	1224	1903	2385	2681	2928	3133
1470	7200.00	1228	1909	2393	2690	2937	3142
1471	7250.00	1232	1915	2400	2698	2946	3152
1472	7300.00	1235	1921	2408	2707	2956	3162
1473	7350.00	1239	1927	2415	2716	2965	3172
1474	7400.00	1243	1933	2423	2724	2974	3181
1475	7450.00	1247	1939	2430	2733	2983	3191
1476	7500.00	1251	1945	2438	2741	2993	3201
1477	7550.00	1255	1951	2446	2750	3002	3211
	7600.00	1259	1957	2453	2758	3011	3220

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1478	7650.00	1263	1963	2461	2767	3020	3230
1479	7700.00	1267	1969	2468	2775	3030	3240
1480	7750.00	1271	1975	2476	2784	3039	3250
1481	7800.00	1274	1981	2483	2792	3048	3259
1482	7850.00	1278	1987	2491	2801	3057	3269
1483	7900.00	1282	1992	2498	2810	3067	3279
1484	7950.00	1286	1998	2506	2818	3076	3289
1485	8000.00	1290	2004	2513	2827	3085	3298
1486	8050.00	1294	2010	2521	2835	3094	3308
1487	8100.00	1298	2016	2529	2844	3104	3318
1488	8150.00	1302	2022	2536	2852	3113	3328
1489	8200.00	1306	2028	2544	2861	3122	3337
1490	8250.00	1310	2034	2551	2869	3131	3347
1491	8300.00	1313	2040	2559	2878	3141	3357
1492	8350.00	1317	2046	2566	2887	3150	3367
1493							

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1494	8400.00	1321	2052	2574	2895	3159	3376
1495	8450.00	1325	2058	2581	2904	3168	3386
1496	8500.00	1329	2064	2589	2912	3178	3396
1497	8550.00	1333	2070	2597	2921	3187	3406
1498	8600.00	1337	2076	2604	2929	3196	3415
1499	8650.00	1341	2082	2612	2938	3205	3425
1500	8700.00	1345	2088	2619	2946	3215	3435
1501	8750.00	1349	2094	2627	2955	3224	3445
1502	8800.00	1352	2100	2634	2963	3233	3454
1503	8850.00	1356	2106	2642	2972	3242	3464
1504	8900.00	1360	2111	2649	2981	3252	3474
1505	8950.00	1364	2117	2657	2989	3261	3484
1506	9000.00	1368	2123	2664	2998	3270	3493
1507	9050.00	1372	2129	2672	3006	3279	3503
1508	9100.00	1376	2135	2680	3015	3289	3513
	9150.00	1380	2141	2687	3023	3298	3523

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1509	9200.00	1384	2147	2695	3032	3307	3532
1510	9250.00	1388	2153	2702	3040	3316	3542
1511	9300.00	1391	2159	2710	3049	3326	3552
1512	9350.00	1395	2165	2717	3058	3335	3562
1513	9400.00	1399	2171	2725	3066	3344	3571
1514	9450.00	1403	2177	2732	3075	3353	3581
1515	9500.00	1407	2183	2740	3083	3363	3591
1516	9550.00	1411	2189	2748	3092	3372	3601
1517	9600.00	1415	2195	2755	3100	3381	3610
1518	9650.00	1419	2201	2763	3109	3390	3620
1519	9700.00	1422	2206	2767	3115	3396	3628
1520	9750.00	1425	2210	2772	3121	3402	3634
1521	9800.00	1427	2213	2776	3126	3408	3641
1522	9850.00	1430	2217	2781	3132	3414	3647
1523	9900.00	1432	2221	2786	3137	3420	3653
1524							

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1551 children. Child care costs shall not exceed the level required
1552 to provide quality care from a licensed source for the children.

1553 (8) Health insurance costs resulting from coverage ordered
1554 pursuant to s. 61.13(1)(b), and any noncovered medical, dental,
1555 and prescription medication expenses of the child, shall be
1556 added to the basic obligation unless these expenses have been
1557 ordered to be separately paid on a percentage basis. After the
1558 health insurance costs are added to the basic obligation, any
1559 moneys prepaid by a ~~the noncustodial~~ parent for health-related
1560 costs for the child or children of this action shall be deducted
1561 from that ~~noncustodial~~ parent's child support obligation for
1562 that child or those children.

1563 (9) Each parent's percentage share of the child support
1564 need shall be determined by dividing each parent's net monthly
1565 income by the combined net monthly income.

1566 (10) Each parent's actual dollar share of the total
1567 minimum child support need shall be determined by multiplying
1568 the minimum child support need by each parent's percentage share
1569 of the combined monthly net income.

1570 (11)(a) The court may adjust the total minimum child
1571 support award, or either or both parents' share of the total
1572 minimum child support award, based upon the following deviation
1573 factors considerations:

1574 1. Extraordinary medical, psychological, educational, or
1575 dental expenses.

1576 2. Independent income of the child, not to include moneys
1577 received by a child from supplemental security income.

1578 3. The payment of support for a parent which regularly has
1579 been paid and for which there is a demonstrated need.

1580 4. Seasonal variations in one or both parents' incomes or
1581 expenses.

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1582 5. The age of the child, taking into account the greater
1583 needs of older children.

1584 6. Special needs, such as costs that may be associated
1585 with the disability of a child, that have traditionally been met
1586 within the family budget even though the fulfilling of those
1587 needs will cause the support to exceed the presumptive amount
1588 established by the proposed guidelines.

1589 7. Total available assets of the obligee, obligor, and the
1590 child.

1591 8. The impact of the Internal Revenue Service dependency
1592 exemption and waiver of that exemption. The court may order a
1593 ~~the primary residential~~ parent to execute a waiver of the
1594 Internal Revenue Service dependency exemption if the paying
1595 ~~noncustodial~~ parent is current in support payments.

1596 9. When application of the child support guidelines
1597 schedule requires a person to pay another person more than 55
1598 percent of his or her gross income for a child support
1599 obligation for current support resulting from a single support
1600 order.

1601 10. The particular parenting plan ~~shared parental~~
1602 ~~arrangement~~, such as where the child spends a significant amount
1603 of time, but less than 40 percent of the overnights, with one
1604 ~~the noncustodial~~ parent, thereby reducing the financial
1605 expenditures incurred by the other primary residential parent;
1606 or the refusal of a the noncustodial parent to become involved
1607 in the activities of the child.

1608 11. Any other adjustment which is needed to achieve an
1609 equitable result which may include, but not be limited to, a
1610 reasonable and necessary existing expense or debt. Such expense
1611 or debt may include, but is not limited to, a reasonable and

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1612 necessary expense or debt which the parties jointly incurred
1613 during the marriage.

1614 (b) Whenever a particular parenting plan ~~shared parental~~
1615 ~~arrangement~~ provides that each child spend a substantial amount
1616 of time with each parent, the court shall adjust any award of
1617 child support, as follows:

1618 1. In accordance with subsections (9) and (10), calculate
1619 the amount of support obligation apportioned to each the
1620 ~~noncustodial~~ parent without including day care and health
1621 insurance costs in the calculation and multiply the amount by
1622 1.5.

1623 ~~2. In accordance with subsections (9) and (10), calculate~~
1624 ~~the amount of support obligation apportioned to the custodial~~
1625 ~~parent without including day care and health insurance costs in~~
1626 ~~the calculation and multiply the amount by 1.5.~~

1627 ~~2.3.~~ Calculate the percentage of overnight stays the child
1628 spends with each parent.

1629 ~~3.4.~~ Multiply each the ~~noncustodial~~ parent's support
1630 obligation as calculated in subparagraph 1. by the percentage of
1631 the other ~~custodial~~ parent's overnight stays with the child as
1632 calculated in subparagraph ~~2.~~ 3.

1633 ~~5. Multiply the custodial parent's support obligation as~~
1634 ~~calculated in subparagraph 2. by the percentage of the~~
1635 ~~noncustodial parent's overnight stays with the child as~~
1636 ~~calculated in subparagraph 3.~~

1637 ~~4.6.~~ The difference between the amounts calculated in
1638 subparagraph 3. ~~subparagraphs 4. and 5.~~ shall be the monetary
1639 transfer necessary between the ~~custodial and noncustodial~~
1640 parents for the care of the child, subject to an adjustment for
1641 day care and health insurance expenses.

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1642 ~~5.7.~~ Pursuant to subsections (7) and (8), calculate the
1643 net amounts owed by each parent ~~the custodial and noncustodial~~
1644 ~~parents~~ for the expenses incurred for day care and health
1645 insurance coverage for the child. ~~Day care shall be calculated~~
1646 ~~without regard to the 25 percent reduction applied by subsection~~
1647 ~~(7).~~

1648 ~~6.8.~~ Adjust the support obligation owed by each the
1649 ~~custodial or noncustodial~~ parent pursuant to subparagraph ~~4. 6.~~
1650 by crediting or debiting the amount calculated in subparagraph
1651 ~~5. 7.~~ This amount represents the child support which must be
1652 exchanged between the ~~custodial and noncustodial~~ parents.

1653 ~~7.9.~~ The court may deviate from the child support amount
1654 calculated pursuant to subparagraph ~~6. 8.~~ based upon the
1655 ~~deviation factors considerations set forth~~ in paragraph (a), as
1656 well as either ~~the custodial~~ parent's low income and ability to
1657 maintain the basic necessities of the home for the child, the
1658 likelihood that either ~~the noncustodial~~ parent will actually
1659 exercise the time-sharing schedule set forth in the parenting
1660 plan visitation granted by the court, and whether all of the
1661 children are exercising the same time-sharing schedule ~~shared~~
1662 ~~parental arrangement.~~

1663 ~~8.10.~~ For purposes of adjusting any award of child support
1664 under this paragraph, "substantial amount of time" means that a
1665 ~~the noncustodial~~ parent exercises visitation at least 40 percent
1666 of the overnights of the year.

1667 (c) A ~~noncustodial~~ parent's failure to regularly exercise
1668 court-ordered or agreed time-sharing schedule ~~visitation~~ not
1669 caused by the other ~~custodial~~ parent which resulted in the
1670 adjustment of the amount of child support pursuant to
1671 subparagraph (a)10. or paragraph (b) shall be deemed a
1672 substantial change of circumstances for purposes of modifying

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1673 the child support award. A modification pursuant to this
1674 paragraph shall be retroactive to the date the noncustodial
1675 parent first failed to regularly exercise court-ordered or
1676 agreed time-sharing schedule visitation.

1677 (12) (a) A parent with a support obligation may have other
1678 children living with him or her who were born or adopted after
1679 the support obligation arose. If such subsequent children exist,
1680 the court, when considering an upward modification of an
1681 existing award, may disregard the income from secondary
1682 employment obtained in addition to the parent's primary
1683 employment if the court determines that the employment was
1684 obtained primarily to support the subsequent children.

1685 (b) Except as provided in paragraph (a), the existence of
1686 such subsequent children should not as a general rule be
1687 considered by the court as a basis for disregarding the amount
1688 provided in the guidelines schedule. The parent with a support
1689 obligation for subsequent children may raise the existence of
1690 such subsequent children as a justification for deviation from
1691 the guidelines schedule. However, if the existence of such
1692 subsequent children is raised, the income of the other parent of
1693 the subsequent children shall be considered by the court in
1694 determining whether or not there is a basis for deviation from
1695 the guideline amount.

1696 (c) The issue of subsequent children under paragraph (a)
1697 or paragraph (b) may only be raised in a proceeding for an
1698 upward modification of an existing award and may not be applied
1699 to justify a decrease in an existing award.

1700 (13) If the recurring income is not sufficient to meet the
1701 needs of the child, the court may order child support to be paid
1702 from nonrecurring income or assets.

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1703 (14) Every petition for child support or for modification
1704 of child support shall be accompanied by an affidavit which
1705 shows the party's income, allowable deductions, and net income
1706 computed in accordance with this section. The affidavit shall be
1707 served at the same time that the petition is served. The
1708 respondent, whether or not a stipulation is entered, shall make
1709 an affidavit which shows the party's income, allowable
1710 deductions, and net income computed in accordance with this
1711 section. The respondent shall include his or her affidavit with
1712 the answer to the petition or as soon thereafter as is
1713 practicable, but in any case at least 72 hours prior to any
1714 hearing on the finances of either party.

1715 (15) For purposes of establishing an obligation for
1716 support in accordance with this section, if a person who is
1717 receiving public assistance is found to be noncooperative as
1718 defined in s. 409.2572, the IV-D agency is authorized to submit
1719 to the court an affidavit attesting to the income of that the
1720 ~~eustodial~~ parent based upon information available to the IV-D
1721 agency.

1722 (16) The Legislature shall review the guidelines schedule
1723 established in this section at least every 4 years beginning in
1724 1997.

1725 (17) In an initial determination of child support, whether
1726 in a paternity action, dissolution of marriage action, or
1727 petition for support during the marriage, the court has
1728 discretion to award child support retroactive to the date when
1729 the parents did not reside together in the same household with
1730 the child, not to exceed a period of 24 months preceding the
1731 filing of the petition, regardless of whether that date precedes
1732 the filing of the petition. In determining the retroactive award
1733 in such cases, the court shall consider the following:

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1734 (a) The court shall apply the guidelines schedule in
1735 effect at the time of the hearing subject to the obligor's
1736 demonstration of his or her actual income, as defined by
1737 subsection (2), during the retroactive period. Failure of the
1738 obligor to so demonstrate shall result in the court using the
1739 obligor's income at the time of the hearing in computing child
1740 support for the retroactive period.

1741 (b) All actual payments made by a ~~the noncustodial~~ parent
1742 to the other ~~custodial~~ parent or the child or third parties for
1743 the benefit of the child throughout the proposed retroactive
1744 period.

1745 (c) The court should consider an installment payment plan
1746 for the payment of retroactive child support.

1747 Section 17. Section 61.401, Florida Statutes, is amended
1748 to read:

1749 61.401 Appointment of guardian ad litem.--In an action for
1750 dissolution of marriage or for, modification of a parenting
1751 plan, ~~parental responsibility, custody, or visitation~~, if the
1752 court finds it is in the best interest of the child, the court
1753 may appoint a guardian ad litem to act as next friend of the
1754 child, investigator or evaluator, not as attorney or advocate.
1755 The court in its discretion may also appoint legal counsel for a
1756 child to act as attorney or advocate; however, the guardian and
1757 the legal counsel shall not be the same person. In such actions
1758 which involve an allegation of child abuse, abandonment, or
1759 neglect as defined in s. 39.01, which allegation is verified and
1760 determined by the court to be well-founded, the court shall
1761 appoint a guardian ad litem for the child. The guardian ad litem
1762 shall be a party to any judicial proceeding from the date of the
1763 appointment until the date of discharge.

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1764 Section 18. Section 61.45, Florida Statutes, is amended to
1765 read:

1766 61.45 Court-ordered parenting plan ~~Court order of~~
1767 ~~visitation or custody~~; risk of violation; bond.--

1768 (1) In any a proceeding in which the court enters a
1769 parenting plan, including a time-sharing schedule ~~an order of~~
1770 ~~child custody or visitation~~, including in a modification
1771 proceeding, upon the presentation of competent substantial
1772 evidence that there is a risk that one party may violate the
1773 court's parenting plan ~~order of visitation or custody~~ by
1774 removing a child from this state or country or by concealing the
1775 whereabouts of a child, or upon stipulation of the parties, the
1776 court may:

1777 (a) Order that a parent may not remove the child from this
1778 state without the notarized written permission of both parents
1779 or further court order;

1780 (b) Order that a parent may not remove the child from this
1781 country without the notarized written permission of both parents
1782 or further court order;

1783 (c) Order that a parent may not take the child to a
1784 country that has not ratified or acceded to the Hague Convention
1785 on the Civil Aspects of International Child Abduction unless the
1786 other parent agrees in writing that the child may be taken to
1787 the country;

1788 (d) Require a parent to surrender the passport of the
1789 child; or

1790 (e) Require that party to post bond or other security.

1791 (2) If the court enters a parenting plan, including a
1792 time-sharing schedule ~~an order of child custody or visitation~~,
1793 including in a modification proceeding, that includes a
1794 provision entered under paragraph (1) (b) or paragraph (1) (c), a

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1795 certified copy of the order should be sent by the parent who
1796 requested the restriction to the Passport Services Office of the
1797 United States Department of State requesting that they not issue
1798 a passport to the child without their signature or further court
1799 order.

1800 (3) In assessing the need for a bond or other security,
1801 the court may consider any reasonable factor bearing upon the
1802 risk that a party may violate a parenting plan ~~visitation or~~
1803 ~~custody order~~ by removing a child from this state or country or
1804 by concealing the whereabouts of a child, including but not
1805 limited to whether:

1806 (a) A court has previously found that a party previously
1807 removed a child from Florida or another state in violation of a
1808 parenting plan ~~custody or visitation order~~, or whether a court
1809 had found that a party has threatened to take a child out of
1810 Florida or another state in violation of a parenting plan
1811 ~~custody or visitation order~~;

1812 (b) The party has strong family and community ties to
1813 Florida or to other states or countries, including whether the
1814 party or child is a citizen of another country;

1815 (c) The party has strong financial reasons to remain in
1816 Florida or to relocate to another state or country;

1817 (d) The party has engaged in activities that suggest plans
1818 to leave Florida, such as quitting employment; sale of a
1819 residence or termination of a lease on a residence, without
1820 efforts to acquire an alternative residence in the state;
1821 closing bank accounts or otherwise liquidating assets; or
1822 applying for a passport;

1823 (e) Either party has had a history of domestic violence as
1824 either a victim or perpetrator, child abuse or child neglect
1825 evidenced by criminal history, including but not limited to,

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1826 arrest, an injunction for protection against domestic violence
1827 issued after notice and hearing under s. 741.30, medical
1828 records, affidavits, or any other relevant information; or

1829 (f) The party has a criminal record.

1830 (4) The court must consider the party's financial
1831 resources prior to setting the bond amount under this section.
1832 Under no circumstances may the court set a bond that is
1833 unreasonable.

1834 (5) Any deficiency of bond or security shall not absolve
1835 the violating party of responsibility to pay the full amount of
1836 damages determined by the court.

1837 (6) (a) Upon a material violation of any parenting plan
1838 ~~custody or visitation order~~ by removing a child from this state
1839 or this country or by concealing the whereabouts of a child, the
1840 court may order the bond or other security forfeited in whole or
1841 in part.

1842 (b) This section, including the requirement to post a bond
1843 or other security, does not apply to a parent who, in a
1844 proceeding to order or modify a parenting plan or time-sharing
1845 schedule, is determined by the court to be child custody or
1846 visitation, the court determines is a victim of an act of
1847 domestic violence or provides the court with has reasonable
1848 cause to believe that he or she is about to become the victim of
1849 an act of domestic violence, as defined in s. 741.28. An
1850 injunction for protection against domestic violence issued
1851 pursuant to s. 741.30 for a parent as the petitioner which is in
1852 effect at the time of the court proceeding shall be one means of
1853 demonstrating sufficient evidence that the parent is a victim of
1854 domestic violence or is about to become the victim of an act of
1855 domestic violence, as defined in s. 741.28, and shall exempt the
1856 parent from this section, including the requirement to post a

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1857 bond or other security. A parent who is determined by the court
1858 to be exempt from the requirements of this section must meet the
1859 requirements of s. 787.03(6) if an offense of interference with
1860 the parenting plan or time-sharing schedule ~~custody~~ is
1861 committed.

1862 (7) (a) Upon an order of forfeiture, the proceeds of any
1863 bond or other security posted pursuant to this subsection may
1864 only be used to:

1865 1. Reimburse the nonviolating party for actual costs or
1866 damages incurred in upholding the court's parenting plan ~~order~~
1867 ~~of custody or visitation~~.

1868 2. Locate and return the child to the residence as set
1869 forth in the parenting plan ~~visitation or custody~~ order.

1870 3. Reimburse reasonable fees and costs as determined by
1871 the court.

1872 (b) Any remaining proceeds shall be held as further
1873 security if deemed necessary by the court, and if further
1874 security is not found to be necessary; applied to any child
1875 support arrears owed by the parent against whom the bond was
1876 required, and if no arrears exists; all remaining proceeds will
1877 be allocated by the court in the best interest of the child.

1878 (8) At any time after the forfeiture of the bond or other
1879 security, the party who posted the bond or other security, or
1880 the court on its own motion may request that the party provide
1881 documentation substantiating that the proceeds received as a
1882 result of the forfeiture have been used solely in accordance
1883 with this subsection. Any party using such proceeds for purposes
1884 not in accordance with this section may be found in contempt of
1885 court.

1886 Section 19. Subsection (14) of section 409.2554, Florida
1887 Statutes, is amended to read:

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1888 409.2554 Definitions; ss. 409.2551-409.2598.--As used in
1889 ss. 409.2551-409.2598, the term:

1890 (14) "Unidentifiable collection" means a payment received
1891 by the department for which a ~~the nonecustodial~~ parent, ~~eustodial~~
1892 ~~parent~~, depository or circuit civil numbers, or source of the
1893 payment cannot be identified.

1894 Section 20. Paragraphs (b) and (c) of subsection (2) and
1895 subsection (4) of section 409.2558, Florida Statutes, are
1896 amended to read:

1897 409.2558 Support distribution and disbursement.--

1898 (2) UNDISTRIBUTABLE COLLECTIONS.--

1899 (b) Collections that are determined to be undistributable
1900 shall be processed in the following order of priority:

1901 1. Apply the payment to any assigned arrears on the
1902 obligee's ~~eustodial parent's~~ case; then

1903 2. Apply the payment to any administrative costs ordered
1904 by the court pursuant to s. 409.2567 associated with the
1905 obligee's ~~eustodial parent's~~ case; then

1906 3. When the obligor ~~nonecustodial parent~~ is subject to a
1907 valid order to support another child in a case with a different
1908 obligee ~~eustodial parent~~ and the obligation is being enforced by
1909 the department, the department shall send by certified mail,
1910 restricted delivery, return receipt requested, to the obligor
1911 ~~nonecustodial parent~~ at the most recent address provided by the
1912 obligor ~~nonecustodial parent~~ to the tribunal that issued the
1913 order, a notice stating the department's intention to apply the
1914 payment pursuant to this subparagraph, and advising the obligor
1915 ~~nonecustodial parent~~ of the right to contest the department's
1916 proposed action in the circuit court by filing and serving a
1917 petition on the department within 30 days after the mailing of
1918 the notice. If the obligor ~~nonecustodial parent~~ does not file and

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1919 serve a petition within the 30 days after mailing of the notice,
1920 or upon a disposition of the judicial action favorable to the
1921 department, the department shall apply the payment toward his or
1922 her other support obligation. If there is more than one such
1923 other case, the department shall allocate the remaining
1924 undistributable amount as specified by s. 61.1301(4)(c); then

1925 4. Return the payment to the obligor ~~noneustodial parent~~;
1926 then

1927 5. If the obligor ~~noneustodial parent~~ cannot be located
1928 after diligent efforts by the department, the federal share of
1929 the payment shall be credited to the Federal Government and the
1930 state share shall be transferred to the General Revenue Fund.

1931 (c) Refunds to obligors ~~noneustodial parents~~ that are
1932 determined to be undistributable shall be processed in the
1933 following manner:

1934 1. The federal share of the refund shall be sent to the
1935 Federal Government.

1936 2. The state share shall be credited to the General
1937 Revenue Fund.

1938 (4) RECLAIMING COLLECTIONS DECLARED TO BE UNDISTRIBUTABLE
1939 OR UNIDENTIFIABLE.--At such time as an undistributable or
1940 unidentifiable collection that has been transferred to the
1941 Federal Government and to the General Revenue Fund in the
1942 relevant method above becomes distributable or identified,
1943 meaning either the obligor ~~noneustodial parent~~ or the obligee
1944 ~~custodial parent~~ is identified or located, the department shall
1945 retrieve the transferred moneys in the following manner:

1946 (a) Offset the next credit to the Federal Government in an
1947 amount equal to the share of the collection which had been
1948 transferred; and

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1949 (b) Offset the next transfer to the General Revenue Fund
1950 in an amount equal to the state share of the collection which
1951 had been transferred to the General Revenue Fund.

1952
1953 The collection shall then be processed, as appropriate.

1954 Section 21. Paragraph (a) of subsection (1), paragraphs
1955 (b), (c), (d), and (f) of subsection (2), subsection (4),
1956 paragraphs (a) and (c) of subsection (5), subsection (6),
1957 paragraphs (b), (c), (d), and (e) of subsection (7), paragraphs
1958 (a) and (b) of subsection (10), and subsections (13) and (17) of
1959 section 409.2563, Florida Statutes, are amended to read:

1960 409.2563 Administrative establishment of child support
1961 obligations.--

1962 (1) DEFINITIONS.--As used in this section, the term:

1963 (a) "Administrative support order" means a final order
1964 rendered by or on behalf of the department pursuant to this
1965 section establishing or modifying the obligation of a
1966 ~~noncustodial~~ parent to contribute to the support and maintenance
1967 of his or her child or children, which may include provisions
1968 for monetary support, retroactive support, health care, and
1969 other elements of support pursuant to chapter 61.

1970 (2) PURPOSE AND SCOPE.--

1971 (b) The administrative procedure set forth in this section
1972 concerns only the establishment of child support obligations.
1973 This section does not grant jurisdiction to the department or
1974 the Division of Administrative Hearings to hear or determine
1975 issues of dissolution of marriage, separation, alimony or
1976 spousal support, termination of parental rights, dependency,
1977 disputed paternity, except for a determination of paternity as
1978 provided in s. 409.256, award of or change of time-sharing
1979 ~~custody, or visitation~~. This paragraph notwithstanding, the

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1980 department and the Division of Administrative Hearings may make
1981 findings of fact that are necessary for a proper determination
1982 of a ~~noncustodial~~ parent's support obligation as authorized by
1983 this section.

1984 (c) If there is no support order for a child in a Title
1985 IV-D case whose paternity has been established or is presumed by
1986 law, or whose paternity is the subject of a proceeding under s.
1987 409.256, the department may establish a ~~the noncustodial~~
1988 parent's child support obligation pursuant to this section, s.
1989 61.30, and other relevant provisions of state law. The
1990 ~~noncustodial~~ parent's obligation determined by the department
1991 may include any obligation to pay retroactive support and any
1992 obligation to provide for health care for a child, whether
1993 through insurance coverage, reimbursement of expenses, or both.
1994 The department may proceed on behalf of:

1995 1. An applicant or recipient of public assistance, as
1996 provided by ss. 409.2561 and 409.2567;

1997 2. A former recipient of public assistance, as provided by
1998 s. 409.2569;

1999 3. An individual who has applied for services as provided
2000 by s. 409.2567;

2001 4. Itself or the child, as provided by s. 409.2561; or

2002 5. A state or local government of another state, as
2003 provided by chapter 88.

2004 (d) Either parent, or a caretaker relative if applicable,
2005 may at any time file a civil action in a circuit court having
2006 jurisdiction and proper venue to determine parental support ~~the~~
2007 ~~noncustodial parent's child support~~ obligations, if any. A
2008 support order issued by a circuit court prospectively supersedes
2009 an administrative support order rendered by the department.

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2010 (f) The department shall terminate the administrative
2011 proceeding and file an action in circuit court to determine
2012 support if within 20 days after receipt of the initial notice
2013 the ~~noncustodial~~ parent from whom support is being sought
2014 requests in writing that the department proceed in circuit court
2015 or states in writing his or her ~~the noncustodial parent's~~
2016 intention to address issues concerning time-sharing ~~e custody~~ or
2017 rights to parental contact in court and if within 10 days after
2018 receipt of the department's petition and waiver of service the
2019 ~~noncustodial~~ parent from whom support is being sought signs and
2020 returns the waiver of service form to the department.

2021 (4) NOTICE OF PROCEEDING TO ESTABLISH ADMINISTRATIVE
2022 SUPPORT ORDER.--To commence a proceeding under this section, the
2023 department shall provide to the ~~eustodial~~ parent from whom
2024 support is not being sought and serve the ~~noncustodial~~ parent
2025 from whom support is being sought with a notice of proceeding to
2026 establish administrative support order and a blank financial
2027 affidavit form. The notice must state:

2028 (a) The names of both parents, the name of the caretaker
2029 relative, if any, and the name and date of birth of the child or
2030 children;

2031 (b) That the department intends to establish an
2032 administrative support order as defined in this section;

2033 (c) That both parents must submit a completed financial
2034 affidavit to the department within 20 days after receiving the
2035 notice, as provided by paragraph (13) (a);

2036 (d) That both parents, or parent and caretaker relative if
2037 applicable, are required to furnish to the department
2038 information regarding their identities and locations, as
2039 provided by paragraph (13) (b);

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2040 (e) That both parents, or parent and caretaker relative if
2041 applicable, are required to promptly notify the department of
2042 any change in their mailing addresses to ensure receipt of all
2043 subsequent pleadings, notices, and orders, as provided by
2044 paragraph (13) (c);

2045 (f) That the department will calculate support obligations
2046 based on the child support guidelines schedule in s. 61.30 and
2047 using all available information, as provided by paragraph
2048 (5) (a), and will incorporate such obligations into a proposed
2049 administrative support order;

2050 (g) That the department will send by regular mail to both
2051 parents, or parent and caretaker relative if applicable, a copy
2052 of the proposed administrative support order, the department's
2053 child support worksheet, and any financial affidavits submitted
2054 by a parent or prepared by the department;

2055 (h) That the ~~noncustodial~~ parent from whom support is
2056 being sought may file a request for a hearing in writing within
2057 20 days after the date of mailing or other service of the
2058 proposed administrative support order or will be deemed to have
2059 waived the right to request a hearing;

2060 (i) That if the ~~noncustodial~~ parent from whom support is
2061 being sought does not file a timely request for hearing after
2062 service of the proposed administrative support order, the
2063 department will issue an administrative support order that
2064 incorporates the findings of the proposed administrative support
2065 order, and will send by regular mail a copy of the
2066 administrative support order to both parents, or parent and
2067 caretaker relative if applicable;

2068 (j) That after an administrative support order is
2069 rendered, the department will file a copy of the order with the
2070 clerk of the circuit court;

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2071 (k) That after an administrative support order is
2072 rendered, the department may enforce the administrative support
2073 order by any lawful means;

2074 (l) That either parent, or caretaker relative if
2075 applicable, may file at any time a civil action in a circuit
2076 court having jurisdiction and proper venue to determine parental
2077 support ~~the noncustodial parent's child support~~ obligations, if
2078 any, and that a support order issued by a circuit court
2079 supersedes an administrative support order rendered by the
2080 department;

2081 (m) That, neither the department nor the Division of
2082 Administrative Hearings has jurisdiction to award or change
2083 child custody or rights of parental contact or time-sharing and
2084 these issues may only be addressed in circuit court.

2085 1. The parent from whom support is being sought
2086 ~~noncustodial parent~~ may request in writing that the department
2087 proceed in circuit court to determine his or her support
2088 obligations.

2089 2. The parent from whom support is being sought
2090 ~~noncustodial parent~~ may state in writing to the department his
2091 or her intention to address issues concerning custody or rights
2092 to parental contact in circuit court.

2093 3. If the parent from whom support is being sought
2094 ~~noncustodial parent~~ submits the request authorized in
2095 subparagraph 1., or the statement authorized in subparagraph 2.
2096 to the department within 20 days after the receipt of the
2097 initial notice, the department shall file a petition in circuit
2098 court for the determination of the ~~noncustodial~~ parent's child
2099 support obligations, and shall send to the parent from whom
2100 support is being sought ~~noncustodial parent~~ a copy of its
2101 petition, a notice of commencement of action, and a request for

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2102 waiver of service of process as provided in the Florida Rules of
2103 Civil Procedure.

2104 4. If, within 10 days after receipt of the department's
2105 petition and waiver of service, the parent from whom support is
2106 being sought ~~noncustodial parent~~ signs and returns the waiver of
2107 service form to the department, the department shall terminate
2108 the administrative proceeding without prejudice and proceed in
2109 circuit court.

2110 5. In any circuit court action filed by the department
2111 pursuant to this paragraph or filed by a parent from whom
2112 support is being sought ~~noncustodial parent~~ or other person
2113 pursuant to paragraph (l) or paragraph (n), the department shall
2114 be a party only with respect to those issues of support allowed
2115 and reimbursable under Title IV-D of the Social Security Act. It
2116 is the responsibility of the parent from whom support is being
2117 sought ~~noncustodial parent~~ or other person to take the necessary
2118 steps to present other issues for the court to consider.

2119 (n) That if the parent from whom support is being sought
2120 ~~noncustodial parent~~ files an action in circuit court and serves
2121 the department with a copy of the petition within 20 days after
2122 being served notice under this subsection, the administrative
2123 process ends without prejudice and the action must proceed in
2124 circuit court;

2125 (o) Information provided by the Office of State Courts
2126 Administrator concerning the availability and location of self-
2127 help programs for those who wish to file an action in circuit
2128 court but who cannot afford an attorney.

2129

2130 The department may serve the notice of proceeding to establish
2131 administrative support order by certified mail, restricted
2132 delivery, return receipt requested. Alternatively, the

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2133 department may serve the notice by any means permitted for
2134 service of process in a civil action. For purposes of this
2135 section, an authorized employee of the department may serve the
2136 notice and execute an affidavit of service. Service by certified
2137 mail is completed when the certified mail is received or refused
2138 by the addressee or by an authorized agent as designated by the
2139 addressee in writing. If a person other than the addressee signs
2140 the return receipt, the department shall attempt to reach the
2141 addressee by telephone to confirm whether the notice was
2142 received, and the department shall document any telephonic
2143 communications. If someone other than the addressee signs the
2144 return receipt, the addressee does not respond to the notice,
2145 and the department is unable to confirm that the addressee has
2146 received the notice, service is not completed and the department
2147 shall attempt to have the addressee served personally. The
2148 department shall provide the ~~custodial~~ parent from whom support
2149 is not being sought or caretaker relative with a copy of the
2150 notice by regular mail to the last known address of the
2151 ~~custodial~~ parent from whom support is not being sought or
2152 caretaker.

2153 (5) PROPOSED ADMINISTRATIVE SUPPORT ORDER.--

2154 (a) After serving notice upon a ~~the noncustodial~~ parent in
2155 accordance with subsection (4), the department shall calculate
2156 that the noncustodial parent's child support obligation under
2157 the child support guidelines schedule as provided by s. 61.30,
2158 based on any timely financial affidavits received and other
2159 information available to the department. If either parent fails
2160 to comply with the requirement to furnish a financial affidavit,
2161 the department may proceed on the basis of information available
2162 from any source, if such information is sufficiently reliable
2163 and detailed to allow calculation of guideline schedule amounts

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2164 under s. 61.30. If a ~~the~~ the ~~custodial~~ parent receives public
2165 assistance and fails to submit a financial affidavit, the
2166 department may submit a financial affidavit for that ~~the~~
2167 ~~custodial~~ parent pursuant to s. 61.30(15). If there is a lack of
2168 sufficient reliable information concerning a parent's actual
2169 earnings for a current or past period, it shall be presumed for
2170 the purpose of establishing a support obligation that the parent
2171 had an earning capacity equal to the federal minimum wage during
2172 the applicable period.

2173 (c) The department shall provide a notice of rights with
2174 the proposed administrative support order, which notice must
2175 inform the noncustodial parent that:

2176 1. The ~~noncustodial~~ parent from whom support is being
2177 sought may, within 20 days after the date of mailing or other
2178 service of the proposed administrative support order, request a
2179 hearing by filing a written request for hearing in a form and
2180 manner specified by the department;

2181 2. If the ~~noncustodial~~ parent from whom support is being
2182 sought files a timely request for a hearing, the case shall be
2183 transferred to the Division of Administrative Hearings, which
2184 shall conduct further proceedings and may enter an
2185 administrative support order;

2186 3. A ~~noncustodial~~ parent from whom support is being sought
2187 who fails to file a timely request for a hearing shall be deemed
2188 to have waived the right to a hearing, and the department may
2189 render an administrative support order pursuant to paragraph
2190 (7) (b);

2191 4. The ~~noncustodial~~ parent from whom support is being
2192 sought may consent in writing to entry of an administrative
2193 support order without a hearing;

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2194 5. The ~~noncustodial~~ parent from whom support is being
2195 sought may, within 10 days after the date of mailing or other
2196 service of the proposed administrative support order, contact a
2197 department representative, at the address or telephone number
2198 specified in the notice, to informally discuss the proposed
2199 administrative support order and, if informal discussions are
2200 requested timely, the time for requesting a hearing will be
2201 extended until 10 days after the department notifies the
2202 ~~noncustodial~~ parent that the informal discussions have been
2203 concluded; and

2204 6. If an administrative support order that establishes a
2205 ~~noncustodial~~ parent's support obligation is rendered, whether
2206 after a hearing or without a hearing, the department may enforce
2207 the administrative support order by any lawful means.

2208 (6) HEARING.--If the ~~noncustodial~~ parent from whom support
2209 is being sought files a timely request for hearing, the
2210 department shall refer the hearing request to the Division of
2211 Administrative Hearings. Unless otherwise provided by this
2212 section, chapter 120 and the Uniform Rules of Procedure shall
2213 govern the conduct of the proceedings. The administrative law
2214 judge shall consider all available and admissible information
2215 and any presumptions that apply as provided by paragraph (5) (a).

2216 (7) ADMINISTRATIVE SUPPORT ORDER.--

2217 (b) If the ~~noncustodial~~ parent from whom support is being
2218 sought does not file a timely request for a hearing, the
2219 ~~noncustodial~~ parent will be deemed to have waived the right to
2220 request a hearing.

2221 (c) If the ~~noncustodial~~ parent from whom support is being
2222 sought waives the right to a hearing, or consents in writing to
2223 the entry of an order without a hearing, the department may
2224 render an administrative support order.

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2225 (d) The department shall send by regular mail a copy of
2226 the administrative support order, or the final order denying an
2227 administrative support order, to both parents, or a parent and
2228 caretaker relative if applicable. The ~~noncustodial~~ parent from
2229 whom support is being sought shall be notified of the right to
2230 seek judicial review of the administrative support order in
2231 accordance with s. 120.68.

2232 (e) An administrative support order must comply with s.
2233 61.30. The department shall develop a standard form or forms for
2234 administrative support orders. An administrative support order
2235 must provide and state findings, if applicable, concerning:

2236 1. The full name and date of birth of the child or
2237 children;

2238 2. The name of the ~~noncustodial~~ parent from whom support
2239 is being sought and the other ~~custodial~~ parent or caretaker
2240 relative;

2241 3. The ~~noncustodial~~ parent's duty and ability to provide
2242 support;

2243 4. The amount of the ~~noncustodial~~ parent's monthly support
2244 obligation;

2245 5. Any obligation to pay retroactive support;

2246 6. The ~~noncustodial~~ parent's obligation to provide for the
2247 health care needs of each child, whether through insurance
2248 coverage, contribution towards the cost of insurance coverage,
2249 payment or reimbursement of health care expenses for the child,
2250 or any combination thereof;

2251 7. The beginning date of any required monthly payments and
2252 health care coverage;

2253 8. That all support payments ordered must be paid to the
2254 Florida State Disbursement Unit as provided by s. 61.1824;

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2255 9. That the parents, or caretaker relative if applicable,
2256 must file with the department when the administrative support
2257 order is rendered, if they have not already done so, and update
2258 as appropriate the information required pursuant to paragraph
2259 (13) (b);

2260 10. That both parents, or parent and caretaker relative if
2261 applicable, are required to promptly notify the department of
2262 any change in their mailing addresses pursuant to paragraph
2263 (13) (c); and

2264 11. That if the ~~noncustodial~~ parent ordered to pay support
2265 receives unemployment compensation benefits, the payor shall
2266 withhold, and transmit to the department, 40 percent of the
2267 benefits for payment of support, not to exceed the amount owed.

2268
2269 An income deduction order as provided by s. 61.1301 must be
2270 incorporated into the administrative support order or, if not
2271 incorporated into the administrative support order, the
2272 department or the Division of Administrative Hearings shall
2273 render a separate income deduction order.

2274 (10) JUDICIAL REVIEW, ENFORCEMENT, OR COURT ORDER
2275 SUPERSEDING ADMINISTRATIVE SUPPORT ORDER.--

2276 (a) The obligor ~~A noncustodial parent~~ has the right to
2277 seek judicial review of an administrative support order or a
2278 final order denying an administrative support order in
2279 accordance with s. 120.68. The department has the right to seek
2280 judicial review, in accordance with s. 120.68, of an
2281 administrative support order or a final order denying an
2282 administrative support order entered by an administrative law
2283 judge of the Division of Administrative Hearings.

2284 (b) An administrative support order rendered under this
2285 section has the same force and effect as a court order and may

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2286 be enforced by any circuit court in the same manner as a support
2287 order issued by the court, except for contempt. If the circuit
2288 court issues its own order enforcing the administrative support
2289 order, the circuit court may enforce its own order by contempt.
2290 The presumption of ability to pay and purge contempt established
2291 in s. 61.14(5) (a) applies to an administrative support order
2292 that includes a finding of present ability to pay. Enforcement
2293 by the court, without any change by the court in the support
2294 obligations established in the administrative support order,
2295 does not supersede the administrative support order or affect
2296 the department's authority to modify the administrative support
2297 order as provided by subsection (12). An order by the court that
2298 requires a ~~the noncustodial~~ parent to make periodic payments on
2299 arrearages does not constitute a change in the support
2300 obligations established in the administrative support order and
2301 does not supersede the administrative order.

2302 (13) REQUIRED DISCLOSURES; PRESUMPTIONS; NOTICE SENT TO
2303 ADDRESS OF RECORD.--In all proceedings pursuant to this section:

2304 (a) Each ~~The noncustodial~~ parent and ~~custodial~~ parent must
2305 execute and furnish to the department, no later than 20 days
2306 after receipt of the notice of proceeding to establish
2307 administrative support order, a financial affidavit in the form
2308 prescribed by the department. An updated financial affidavit
2309 must be executed and furnished to the department at the
2310 inception of each proceeding to modify an administrative support
2311 order. Caretaker relatives are not required to furnish financial
2312 affidavits.

2313 (b) Each ~~The noncustodial~~ parent, ~~custodial~~ parent, and
2314 caretaker relative if applicable, shall disclose to the
2315 department, no later than 20 days after receipt of the notice of
2316 proceeding to establish administrative support order, and update

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2317 as appropriate, information regarding his or her ~~their~~ identity
2318 and location, including names he or she is ~~they are~~ known by;
2319 social security number ~~numbers~~; residential and mailing
2320 addresses; telephone numbers; driver's license numbers; and
2321 names, addresses, and telephone numbers of employers. Pursuant
2322 to the federal Personal Responsibility and Work Opportunity
2323 Reconciliation Act of 1996, each person must provide his or her
2324 social security number in accordance with this section.

2325 Disclosure of social security numbers obtained through this
2326 requirement shall be limited to the purpose of administration of
2327 the Title IV-D program for child support enforcement.

2328 (c) Each ~~The noncustodial parent, custodial parent,~~ and
2329 caretaker relative, if applicable, have a continuing obligation
2330 to promptly inform the department in writing of any change in
2331 his or her ~~their~~ mailing address ~~addresses~~ to ensure receipt of
2332 all subsequent pleadings, notices, payments, statements, and
2333 orders, and receipt is presumed if sent by regular mail to the
2334 most recent address furnished by the person.

2335 ~~(17) EVALUATION. The Office of Program Policy Analysis~~
2336 ~~and Government Accountability shall conduct an evaluation of the~~
2337 ~~statewide implementation of the administrative process for~~
2338 ~~establishing child support provided for in this section. This~~
2339 ~~evaluation shall examine whether these processes have been~~
2340 ~~effectively implemented and administered statewide and are~~
2341 ~~operating to the benefit of the children, including, but not~~
2342 ~~limited to the ability of Title IV-D parents to easily access~~
2343 ~~the court system for necessary court action. The Office of~~
2344 ~~Program Policy Analysis and Government Accountability shall~~
2345 ~~submit an evaluation report on the statewide implementation of~~
2346 ~~the administrative processes for establishing child support by~~
2347 ~~June 30, 2006.~~

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2348 Section 22. Subsections (1), (4), and (11) of section
2349 409.2564, Florida Statutes, are amended to read:

2350 409.2564 Actions for support.--

2351 (1) In each case in which regular support payments are not
2352 being made as provided herein, the department shall institute,
2353 within 30 days after determination of the obligor's reasonable
2354 ability to pay, action as is necessary to secure the obligor's
2355 payment of current support and any arrearage which may have
2356 accrued under an existing order of support. The department shall
2357 notify the program attorney in the judicial circuit in which the
2358 recipient resides setting forth the facts in the case, including
2359 the obligor's address, if known, and the public assistance case
2360 number. Whenever applicable, the procedures established under
2361 the provisions of chapter 88, Uniform Interstate Family Support
2362 Act, chapter 61, Dissolution of Marriage; Support; Time-sharing
2363 ~~Custody~~, chapter 39, Proceedings Relating to Children, chapter
2364 984, Children and Families in Need of Services, and chapter 985,
2365 Delinquency; Interstate Compact on Juveniles, may govern actions
2366 instituted under the provisions of this act, except that actions
2367 for support under chapter 39, chapter 984, or chapter 985
2368 brought pursuant to this act shall not require any additional
2369 investigation or supervision by the department.

2370 (4) Whenever the Department of Revenue has undertaken an
2371 action for enforcement of support, the Department of Revenue may
2372 enter into an agreement with the obligor for the entry of a
2373 judgment determining paternity, if applicable, and for periodic
2374 child support payments based on the child support guidelines
2375 schedule in s. 61.30. Prior to entering into this agreement, the
2376 obligor shall be informed that a judgment will be entered based
2377 on the agreement. The clerk of the court shall file the
2378 agreement without the payment of any fees or charges, and the

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2379 court, upon entry of the judgment, shall forward a copy of the
2380 judgment to the parties to the action. To encourage out-of-court
2381 settlement and promote support order compliance, if the obligor
2382 and the Department of Revenue agree on entry of a support order
2383 and its terms, the guideline amount owed for retroactive support
2384 that is permanently assigned to the state shall be reduced by 25
2385 percent.

2386 (11) The Title IV-D agency shall review child support
2387 orders in IV-D cases at least every 3 years upon request by
2388 either party, or the agency in cases where there is an
2389 assignment of support to the state under s. 414.095(7), and may
2390 seek adjustment of the order if appropriate under the guidelines
2391 schedule established in s. 61.30. Not less than once every 3
2392 years the IV-D agency shall provide notice to the parties
2393 subject to the order informing them of their right to request a
2394 review and, if appropriate, an adjustment of the child support
2395 order. Said notice requirement may be met by including
2396 appropriate language in the initial support order or any
2397 subsequent orders.

2398 Section 23. Paragraph (a) of subsection (2) of section
2399 409.25657, Florida Statutes, is amended to read:

2400 409.25657 Requirements for financial institutions.--

2401 (2) The department shall develop procedures to enter into
2402 agreements with financial institutions doing business in the
2403 state, in coordination with such financial institutions and with
2404 the Federal Parent Locator Service in the case of financial
2405 institutions doing business in two or more states, to develop
2406 and operate a data match system, using automated data exchanges
2407 to the maximum extent feasible, in which each financial
2408 institution is required to provide for each calendar quarter the
2409 name, record address, social security number or other taxpayer

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2410 identification number, average daily account balance, and other
2411 identifying information for:

2412 (a) Each ~~noncustodial~~ parent who maintains an account at
2413 such institution and who owes past due support, as identified by
2414 the department by name and social security number or other
2415 taxpayer identification number; or

2416 Section 24. Subsections (2) and (5) of section 409.25659,
2417 Florida Statutes, are amended to read:

2418 409.25659 Insurance claim data exchange.--

2419 (2) The department shall develop and operate a data match
2420 system after consultation with one or more insurers, using
2421 automated data exchanges to the maximum extent feasible, in
2422 which an insurer may voluntarily provide the department monthly
2423 with the name, address, and, if known, date of birth and social
2424 security number or other taxpayer identification number for each
2425 ~~noncustodial~~ parent who has a claim with the insurer and who
2426 owes past due support, and the claim number maintained by the
2427 insurer for each claim. An insurer may provide such data by:

2428 (a) Authorizing an insurance claim data collection
2429 organization, to which the insurer subscribes and to which the
2430 insurer submits the required claim data on at least a monthly
2431 basis, to:

2432 1. Receive or access a data file from the department and
2433 conduct a data match of all ~~noncustodial~~ parents who have a
2434 claim with the insurer and who owe past due support and submit
2435 the required data for each such ~~noncustodial~~ parent to the
2436 department; or

2437 2. Submit a data file to the department which contains the
2438 required data for each claim being maintained by the insurer for
2439 the department to conduct a data match;

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2440 (b) Providing the required data for each claim being
2441 maintained by the insurer directly to the department in an
2442 electronic medium; or

2443 (c) Receiving or accessing a data file from the department
2444 and conducting a data match of all ~~noneustodial~~ parents who have
2445 a claim with the insurer and who owe past due support and
2446 submitting the required data for each such ~~noneustodial~~ parent
2447 to the department.

2448 (5) The department and insurers may only use the data
2449 obtained pursuant to subsection (2) for the purpose of
2450 identifying ~~noneustodial~~ parents who owe past due support. If
2451 the department does not match such data with a ~~noneustodial~~
2452 parent who owes past due support, such data shall be destroyed
2453 immediately and shall not be maintained by the department.

2454 Section 25. Section 409.2577, Florida Statutes, is amended
2455 to read:

2456 409.2577 Parent locator service.--The department shall
2457 establish a parent locator service to assist in locating parents
2458 who have deserted their children and other persons liable for
2459 support of dependent children. The department shall use all
2460 sources of information available, including the Federal Parent
2461 Locator Service, and may request and shall receive information
2462 from the records of any person or the state or any of its
2463 political subdivisions or any officer thereof. Any agency as
2464 defined in s. 120.52, any political subdivision, and any other
2465 person shall, upon request, provide the department any
2466 information relating to location, salary, insurance, social
2467 security, income tax, and employment history necessary to locate
2468 parents who owe or potentially owe a duty of support pursuant to
2469 Title IV-D of the Social Security Act. This provision shall
2470 expressly take precedence over any other statutory nondisclosure

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2471 provision which limits the ability of an agency to disclose such
2472 information, except that law enforcement information as provided
2473 in s. 119.071(4)(d) is not required to be disclosed, and except
2474 that confidential taxpayer information possessed by the
2475 Department of Revenue shall be disclosed only to the extent
2476 authorized in s. 213.053(16). Nothing in this section requires
2477 the disclosure of information if such disclosure is prohibited
2478 by federal law. Information gathered or used by the parent
2479 locator service is confidential and exempt from the provisions
2480 of s. 119.07(1). Additionally, the department is authorized to
2481 collect any additional information directly bearing on the
2482 identity and whereabouts of a person owing or asserted to be
2483 owing an obligation of support for a dependent child. The
2484 department shall, upon request, make information available only
2485 to public officials and agencies of this state; political
2486 subdivisions of this state, including any agency thereof
2487 providing child support enforcement services to non-Title IV-D
2488 clients; the ~~eustodial~~ parent owed support, legal guardian,
2489 attorney, or agent of the child; and other states seeking to
2490 locate parents who have deserted their children and other
2491 persons liable for support of dependents, for the sole purpose
2492 of establishing, modifying, or enforcing their liability for
2493 support, and shall make such information available to the
2494 Department of Children and Family Services for the purpose of
2495 diligent search activities pursuant to chapter 39. If the
2496 department has reasonable evidence of domestic violence or child
2497 abuse and the disclosure of information could be harmful to the
2498 ~~eustodial~~ parent owed support or the child of such parent, the
2499 child support program director or designee shall notify the
2500 Department of Children and Family Services and the Secretary of
2501 the United States Department of Health and Human Services of

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2502 this evidence. Such evidence is sufficient grounds for the
2503 department to disapprove an application for location services.

2504 Section 26. Paragraph (e) of subsection (1) of section
2505 409.2579, Florida Statutes, is amended to read:

2506 409.2579 Safeguarding Title IV-D case file information.--

2507 (1) Information concerning applicants for or recipients of
2508 Title IV-D child support services is confidential and exempt
2509 from the provisions of s. 119.07(1). The use or disclosure of
2510 such information by the IV-D program is limited to purposes
2511 directly connected with:

2512 (e) Mandatory disclosure of identifying and location
2513 information as provided in s. 61.13(7)-(8) by the IV-D program
2514 when providing Title IV-D services.

2515 Section 27. Subsection (11) of section 409.811, Florida
2516 Statutes, is amended to read:

2517 409.811 Definitions relating to Florida Kidcare Act.--As
2518 used in ss. 409.810-409.820, the term:

2519 (11) "Family" means the group or the individuals whose
2520 income is considered in determining eligibility for the Florida
2521 Kidcare program. The family includes a child with a ~~eustodial~~
2522 parent or caretaker relative who resides in the same house or
2523 living unit or, in the case of a child whose disability of
2524 nonage has been removed under chapter 743, the child. The family
2525 may also include other individuals whose income and resources
2526 are considered in whole or in part in determining eligibility of
2527 the child.

2528 Section 28. Subsection (5) of section 414.0252, Florida
2529 Statutes, is amended to read:

2530 414.0252 Definitions.--As used in ss. 414.025-414.55, the
2531 term:

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2532 (5) "Family" means the assistance group or the individuals
2533 whose needs, resources, and income are considered when
2534 determining eligibility for temporary assistance. The family for
2535 purposes of temporary assistance includes the minor child, a
2536 ~~eustodial~~ parent, or caretaker relative who resides in the same
2537 house or living unit. The family may also include individuals
2538 whose income and resources are considered in whole or in part in
2539 determining eligibility for temporary assistance but whose
2540 needs, due to federal or state restrictions, are not considered.
2541 These individuals include, but are not limited to, ineligible
2542 noncitizens or sanctioned individuals.

2543 Section 29. Paragraph (a) of subsection (4) and subsection
2544 (5) of section 414.065, Florida Statutes, are amended to read:

2545 414.065 Noncompliance with work requirements.--

2546 (4) EXCEPTIONS TO NONCOMPLIANCE PENALTIES.--Unless
2547 otherwise provided, the situations listed in this subsection
2548 shall constitute exceptions to the penalties for noncompliance
2549 with participation requirements, except that these situations do
2550 not constitute exceptions to the applicable time limit for
2551 receipt of temporary cash assistance:

2552 (a) Noncompliance related to child care.--Temporary cash
2553 assistance may not be terminated for refusal to participate in
2554 work activities if the individual is a single ~~eustodial~~ parent
2555 caring for a child who has not attained 6 years of age, and the
2556 adult proves to the regional workforce board an inability to
2557 obtain needed child care for one or more of the following
2558 reasons, as defined in the Child Care and Development Fund State
2559 Plan required by 45 C.F.R. part 98:

2560 1. Unavailability of appropriate child care within a
2561 reasonable distance from the individual's home or worksite.

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2562 2. Unavailability or unsuitability of informal child care
2563 by a relative or under other arrangements.

2564 3. Unavailability of appropriate and affordable formal
2565 child care arrangements.

2566 (5) WORK ACTIVITY REQUIREMENTS FOR ~~NONCUSTODIAL~~ PARENTS.--

2567 (a) The court may order a ~~noncustodial~~ parent who is
2568 delinquent in support payments, pursuant to the terms of a
2569 support order, to participate in work activities under this
2570 chapter, or as provided in s. 61.14(5)(b), so that the parent
2571 may obtain employment and fulfill the obligation to provide
2572 support payments. A ~~noncustodial~~ parent who fails to
2573 satisfactorily engage in court-ordered work activities may be
2574 held in contempt.

2575 (b) The court may order a ~~noncustodial~~ parent to
2576 participate in work activities under this chapter if the child
2577 of the ~~noncustodial~~ parent has been placed with a relative, in
2578 an emergency shelter, in foster care, or in other substitute
2579 care, and:

2580 1. The case plan requires the ~~noncustodial~~ parent to
2581 participate in work activities; or

2582 2. The ~~noncustodial~~ parent would be eligible to
2583 participate in work activities and subject to work activity
2584 requirements if the child were living with the parent.

2585
2586 If a ~~noncustodial~~ parent fails to comply with the case plan, the
2587 ~~noncustodial~~ parent may be removed from program participation.

2588 Section 30. Paragraph (c) of subsection (1) of section
2589 414.085, Florida Statutes, is amended to read:

2590 414.085 Income eligibility standards.--

2591 (1) For purposes of program simplification and effective
2592 program management, certain income definitions, as outlined in

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2593 the food stamp regulations at 7 C.F.R. s. 273.9, shall be
2594 applied to the temporary cash assistance program as determined
2595 by the department to be consistent with federal law regarding
2596 temporary cash assistance and Medicaid for needy families,
2597 except as to the following:

2598 (c) The first \$50 of child support paid to a ~~eustodial~~
2599 parent receiving temporary cash assistance may not be
2600 disregarded in calculating the amount of temporary cash
2601 assistance for the family, unless such exclusion is required by
2602 federal law.

2603 Section 31. Subsection (2) and paragraph (a) of subsection
2604 (6) of section 414.095, Florida Statutes, are amended to read:

2605 414.095 Determining eligibility for temporary cash
2606 assistance.--

2607 (2) ADDITIONAL ELIGIBILITY REQUIREMENTS.--

2608 (a) To be eligible for services or temporary cash
2609 assistance and Medicaid:

2610 1. An applicant must be a United States citizen, or a
2611 qualified noncitizen, as defined in this section.

2612 2. An applicant must be a legal resident of the state.

2613 3. Each member of a family must provide to the department
2614 the member's social security number or shall provide proof of
2615 application for a social security number. An individual who
2616 fails to provide a social security number, or proof of
2617 application for a social security number, is not eligible to
2618 participate in the program.

2619 4. A minor child must reside with a ~~eustodial~~ parent or
2620 parents, with a relative caretaker who is within the specified
2621 degree of blood relationship as defined by 45 C.F.R. part 233,
2622 or, if the minor is a teen parent with a child, in a setting
2623 approved by the department as provided in subsection (14).

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2624 5. Each family must have a minor child and meet the income
2625 and resource requirements of the program. All minor children who
2626 live in the family, as well as the parents of the minor
2627 children, shall be included in the eligibility determination
2628 unless specifically excluded.

2629 (b) The following members of a family are eligible to
2630 participate in the program if all eligibility requirements are
2631 met:

2632 1. A minor child who resides with a ~~eustodial~~ parent or
2633 other adult caretaker relative.

2634 2. The parent of a minor child with whom the child
2635 resides.

2636 3. The caretaker relative with whom the minor child
2637 resides who chooses to have her or his needs and income included
2638 in the family.

2639 4. Unwed minor children and their children if the unwed
2640 minor child lives at home or in an adult-supervised setting and
2641 if temporary cash assistance is paid to an alternative payee.

2642 5. A pregnant woman.

2643 (6) CHILD SUPPORT ENFORCEMENT.--As a condition of
2644 eligibility for public assistance, the family must cooperate
2645 with the state agency responsible for administering the child
2646 support enforcement program in establishing the paternity of the
2647 child, if the child is born out of wedlock, and in obtaining
2648 support for the child or for the parent or caretaker relative
2649 and the child. Cooperation is defined as:

2650 (a) Assisting in identifying and locating a ~~noneustodial~~
2651 parent who does not live in the same home as the child and
2652 providing complete and accurate information on that parent;
2653

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2654 This subsection does not apply if the state agency that
2655 administers the child support enforcement program determines
2656 that the parent or caretaker relative has good cause for failing
2657 to cooperate.

2658 Section 32. Subsection (1) of section 414.295, Florida
2659 Statutes, is amended to read:

2660 414.295 Temporary cash assistance programs; public records
2661 exemption.--

2662 (1) Personal identifying information of a temporary cash
2663 assistance program participant, a participant's family, or a
2664 participant's family or household member, except for information
2665 identifying a ~~noneustodial~~ parent who does not live in the same
2666 home as the child, held by the department, the Agency for
2667 Workforce Innovation, Workforce Florida, Inc., the Department of
2668 Health, the Department of Revenue, the Department of Education,
2669 or a regional workforce board or local committee created
2670 pursuant to s. 445.007 is confidential and exempt from s.
2671 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
2672 confidential and exempt information may be released for purposes
2673 directly connected with:

2674 (a) The administration of the temporary assistance for
2675 needy families plan under Title IV-A of the Social Security Act,
2676 as amended, by the department, the Agency for Workforce
2677 Innovation, Workforce Florida, Inc., the Department of Military
2678 Affairs, the Department of Health, the Department of Revenue,
2679 the Department of Education, a regional workforce board or local
2680 committee created pursuant to s. 445.007, or a school district.

2681 (b) The administration of the state's plan or program
2682 approved under Title IV-B, Title IV-D, or Title IV-E of the
2683 Social Security Act, as amended, or under Title I, Title X,

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2684 Title XIV, Title XVI, Title XIX, Title XX, or Title XXI of the
2685 Social Security Act, as amended.

2686 (c) Any investigation, prosecution, or any criminal,
2687 civil, or administrative proceeding conducted in connection with
2688 the administration of any of the plans or programs specified in
2689 paragraph (a) or paragraph (b) by a federal, state, or local
2690 governmental entity, upon request by that entity, when such
2691 request is made pursuant to the proper exercise of that entity's
2692 duties and responsibilities.

2693 (d) The administration of any other state, federal, or
2694 federally assisted program that provides assistance or services
2695 on the basis of need, in cash or in kind, directly to a
2696 participant.

2697 (e) Any audit or similar activity, such as a review of
2698 expenditure reports or financial review, conducted in connection
2699 with the administration of any of the plans or programs
2700 specified in paragraph (a) or paragraph (b) by a governmental
2701 entity authorized by law to conduct such audit or activity.

2702 (f) The administration of the unemployment compensation
2703 program.

2704 (g) The reporting to the appropriate agency or official of
2705 information about known or suspected instances of physical or
2706 mental injury, sexual abuse or exploitation, or negligent
2707 treatment or maltreatment of a child or elderly person receiving
2708 assistance, if circumstances indicate that the health or welfare
2709 of the child or elderly person is threatened.

2710 (h) The administration of services to elderly persons
2711 under ss. 430.601-430.606.

2712 Section 33. Paragraph (c) of subsection (3) of section
2713 445.024, Florida Statutes, is amended to read:

2714 445.024 Work requirements.--

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2715 (3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.--The
2716 following individuals are exempt from work activity
2717 requirements:

2718 (c) A single ~~eustodial~~ parent of a child under 3 months of
2719 age, except that the parent may be required to attend parenting
2720 classes or other activities to better prepare for the
2721 responsibilities of raising a child.

2722 Section 34. Paragraphs (b), (c), and (d) of subsection (3)
2723 of section 741.0306, Florida Statutes, are amended, and
2724 subsection (5) is added to that section, to read:

2725 741.0306 Creation of a family law handbook.--

2726 (3) The information contained in the handbook or other
2727 electronic media presentation may be reviewed and updated
2728 annually, and may include, but need not be limited to:

2729 (b) Shared parental responsibility for children ~~and~~ the
2730 determination of a parenting plan, including a time-sharing
2731 schedule primary residence or custody and secondary residence or
2732 routine visitation, holiday, summer, and vacation visitation
2733 arrangements, telephone access, and the process for notice for
2734 changes.

2735 (c) Permanent relocation restrictions ~~on parents with~~
2736 primary residential responsibility.

2737 (d) Child support for minor children; both parents are
2738 obligated for support in accordance with applicable child
2739 support guidelines schedule.

2740 (5) The existing family law handbook shall be reviewed and
2741 a report provided to the Legislature by October 1, 2008, or as
2742 soon thereafter as practicable, with recommendations for
2743 updating the handbook.

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2744 Section 35. Subsection (3), paragraph (a) of subsection
2745 (5), and paragraph (a) of subsection (6) of section 741.30,
2746 Florida Statutes, are amended to read:

2747 741.30 Domestic violence; injunction; powers and duties of
2748 court and clerk; petition; notice and hearing; temporary
2749 injunction; issuance of injunction; statewide verification
2750 system; enforcement.--

2751 (3) (a) The sworn petition shall allege the existence of
2752 such domestic violence and shall include the specific facts and
2753 circumstances upon the basis of which relief is sought.

2754 (b) The sworn petition shall be in substantially the
2755 following form:

2756
2757 PETITION FOR
2758 INJUNCTION FOR PROTECTION
2759 AGAINST DOMESTIC VIOLENCE
2760

2761 Before me, the undersigned authority, personally appeared
2762 Petitioner (Name) , who has been sworn and says that the
2763 following statements are true:

2764 (a) Petitioner resides at: (address)

2765 (Petitioner may furnish address to the court in a separate
2766 confidential filing if, for safety reasons, the petitioner
2767 requires the location of the current residence to be
2768 confidential.)

2769 (b) Respondent resides at: (last known address)

2770 (c) Respondent's last known place of employment: (name
2771 of business and address)

2772 (d) Physical description of respondent: _____

2773 Race _____

2774 Sex _____

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2775 Date of birth _____

2776 Height _____

2777 Weight _____

2778 Eye color _____

2779 Hair color _____

2780 Distinguishing marks or scars _____

2781 (e) Aliases of respondent: _____

2782 (f) Respondent is the spouse or former spouse of the
2783 petitioner or is any other person related by blood or marriage
2784 to the petitioner or is any other person who is or was residing
2785 within a single dwelling unit with the petitioner, as if a
2786 family, or is a person with whom the petitioner has a child in
2787 common, regardless of whether the petitioner and respondent are
2788 or were married or residing together, as if a family.

2789 (g) The following describes any other cause of action
2790 currently pending between the petitioner and respondent:

2791

2792 The petitioner should also describe any previous or pending
2793 attempts by the petitioner to obtain an injunction for
2794 protection against domestic violence in this or any other
2795 circuit, and the results of that attempt

2796

2797 Case numbers should be included if available.

2798 (h) Petitioner is either a victim of domestic violence or
2799 has reasonable cause to believe he or she is in imminent danger
2800 of becoming a victim of domestic violence because respondent has

2801 _____ (mark all sections that apply and describe in the spaces

2802 below the incidents of violence or threats of violence,

2803 specifying when and where they occurred, including, but not

2804 limited to, locations such as a home, school, place of

2805 employment, or visitation exchange) _____ :

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2806 _____ committed or threatened to commit domestic violence
2807 defined in s. 741.28, Florida Statutes, as any assault,
2808 aggravated assault, battery, aggravated battery, sexual assault,
2809 sexual battery, stalking, aggravated stalking, kidnapping, false
2810 imprisonment, or any criminal offense resulting in physical
2811 injury or death of one family or household member by another.
2812 With the exception of persons who are parents of a child in
2813 common, the family or household members must be currently
2814 residing or have in the past resided together in the same single
2815 dwelling unit.

2816 _____ previously threatened, harassed, stalked, or
2817 physically abused the petitioner.

2818 _____ attempted to harm the petitioner or family members or
2819 individuals closely associated with the petitioner.

2820 _____ threatened to conceal, kidnap, or harm the
2821 petitioner's child or children.

2822 _____ intentionally injured or killed a family pet.

2823 _____ used, or has threatened to use, against the petitioner
2824 any weapons such as guns or knives.

2825 _____ physically restrained the petitioner from leaving the
2826 home or calling law enforcement.

2827 _____ a criminal history involving violence or the threat of
2828 violence (if known).

2829 _____ another order of protection issued against him or her
2830 previously or from another jurisdiction (if known).

2831 _____ destroyed personal property, including, but not
2832 limited to, telephones or other communication equipment,
2833 clothing, or other items belonging to the petitioner.

2834 _____ engaged in any other behavior or conduct that leads
2835 the petitioner to have reasonable cause to believe he or she is
2836 in imminent danger of becoming a victim of domestic violence.

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2837 (i) Petitioner alleges the following additional specific
2838 facts: (mark appropriate sections)

2839 A minor child or minor children reside with the
2840 ~~petitioner is the custodian of a minor child or children whose~~
2841 ~~names and ages are as follows:~~

2842
2843 Petitioner needs the exclusive use and possession of
2844 the dwelling that the parties share.

2845 Petitioner is unable to obtain safe alternative
2846 housing because:

2847 Petitioner genuinely fears that respondent imminently
2848 will abuse, remove, or hide the minor child or children from
2849 petitioner because:

2850

2851 (j) Petitioner genuinely fears imminent domestic violence
2852 by respondent.

2853 (k) Petitioner seeks an injunction: (mark appropriate
2854 section or sections)

2855 Immediately restraining the respondent from committing
2856 any acts of domestic violence.

2857 Restraining the respondent from committing any acts of
2858 domestic violence.

2859 Awarding to the petitioner the temporary exclusive use
2860 and possession of the dwelling that the parties share or
2861 excluding the respondent from the residence of the petitioner.

2862 Providing a temporary parenting plan, including a
2863 ~~temporary time-sharing schedule~~ ~~Awarding temporary custody of,~~
2864 ~~or temporary visitation rights~~ with regard to, the minor child
2865 or children of the parties which might involve, ~~or~~ prohibiting
2866 or limiting time-sharing or requiring that it be visitation to
2867 ~~that which is~~ supervised by a third party.

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2868 _____ Establishing temporary support for the minor child or
2869 children or the petitioner.

2870 _____ Directing the respondent to participate in a
2871 batterers' intervention program or other treatment pursuant to
2872 s. 39.901, Florida Statutes.

2873 _____ Providing any terms the court deems necessary for the
2874 protection of a victim of domestic violence, or any minor
2875 children of the victim, including any injunctions or directives
2876 to law enforcement agencies.

2877 (c) Every petition for an injunction against domestic
2878 violence shall contain, directly above the signature line, a
2879 statement in all capital letters and bold type not smaller than
2880 the surrounding text, as follows:

2881
2882
2883 I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH
2884 STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE STATEMENTS
2885 MADE IN THIS PETITION ARE BEING MADE UNDER PENALTY OF PERJURY,
2886 PUNISHABLE AS PROVIDED IN SECTION 837.02, FLORIDA STATUTES.

2887 (initials)

2888 (d) If the sworn petition seeks to determine a parenting
2889 plan and time-sharing schedule ~~issues of custody or visitation~~
2890 with regard to the minor child or children of the parties, the
2891 sworn petition shall be accompanied by or shall incorporate the
2892 allegations required by s. 61.522 of the Uniform Child Custody
2893 Jurisdiction and Enforcement Act.

2894 (5) (a) When it appears to the court that an immediate and
2895 present danger of domestic violence exists, the court may grant
2896 a temporary injunction ex parte, pending a full hearing, and may
2897 grant such relief as the court deems proper, including an
2898 injunction:

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2899 1. Restraining the respondent from committing any acts of
2900 domestic violence.

2901 2. Awarding to the petitioner the temporary exclusive use
2902 and possession of the dwelling that the parties share or
2903 excluding the respondent from the residence of the petitioner.

2904 3. On the same basis as provided in s. 61.13, providing
2905 the petitioner with 100 percent of the time-sharing that shall
2906 remain granting to the petitioner temporary custody of a minor
2907 child. An order of temporary custody remains in effect until the
2908 order expires or an order is entered by a court of competent
2909 jurisdiction in a pending or subsequent civil action or
2910 proceeding affecting the placement of, access to, parental time
2911 with, adoption of, or parental rights and responsibilities for
2912 the minor child.

2913 (6) (a) Upon notice and hearing, when it appears to the
2914 court that the petitioner is either the victim of domestic
2915 violence as defined by s. 741.28 or has reasonable cause to
2916 believe he or she is in imminent danger of becoming a victim of
2917 domestic violence, the court may grant such relief as the court
2918 deems proper, including an injunction:

2919 1. Restraining the respondent from committing any acts of
2920 domestic violence.

2921 2. Awarding to the petitioner the exclusive use and
2922 possession of the dwelling that the parties share or excluding
2923 the respondent from the residence of the petitioner.

2924 3. On the same basis as provided in chapter 61, providing
2925 the petitioner with 100 percent of the time-sharing in a
2926 temporary parenting plan that shall remain awarding temporary
2927 custody of, or temporary visitation rights with regard to, a
2928 minor child or children of the parties. An order of temporary
2929 custody or visitation remains in effect until the order expires

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2930 or an order is entered by a court of competent jurisdiction in a
2931 pending or subsequent civil action or proceeding affecting the
2932 placement of, access to, parental time with, adoption of, or
2933 parental rights and responsibilities for the minor child.

2934 4. On the same basis as provided in chapter 61,
2935 establishing temporary support for a minor child or children or
2936 the petitioner. An order of temporary support remains in effect
2937 until the order expires or an order is entered by a court of
2938 competent jurisdiction in a pending or subsequent civil action
2939 or proceeding affecting child support.

2940 5. Ordering the respondent to participate in treatment,
2941 intervention, or counseling services to be paid for by the
2942 respondent. When the court orders the respondent to participate
2943 in a batterers' intervention program, the court, or any entity
2944 designated by the court, must provide the respondent with a list
2945 of all certified batterers' intervention programs and all
2946 programs which have submitted an application to the Department
2947 of Children and Family Services to become certified under s.
2948 741.32, from which the respondent must choose a program in which
2949 to participate. If there are no certified batterers'
2950 intervention programs in the circuit, the court shall provide a
2951 list of acceptable programs from which the respondent must
2952 choose a program in which to participate.

2953 6. Referring a petitioner to a certified domestic violence
2954 center. The court must provide the petitioner with a list of
2955 certified domestic violence centers in the circuit which the
2956 petitioner may contact.

2957 7. Ordering such other relief as the court deems necessary
2958 for the protection of a victim of domestic violence, including
2959 injunctions or directives to law enforcement agencies, as
2960 provided in this section.

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2961 Section 36. Subsections (1) and (2) of section 742.031,
2962 Florida Statutes, are amended to read:

2963 742.031 Hearings; court orders for support, hospital
2964 expenses, and attorney's fee.--

2965 (1) Hearings for the purpose of establishing or refuting
2966 the allegations of the complaint and answer shall be held in the
2967 chambers and may be restricted to persons, in addition to the
2968 parties involved and their counsel, as the judge in his or her
2969 discretion may direct. The court shall determine the issues of
2970 paternity of the child and the ability of the parents to support
2971 the child. Each party's social security number shall be recorded
2972 in the file containing the adjudication of paternity. If the
2973 court finds that the alleged father is the father of the child,
2974 it shall so order. If appropriate, the court shall order the
2975 father to pay the complainant, her guardian, or any other person
2976 assuming responsibility for the child moneys sufficient to pay
2977 reasonable attorney's fees, hospital or medical expenses, cost
2978 of confinement, and any other expenses incident to the birth of
2979 the child and to pay all costs of the proceeding. Bills for
2980 pregnancy, childbirth, and scientific testing are admissible as
2981 evidence without requiring third-party foundation testimony, and
2982 shall constitute prima facie evidence of amounts incurred for
2983 such services or for testing on behalf of the child. The court
2984 shall order either or both parents owing a duty of support to
2985 the child to pay support pursuant to s. 61.30. The court shall
2986 issue, upon motion by a party, a temporary order requiring the
2987 ~~provision of~~ child support pursuant to s. 61.30 pending an
2988 administrative or judicial determination of parentage, if there
2989 is clear and convincing evidence of paternity on the basis of
2990 genetic tests or other evidence. The court may also make a
2991 determination of an appropriate parenting plan, including a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 (for drafter's use only)

2992 ~~time-sharing schedule, as to the parental responsibility and~~
2993 ~~residential care and custody of the minor children in accordance~~
2994 with chapter 61.

2995 (2) If a judgment of paternity contains only a child
2996 support award with no parenting plan or time-sharing schedule,
2997 the obligee parent shall receive all of the time-sharing and
2998 sole parental responsibility no explicit award of custody, the
2999 establishment of a support obligation or of visitation rights in
3000 one parent shall be considered a judgment granting primary
3001 residential care and custody to the other parent without
3002 prejudice to the obligor parent. If a paternity judgment
3003 contains no such provisions, ~~custody shall be presumed to be~~
3004 ~~with the mother~~ shall be presumed to have all of the time-
3005 sharing and sole parental responsibility.

3006 Section 37. Subsection (3) of section 753.01, Florida
3007 Statutes, is amended to read:

3008 753.01 Definitions.--As used in this chapter, the term:

3009 (3) "Exchange monitoring" means supervision of movement of
3010 a child from one parent ~~the custodial~~ to the other nonecustodial
3011 parent at the start of the visit and back to the first custodial
3012 parent at the end of the visit.

3013 Section 38. Subsection (1) of section 827.06, Florida
3014 Statutes, is amended to read:

3015 827.06 Nonsupport of dependents.--

3016 (1) The Legislature finds that most ~~nonecustodial~~ parents
3017 want to support their children and remain connected to their
3018 families. The Legislature also finds that while many
3019 ~~nonecustodial~~ parents lack the financial resources and other
3020 skills necessary to provide that support, some parents willfully
3021 fail to provide support to their children even when they are
3022 aware of the obligation and have the ability to do so. The

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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3023 Legislature further finds that existing statutory provisions for
3024 civil enforcement of support have not proven sufficiently
3025 effective or efficient in gaining adequate support for all
3026 children. Recognizing that it is the public policy of this state
3027 that children shall be maintained primarily from the resources
3028 of their parents, thereby relieving, at least in part, the
3029 burden presently borne by the general citizenry through public
3030 assistance programs, it is the intent of the Legislature that
3031 the criminal penalties provided for in this section are to be
3032 pursued in all appropriate cases where civil enforcement has not
3033 resulted in payment.

3034 Section 39. For the purpose of incorporating the amendment
3035 made by this act to section 741.30, Florida Statutes, in a
3036 reference thereto, paragraph (a) of subsection (3) of section
3037 61.1825, Florida Statutes, is reenacted to read:

3038 61.1825 State Case Registry.--

3039 (3)(a) For the purpose of this section, a family violence
3040 indicator must be placed on a record when:

3041 1. A party executes a sworn statement requesting that a
3042 family violence indicator be placed on that party's record which
3043 states that the party has reason to believe that release of
3044 information to the Federal Case Registry may result in physical
3045 or emotional harm to the party or the child; or

3046 2. A temporary or final injunction for protection against
3047 domestic violence has been granted pursuant to s. 741.30(6), an
3048 injunction for protection against domestic violence has been
3049 issued by a court of a foreign state pursuant to s. 741.315, or
3050 a temporary or final injunction for protection against repeat
3051 violence has been granted pursuant to s. 784.046; or

3052 3. The department has received information on a Title IV-D
3053 case from the Domestic Violence and Repeat Violence Injunction

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 (for drafter's use only)

3054 Statewide Verification System, established pursuant to s.
3055 784.046(8)(b), that a court has granted a party a domestic
3056 violence or repeat violence injunction.

3057 Section 40. This act shall take effect October 1, 2008.
3058

3059 -----
3060 T I T L E A M E N D M E N T

3061 Remove the entire title and insert:

3062 A bill to be entitled

3063 An act relating to child custody and support; providing a
3064 directive to the Division of Statutory Revision to retitle
3065 ch. 61, F.S.; amending s. 61.046, F.S.; defining the terms
3066 "parenting plan," "parenting plan recommendation," and
3067 "time-sharing schedule"; deleting definitions of the terms
3068 "custodial parent" and "noncustodial parent"; amending ss.
3069 61.052, 61.09, and 61.10, F.S.; conforming provisions to
3070 changes in terminology; repealing s. 61.121, F.S.,
3071 relating to rotating custody; amending s. 61.122, F.S.;
3072 conforming provisions to changes in terminology; revising
3073 provisions relating to a presumption of good faith for
3074 psychologists making specified determinations; amending s.
3075 61.13, F.S.; revising provisions relating to modification
3076 of support; conforming provisions to changes in
3077 terminology; revising provisions relating to development
3078 of a parenting plan; amending s. 61.13001, F.S.;
3079 conforming provisions to changes in terminology; deleting
3080 obsolete definitions; amending s. 61.13002, F.S.;
3081 providing for orders of temporary support for children
3082 whose time-sharing is temporarily modified due to a
3083 parent's military service; conforming provisions to
3084 changes in terminology; amending ss. 61.14, 61.181, and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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3085 61.1827, F.S.; conforming provisions to changes in
3086 terminology; conforming a cross-reference; amending s.
3087 61.20, F.S.; conforming provisions to changes in
3088 terminology; revising provisions relating to social
3089 investigation and recommendations regarding a parenting
3090 plan; amending s. 61.21, F.S.; conforming provisions to
3091 changes in terminology; amending ss. 61.30, 61.401, 61.45,
3092 409.2554, and 409.2558, F.S.; conforming provisions to
3093 changes in terminology; amending s. 409.2563, F.S.;
3094 conforming provisions to changes in terminology; revising
3095 provisions relating to presumption of a parent's income
3096 for the purpose of establishing a support obligation;
3097 deleting an obsolete provision concerning a study by the
3098 Office of Program Policy Analysis and Government
3099 Accountability; amending ss. 409.2564, 409.25657,
3100 409.25659, and 409.2577, F.S.; conforming provisions to
3101 changes in terminology; amending s. 409.2579, F.S.;
3102 conforming a cross-reference; amending ss. 409.811, .
3103 414.0252, 414.065, 414.085, 414.095, 414.295, and 445.024,
3104 F.S.; conforming provisions to changes in terminology;
3105 amending s. 741.0306, F.S.; revising requirements for a
3106 family law handbook; conforming provisions to changes in
3107 terminology; requiring a review of the handbook and report
3108 to the Legislature; amending s. 741.30, F.S.; conforming
3109 provisions to changes in terminology; amending s. 742.031,
3110 F.S.; conforming provisions to changes in terminology;
3111 providing for time-sharing and parental responsibility in
3112 paternity judgments; amending ss. 753.01 and 827.06, F.S.;
3113 conforming provisions to changes in terminology;
3114 reenacting s. 61.1825(3)(a), F.S., relating to relating to
3115 the State Case Registry, to incorporate the amendments

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 (for drafter's use only)

116
3117

made to s. 741.30, F.S., in a reference thereto; providing
an effective date.

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 hearing bill: Healthcare
2 Representative Frishe offered the following:

3
4 **Amendment to Amendment(24627) by Representative Frishe**
5 Remove line 587 and insert:
6 before the institution of litigation and during the pending

7
8
9

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 hearing bill: Healthcare
2 Representative Frishe offered the following:
3
4 Amendment to Amendment (24627) by Representative Frishe
5 Remove lines 1091-1092 and insert:
6 the court may address the issue of support for the child by:
7

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 hearing bill: Healthcare

2 Representative Frishe offered the following:

3

4 **Amendment to Amendment (24627) by Representative Frishe**

5 Remove lines 1645-1647 and insert:

6 insurance coverage for the child. Day care shall be calculated
7 without regard to the 25 percent reduction applied by subsection
8 (7).

9

10

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 hearing bill: Healthcare
2 Representative Frishe offered the following:

3
4 **Amendment to Amendment (24627) by Representative Frishe**
5 Remove line 1750 and insert:
6 dissolution of marriage or for the creation, approval, or
7 modification of a parenting

8
9

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 hearing bill: Healthcare

2 Representative Frishe offered the following:

3

4 **Amendment to Amendment (24627) by Representative Frishe**

5 Remove line 2175 and insert:

6 inform the parent from whom support is being sought noncustodial
7 parent that:

8

9

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Healthcare Council
 Meeting Date: 4/17/08
 Place: Monroe Hotel
 Time: 8:30 AM

Bill Number: HB 1233
 Date Received: _____
 Date Reported: _____
 Subject: certification of radiologic persons

Council/Committee Action:

- | | |
|--|---|
| <input type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input checked="" 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	<i>Stick up</i>							
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>		Anderson								
<input checked="" type="checkbox"/>		Ausley								
<input checked="" type="checkbox"/>		Cusack	<i>4</i>	<i>0</i>						
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		Gibson								
<input checked="" type="checkbox"/>		Grimsley								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Hays								
<input checked="" type="checkbox"/>		Hooper								
<input checked="" type="checkbox"/>		Hudson								
<input checked="" type="checkbox"/>		Patronis								
<input checked="" type="checkbox"/>		Porth								
<input checked="" type="checkbox"/>		Roberson								
<input type="checkbox"/>		Schwartz								
<input checked="" type="checkbox"/>		Skidmore								
<input type="checkbox"/>		Zapata								
<input checked="" type="checkbox"/>		Bean, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
16	0									

Appearance Record

Rep Zapata - yes after roll call

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 1233

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: Healthcare Council

2 Representative(s) Garcia offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Subsection (4) of section 395.0193, Florida
7 Statutes, is amended to read:

8 395.0193 Licensed facilities; peer review; disciplinary
9 powers; agency or partnership with physicians.--

10 (4) Pursuant to ss. 458.337 and 459.016, any disciplinary
11 actions taken under subsection (3) shall be reported in writing
12 to the Division of Medical Health Quality Assurance of the
13 department agency within 30 working days after its initial
14 occurrence, regardless of the pendency of appeals to the
15 governing board of the hospital. The notification shall identify
16 the disciplined practitioner, the action taken, and the reason
17 for such action. All final disciplinary actions taken under
18 subsection (3), if different from those which were reported to
19 the division agency within 30 days after the initial occurrence,
20 shall be reported within 10 working days to the division of
21 ~~Health Quality Assurance of the agency~~ in writing and shall
22 specify the disciplinary action taken and the specific grounds

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

23 therefor. The division shall review each report and determine
24 whether it potentially involved conduct by the licensee that is
25 subject to disciplinary action, in which case s. 456.073 shall
26 apply. The reports are not subject to inspection under s.
27 119.07(1) even if the division's investigation results in a
28 finding of probable cause.

29 Section 2. Paragraphs (b) and (c) of subsection (6) and
30 subsections (7) and (13) of section 395.0197, Florida Statutes,
31 are amended to read:

32 395.0197 Internal risk management program.--

33 (6)

34 (b) The information reported to the agency pursuant to
35 paragraph (a) which relates to health care practitioners as
36 defined in s. 456.001(4) persons licensed under chapter 458,
37 chapter 459, chapter 461, or chapter 466 shall be reviewed by
38 the agency. The agency shall forward a copy of the report of
39 each incident to the Division of Medical Quality Assurance of
40 the department to determine whether it any of the incidents
41 potentially involved conduct by a health care professional who
42 is subject to disciplinary action, in which case the provisions
43 of s. 456.073 shall apply. The Agency for Health Care
44 Administration is not required to forward its annual reports to
45 the Department of Health.

46 (c) The report submitted to the agency shall also contain
47 the name and license number of the risk manager of the licensed
48 facility, a copy of its policy and procedures which govern the
49 measures taken by the facility and its risk manager to reduce
50 the risk of injuries and adverse incidents, and the results of
51 such measures. The annual report is confidential and is not
52 available to the public pursuant to s. 119.07(1) or any other
53 law providing access to public records. The annual report is not

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

54 discoverable or admissible in any civil or administrative
55 action, except in disciplinary proceedings by the agency or the
56 appropriate regulatory board. The annual report is not available
57 to the public as part of the record of investigation for and
58 prosecution in disciplinary proceedings made available to the
59 public by the agency or the appropriate regulatory board.
60 ~~However, the agency or the appropriate regulatory board shall~~
61 ~~make available, upon written request by a health care~~
62 ~~professional against whom probable cause has been found, any~~
63 ~~such records which form the basis of the determination of~~
64 ~~probable cause.~~

65 (7) Any of the following adverse incidents, whether
66 occurring in the licensed facility or arising from health care
67 prior to admission in the licensed facility, shall be reported
68 by the facility to the agency within 15 calendar days after its
69 occurrence:

- 70 (a) The death of a patient;
- 71 (b) Brain or spinal damage to a patient;
- 72 (c) The performance of a surgical procedure on the wrong
73 patient;
- 74 (d) The performance of a wrong-site surgical procedure;
- 75 (e) The performance of a wrong surgical procedure;
- 76 (f) The performance of a surgical procedure that is
77 medically unnecessary or otherwise unrelated to the patient's
78 diagnosis or medical condition;
- 79 (g) The surgical repair of damage resulting to a patient
80 from a planned surgical procedure, where the damage is not a
81 recognized specific risk, as disclosed to the patient and
82 documented through the informed-consent process; or
- 83 (h) The performance of procedures to remove unplanned
84 foreign objects remaining from a surgical procedure.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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85
86 The agency may grant extensions to this reporting requirement
87 for more than 15 days upon justification submitted in writing by
88 the facility administrator to the agency. The agency may require
89 an additional, final report. These reports shall not be
90 available to the public pursuant to s. 119.07(1) or any other
91 law providing access to public records, nor be discoverable or
92 admissible in any civil or administrative action, except in
93 disciplinary proceedings by the agency or the appropriate
94 regulatory board, nor shall they be available to the public as
95 part of the record of investigation for and prosecution in
96 disciplinary proceedings made available to the public by the
97 agency or the appropriate regulatory board. However, the agency
98 or the appropriate regulatory board shall make available, upon
99 written request by a health care professional against whom
100 probable cause has been found, any such records which form the
101 basis of the determination of probable cause. The agency may
102 investigate, as it deems appropriate, any such incident and
103 prescribe measures that must or may be taken in response to the
104 incident. The agency shall forward a copy of each incident
105 report to the Department of Health, which shall determine
106 whether it potentially involved conduct by a health care
107 professional who is subject to disciplinary action, in which
108 case the provisions of s. 456.073 shall apply. The agency shall
109 ~~review each incident and determine whether it potentially~~
110 ~~involved conduct by the health care professional who is subject~~
111 ~~to disciplinary action, in which case the provisions of s.~~
112 ~~456.073 shall apply.~~

113 (13) The agency shall have access to all licensed facility
114 records necessary to carry out the provisions of this section.
115 The records obtained by the agency under subsection (6),

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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116 subsection (7), or subsection (9) are not available to the
117 public under s. 119.07(1), nor shall they be discoverable or
118 admissible in any civil or administrative action, except in
119 disciplinary proceedings by the agency or the appropriate
120 regulatory board, nor shall records obtained pursuant to s.
121 456.071 be available to the public as part of the record of
122 investigation for and prosecution in disciplinary proceedings
123 made available to the public by the agency or the appropriate
124 regulatory board. ~~However, the agency or the appropriate~~
125 ~~regulatory board shall make available, upon written request by a~~
126 ~~health care professional against whom probable cause has been~~
127 ~~found, any such records which form the basis of the~~
128 ~~determination of probable cause, except that, with respect to~~
129 ~~medical review committee records, s. 766.101 controls.~~

130 Section 3. Paragraph (e) of subsection (4) of section
131 395.3025, Florida Statutes, is amended to read:

132 395.3025 Patient and personnel records; copies;
133 examination.--

134 (4) Patient records are confidential and must not be
135 disclosed without the consent of the person to whom they
136 pertain, but appropriate disclosure may be made without such
137 consent to:

138 (e) The department agency upon subpoena issued pursuant to
139 s. 456.071, but the records obtained thereby must be used solely
140 for the purpose of the department agency and the appropriate
141 professional board in its investigation, prosecution, and appeal
142 of disciplinary proceedings. If the department agency requests
143 copies of the records, the facility shall charge a reasonable
144 fee as determined by rule of the department no more than its
145 actual copying costs, including reasonable staff time. The
146 records must be sealed and must not be available to the public

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

147 pursuant to s. 119.07(1) or any other statute providing access
148 to records, nor may they be available to the public as part of
149 the record of investigation for and prosecution in disciplinary
150 proceedings made available to the public by the department
151 agency or the appropriate regulatory board. However, the
152 department agency must make available, upon written request by a
153 practitioner against whom probable cause has been found, any
154 such records that form the basis of the determination of
155 probable cause.

156 Section 4. Subsection (7) and paragraph (b) of subsection
157 (8) of section 400.147, Florida Statutes, are amended to read:

158 400.147 Internal risk management and quality assurance
159 program.--

160 (7) The facility shall initiate an investigation and shall
161 notify the agency within 1 business day after the risk manager
162 or his or her designee has received a report pursuant to
163 paragraph (1)(d). The notification must be made in writing and
164 be provided electronically, by facsimile device or overnight
165 mail delivery. The notification must include information
166 regarding the identity of the affected resident, the type of
167 adverse incident, the initiation of an investigation by the
168 facility, and whether the events causing or resulting in the
169 adverse incident represent a potential risk to any other
170 resident. The notification is confidential as provided by law
171 and is not discoverable or admissible in any civil or
172 administrative action, except in disciplinary proceedings by the
173 Department of Health agency or the appropriate regulatory board.
174 The agency may investigate, as it deems appropriate, any such
175 incident and prescribe measures that must or may be taken in
176 response to the incident. The department agency shall review
177 each incident and determine whether it potentially involved

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

178 conduct by the health care professional who is subject to
179 disciplinary action, in which case the provisions of s. 456.073
180 shall apply.

181 (8)

182 (b) A copy of the report submitted ~~The information~~
183 ~~reported~~ to the agency pursuant to paragraph (a) which relates
184 to health care practitioners as defined in s. 456.001(4) persons
185 ~~licensed under chapter 458, chapter 459, chapter 461, or chapter~~
186 ~~466~~ shall be forwarded to the Division of Medical Quality
187 Assurance of the Department of Health for review ~~reviewed by the~~
188 ~~agency.~~ The department agency shall determine whether any of the
189 incidents potentially involved conduct by a health care
190 professional who is subject to disciplinary action, in which
191 case the provisions of s. 456.073 shall apply.

192 Section 5. Subsection (3) of section 458.309, Florida
193 Statutes, is amended to read:

194 458.309 Rulemaking authority.--

195 (3) All physicians who perform level 2 procedures lasting
196 more than 5 minutes and all level 3 surgical procedures in an
197 office setting must register the office with the department
198 unless that office is licensed as a facility pursuant to chapter
199 395. The department shall inspect the physician's office
200 annually unless the office is accredited by a nationally
201 recognized accrediting agency ~~or an accrediting organization~~
202 ~~subsequently approved by the Board of Medicine.~~ The actual costs
203 for registration and inspection or accreditation shall be paid
204 by the person seeking to register and operate the office setting
205 in which office surgery is performed.

206 Section 6. Subsection (2) of section 459.005, Florida
207 Statutes, is amended to read:

208 459.005 Rulemaking authority.--

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

209 (2) All physicians who perform level 2 procedures lasting
210 more than 5 minutes and all level 3 surgical procedures in an
211 office setting must register the office with the department
212 unless that office is licensed as a facility pursuant to chapter
213 395. The department shall inspect the physician's office
214 annually unless the office is accredited by a nationally
215 recognized accrediting agency ~~or an accrediting organization~~
216 ~~subsequently approved by the Board of Osteopathic Medicine.~~ The
217 actual costs for registration and inspection or accreditation
218 shall be paid by the person seeking to register and operate the
219 office setting in which office surgery is performed.

220 Section 7. This act shall take effect July 1, 2008.

221 -----
222
223 T I T L E A M E N D M E N T

224 Remove the entire title and insert:

225 A bill to be entitled

226 An act relating to medical quality assurance; amending s.
227 395.0193, F.S.; requiring certain disciplinary actions to
228 be reported to the Division of Medical Quality Assurance of
229 the Department of Health instead of the Division of Health
230 Quality Assurance of the Agency for Health Care
231 Administration; amending s. 395.0197, F.S.; expanding the
232 list of health care practitioners to be reviewed by the
233 agency; requiring forwarding of incident reports to the
234 Division of Medical Quality Assurance of the Department of
235 Health for determination of need for disciplinary action
236 rather than the agency making such determination; amending
237 s. 395.3025, F.S.; changing references to "agency" to
238 "Department of Health" in provisions relating to issuance
239 of a subpoena and investigation, prosecution, and appeal of

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

240 disciplinary proceedings relating to health care
241 professionals; providing for a fee for copies of records to
242 be determined by the department; amending s. 400.147, F.S.;
243 changing references to "agency" to "department" when
244 referring to disciplinary proceedings in purview of the
245 department and appropriate regulatory boards; requiring a
246 copy of certain reports to be submitted to the Division of
247 Medical Quality Assurance of the Department of Health;
248 amending ss. 458.309 and 459.005, F.S.; providing that the
249 department shall inspect a physician's office unless such
250 office is accredited by a nationally recognized accrediting
251 agency; providing an effective date.

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Healthcare Council
 Meeting Date: 4/11/08
 Place: Monroe Hotel
 Time: 8:30AM

Bill Number: HB 1201
 Date Received: _____
 Date Reported: _____
 Subject: Medicaid Managed Care Program

Council/Committee Action:

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

Not Considered

Final Vote On Bill		MEMBERS	1		2		3			
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
		Anderson								
		Ausley								
		Cusack								
		Galvano								
		Garcia								
		Gibson								
		Grimsley								
		Harrell								
		Hays								
		Hooper								
		Hudson								
		Patronis								
		Porth								
		Roberson								
		Schwartz								
		Skidmore								
		Zapata								
		Bean, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Healthcare Council
 Meeting Date: 4/17/08
 Place: Mark Hall
 Time: 8:30 AM

Bill Number: HB 1435
 Date Received: _____
 Date Reported: _____
 Subject: disclosure of health care financial information

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	<i>Strike all</i>		<i>Amend to strike off</i>		Yea	Nay	Yea	Nay
Yea	Nay		Yea	Nay	Yea	Nay				
<input checked="" type="checkbox"/>		Anderson								
<input checked="" type="checkbox"/>		Ausley								
<input checked="" type="checkbox"/>		Cusack								
<input checked="" type="checkbox"/>		Galvano								
<input checked="" type="checkbox"/>		Garcia								
<input checked="" type="checkbox"/>		Gibson								
<input checked="" type="checkbox"/>		Grimsley								
<input checked="" type="checkbox"/>		Harrell								
<input checked="" type="checkbox"/>		Hays								
<input checked="" type="checkbox"/>		Hooper								
<input checked="" type="checkbox"/>		Hudson								
<input checked="" type="checkbox"/>		Patronis								
<input checked="" type="checkbox"/>		Porth								
<input checked="" type="checkbox"/>		Roberson								
<input checked="" type="checkbox"/>		Schwartz								
<input checked="" type="checkbox"/>		Skidmore								
<input checked="" type="checkbox"/>		Zapata								
<input checked="" type="checkbox"/>		Bean, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
17	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. HB 1435

COUNCIL/COMMITTEE ACTION

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

1 Council/Committee hearing bill: Healthcare Council

2 Representative(s) Zapata offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. This act may be cited as the "Health Care
7 Consumer's Right to Information Act."

8 Section 2. The purpose of this act is to provide health
9 care consumers with reliable and understandable information
10 about facility charges to assist consumers in making informed
11 decisions about health care.

12 Section 3. Paragraph (c) of subsection (4) of section
13 381.026, Florida Statutes, is amended to read:

14 381.026 Florida Patient's Bill of Rights and
15 Responsibilities.--

16 (4) RIGHTS OF PATIENTS.--Each health care facility or
17 provider shall observe the following standards:

18 (c) Financial information and disclosure.--

19 1. A patient has the right to be given, upon request, by
20 the responsible provider, his or her designee, or a
21 representative of the health care facility full information and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

22 necessary counseling on the availability of known financial
23 resources for the patient's health care.

24 2. A health care provider or a health care facility shall,
25 upon request, disclose to each patient who is eligible for
26 Medicare, in advance of treatment, whether the health care
27 provider or the health care facility in which the patient is
28 receiving medical services accepts assignment under Medicare
29 reimbursement as payment in full for medical services and
30 treatment rendered in the health care provider's office or
31 health care facility.

32 3. A health care provider or a health care facility shall,
33 upon request, furnish a person, prior to provision of medical
34 services, a reasonable estimate of charges for such services.
35 The health care provider or the health care facility shall
36 provide an uninsured person, prior to the provision of a planned
37 nonemergency medical service, a reasonable estimate of charges
38 for such service and information regarding the provider's or
39 facility's discount or charity policies for which the uninsured
40 person may be eligible. Estimates shall, to the extent possible,
41 be written in a language comprehensible to an ordinary
42 layperson. Such reasonable estimate shall not preclude the
43 health care provider or health care facility from exceeding the
44 estimate or making additional charges based on changes in the
45 patient's condition or treatment needs.

46 4. Each licensed facility not operated by the state shall
47 make available to the public on its Internet website or by other
48 electronic means a description of and a link to the performance
49 outcome and financial data that is published by the agency
50 pursuant to s. 408.05(3)(k). The facility shall place a notice
51 in the reception area that such information is available

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. | (for drafter's use only)

52 electronically and the website address. The licensed facility
53 may indicate that the pricing information is based on a
54 compilation of charges for the average patient and that each
55 patient's bill may vary from the average depending upon the
56 severity of illness and individual resources consumed. The
57 licensed facility may also indicate that the price of service is
58 negotiable for eligible patients based upon the patient's
59 ability to pay.

60 5. A patient has the right to receive a copy of an
61 itemized bill upon request. A patient has a right to be given an
62 explanation of charges upon request.

63 Section 4. Present subsections (8), (9), and (10) of
64 section 395.301, Florida Statutes, are redesignated as
65 subsections (9), (10), and (11), respectively, and a new
66 subsection (8) is added to that section, to read:

67 395.301 Itemized patient bill; form and content prescribed
68 by the agency.--

69 (8) Each licensed facility that is not operated by the
70 state shall provide any uninsured person seeking planned
71 nonemergency elective admission a written good faith estimate of
72 reasonably anticipated charges for the facility to treat such
73 person. The estimate must be provided to the uninsured person
74 within 7 business days after the person notifies the facility
75 and the facility confirms that the person is uninsured. The
76 estimate may be the average charges for that diagnosis-related
77 group or the average charges for that procedure. Upon request,
78 the facility shall notify the person of any revision to the good
79 faith estimate. Such estimate does not preclude the actual
80 charges from exceeding the estimate. The facility shall also
81 provide to the uninsured person a copy of any facility discount

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

82 and charity care discount policies for which the uninsured
83 person may be eligible. The facility shall place a notice in the
84 reception area where such information is available. Failure to
85 provide the estimate as required by this subsection shall result
86 in a fine of \$500 for each instance of the facility's failure to
87 provide the requested information.

88 Section 5. Paragraph (k) of subsection (3) of section
89 408.05, Florida Statutes, is amended to read:

90 408.05 Florida Center for Health Information and Policy
91 Analysis.--

92 (3) COMPREHENSIVE HEALTH INFORMATION SYSTEM.--In order to
93 produce comparable and uniform health information and statistics
94 for the development of policy recommendations, the agency shall
95 perform the following functions:

96 (k) Develop, in conjunction with the State Consumer Health
97 Information and Policy Advisory Council, and implement a long-
98 range plan for making available health care quality measures and
99 financial data that will allow consumers to compare health care
100 services. The health care quality measures and financial data
101 the agency must make available shall include, but is not limited
102 to, pharmaceuticals, physicians, health care facilities, and
103 health plans and managed care entities. The agency shall submit
104 the initial plan to the Governor, the President of the Senate,
105 and the Speaker of the House of Representatives by January 1,
106 2006, and shall update the plan and report on the status of its
107 implementation annually thereafter. The agency shall also make
108 the plan and status report available to the public on its
109 Internet website. As part of the plan, the agency shall identify
110 the process and timeframes for implementation, any barriers to
111 implementation, and recommendations of changes in the law that

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. ↓ (for drafter's use only)

112 may be enacted by the Legislature to eliminate the barriers. As
113 preliminary elements of the plan, the agency shall:

114 1. Make available patient-safety indicators, inpatient
115 quality indicators, and performance outcome and patient charge
116 data collected from health care facilities pursuant to s.
117 408.061(1)(a) and (2). The terms "patient-safety indicators" and
118 "inpatient quality indicators" shall be as defined by the
119 Centers for Medicare and Medicaid Services, the National Quality
120 Forum, the Joint Commission on Accreditation of Healthcare
121 Organizations, the Agency for Healthcare Research and Quality,
122 the Centers for Disease Control and Prevention, or a similar
123 national entity that establishes standards to measure the
124 performance of health care providers, or by other states. The
125 agency shall determine which conditions, procedures, health care
126 quality measures, and patient charge data to disclose based upon
127 input from the council. When determining which conditions and
128 procedures are to be disclosed, the council and the agency shall
129 consider variation in costs, variation in outcomes, and
130 magnitude of variations and other relevant information. When
131 determining which health care quality measures to disclose, the
132 agency:

133 a. Shall consider such factors as volume of cases; average
134 patient charges; average length of stay; complication rates;
135 mortality rates; and infection rates, among others, which shall
136 be adjusted for case mix and severity, if applicable.

137 b. May consider such additional measures that are adopted
138 by the Centers for Medicare and Medicaid Studies, National
139 Quality Forum, the Joint Commission on Accreditation of
140 Healthcare Organizations, the Agency for Healthcare Research and
141 Quality, Centers for Disease Control and Prevention, or a

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

142 similar national entity that establishes standards to measure
143 the performance of health care providers, or by other states.

144
145 When determining which patient charge data to disclose, the
146 agency shall include ~~consider~~ such measures as the average of
147 undiscounted charges on frequently performed procedures and
148 preventive diagnostic procedures, the range of procedure charges
149 from highest to lowest average charge, average net revenue per
150 adjusted patient day, average cost per adjusted patient day, and
151 average cost per admission, among others.

152
153 The agency is directed to study the use of community benefits
154 programs in other states. The agency shall submit a report of
155 its study to the relevant committees of the Senate and the House
156 of Representatives by January 1, 2009. The report shall also
157 include recommendations for community benefits requirements in
158 Florida, including standards and guidelines for not-for-profit
159 charitable 501(c)3 hospitals. The Office of Program Policy
160 Analysis and Government Accountability shall conduct a study of
161 not-for-profit charitable 501(c)3 hospitals and the benefits
162 received by not-for-profit hospitals from sales and lease tax
163 exemption certificates obtained pursuant to s.212.08(7)(p), and
164 from property tax and federal income tax exemptions.

165 Specifically, the study shall determine the dollar value of
166 those exemptions for each hospital for the last three complete
167 fiscal years, and shall assess the actual cost of charity care
168 provided by each hospital for the last three complete fiscal
169 years. The study shall include an evaluation of the
170 profitability of not-for-profit hospitals and the allocation of
171 hospital resources to provide a community benefit, and shall

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. | (for drafter's use only)

172 provide comparables to other states. The study shall analyze and
173 recommend a state standard that would provide accurate and
174 measurable figures as it relates to reporting for charity care
175 and uncompensated care. The Office of Program Policy Analysis
176 and Government Accountability shall submit a report to the
177 relevant committees of the Senate and the House of
178 Representatives by January 1, 2009. For the purposes of these
179 studies and reports, "community benefits" means the unreimbursed
180 cost to a hospital of providing charity care, uncompensated
181 government sponsored indigent health care, donations,
182 uncompensated government-sponsored program services, free
183 screening, testing services and subsidized health services
184 provided by the hospital.

185 2. Make available performance measures, benefit design,
186 and premium cost data from health plans licensed pursuant to
187 chapter 627 or chapter 641. The agency shall determine which
188 health care quality measures and member and subscriber cost data
189 to disclose, based upon input from the council. When determining
190 which data to disclose, the agency shall consider information
191 that may be required by either individual or group purchasers to
192 assess the value of the product, which may include membership
193 satisfaction, quality of care, current enrollment or membership,
194 coverage areas, accreditation status, premium costs, plan costs,
195 premium increases, range of benefits, copayments and
196 deductibles, accuracy and speed of claims payment, credentials
197 of physicians, number of providers, names of network providers,
198 and hospitals in the network. Health plans shall make available
199 to the agency any such data or information that is not currently
200 reported to the agency or the office.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. | (for drafter's use only)

201 3. Determine the method and format for public disclosure
202 of data reported pursuant to this paragraph. The agency shall
203 make its determination based upon input from the State Consumer
204 Health Information and Policy Advisory Council. At a minimum,
205 the data shall be made available on the agency's Internet
206 website in a manner that allows consumers to conduct an
207 interactive search that allows them to view and compare the
208 information for specific providers. The website must include
209 such additional information as is determined necessary to ensure
210 that the website enhances informed decisionmaking among
211 consumers and health care purchasers, which shall include, at a
212 minimum, appropriate guidance on how to use the data and an
213 explanation of why the data may vary from provider to provider.
214 The data specified in subparagraph 1. shall be released no later
215 than January 1, 2006, for the reporting of infection rates, and
216 no later than October 1, 2005, for mortality rates and
217 complication rates. The data specified in subparagraph 2. shall
218 be released no later than October 1, 2006.

219 4. Publish on its website undiscounted charges for no
220 fewer than 150 of the most commonly performed adult and
221 pediatric procedures, including outpatient, inpatient,
222 diagnostic, and preventative procedures.

223 Section 6. This act shall take effect January 1, 2009.
224
225
226

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

229 Remove the entire title and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. | (for drafter's use only)

230 An act relating to consumer information concerning health care;
231 providing a short title; providing a purpose; amending s.
232 381.026, F.S.; requiring a health care provider or a health care
233 facility to provide an uninsured person with a reasonable
234 estimate of charges for planned nonemergency medical services
235 before such services are provided; requiring that the provider
236 or the facility provide the uninsured person with information
237 regarding such provider's or facility's discount or charity
238 policies; requiring that the estimate be in writing and in a
239 language comprehensible to an ordinary layperson; amending s.
240 395.301, F.S.; requiring certain licensed facilities to provide
241 a written estimate within a certain period of time to an
242 uninsured person seeking planned nonemergency elective
243 admission; requiring the facility to notify the person if the
244 estimate is revised; requiring the facility to provide the
245 person with a copy of any discount or charity care discount
246 policies for which such person may be eligible; requiring the
247 facility to place a notice in the reception area where such
248 information is available; imposing a monetary penalty if the
249 facility fails to provide the requested information; amending s.
250 408.05, F.S.; revising the list of patient charge data that may
251 be disclosed by the Agency for Health Care Administration;
252 requiring the agency to publish on its website information
253 concerning prices for the most commonly performed adult and
254 pediatric procedures; requiring a study by the Agency for Health
255 Care Administration; requiring the agency to submit a report to
256 the relevant committees of the Senate and the House of
257 Representatives by January 1, 2009; requiring a study by the
258 Office of Program Policy Analysis and Government Accountability;
259 requiring the office to submit a report to the relevant

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

260 committees of the Senate and the House of Representatives by
261 January 1, 2009; providing an effective date.

262



Full or Subcommittee on _____

Action 7/17/08

Date _____

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

Amendment No. 1a

Bill No. ~~109~~ 1435

(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 Zapata

offered the following amendment:

Amendment

on page 6, line 171,

Remove line 171 and insert:

hospital resources to provide a community benefit and executive compensation, and shall

w/o dj

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

Council/Committee: Healthcare Council
 Meeting Date: 4/17/08
 Place: Monroe Hall
 Time: 8:30 AM

Bill Number: HB 1485
 Date Received: _____
 Date Reported: _____
 Subject: organ and tissue donation

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		2		3		4	
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Anderson								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ausley								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Cusack	4/0		4/0		4/0		4/0	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Galvano	8/0		8/0		8/0		8/0	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Garcia								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Gibson								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Grimsley								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Harrell								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Hays								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Hooper								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Hudson								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Patronis								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Porth								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Roberson								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Schwartz								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Skidmore								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Zapata								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Bean, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
17	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 1485

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: Healthcare Council
2 Representative(s) Hays offered the following:

3
4 **Amendment**

5 Remove line(s) 151-152 and insert:

6 (g) A close personal friend of the decedent, as defined in
7 s. 765.101;

8
9

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 1485

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: Healthcare Council
2 Representative(s) Hays offered the following:

3
4 **Amendment**

5 Remove line(s) 370-374 and insert:

6 2. The contractor shall coordinate with the head of a
7 state agency or other political subdivision of the state, or his
8 or her designee, to establish convenient times, dates, and
9 locations for educating that entity's employees.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. 1485

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: Healthcare Council
2 Representative(s) Hays offered the following:

3
4 **Amendment (with title amendment)**

5 Remove line(s) 391-403
6
7

8 -----
9 **T I T L E A M E N D M E N T**

10 Remove line(s) 31-33 and insert:
11 and the preparation of an annual report; providing for
12 funding and for
13

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

Bill No. 1485

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: Healthcare Council

2 Representative(s) Hays offered the following:

3
4 **Amendment**

5 Remove line(s) 406-407 and insert:

6 Administration from the funds deposited into the Health Care
7 Trust Fund pursuant to ss. 320.8047 and 322.08, that are
8 designated for maintaining the organ and tissue donor registry
9 and education program. In addition,

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

Council/Committee: Healthcare Council
 Meeting Date: 4/17/08
 Place: Monte Hall
 Time: 8:30 AM

Bill Number: HB 1487
 Date Received: _____
 Date Reported: _____
 Subject: Pub. Rec./open and
take down

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		2		3			
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Anderson								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ausley	4/0							
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Cusack			4/0		4/0			
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Galvano	5/0							
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Garcia			5/0		5/0			
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Gibson								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Grimsley								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Harrell								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Hays								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Hooper								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Hudson								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Patronis								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Porth								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Roberson								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Schwartz								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Skidmore								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Zapata								
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Bean, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
17	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 1487

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: Healthcare Council
2 Representative(s) Hays offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Remove line(s) 15 and insert:

6 765.51551 Organ and tissue donor registry; public records
7

8
9 -----
10 **D I R E C T O R Y A M E N D M E N T**

11 Remove line(s) 13 and insert:

12 Section 1. Section 765.51551, Florida Statutes, is created
13

14
15 -----
16 **T I T L E A M E N D M E N T**

17 Remove line(s) 2 and insert:

18 An act relating to public records; creating s. 765.51551,
19

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 1487

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: Healthcare Council
2 Representative(s) Hays offered the following:

3
4 **Amendment (with title amendment)**

5 Remove line(s) 21-25 and insert:

6 (2) Such information may be disclosed to the following:

7 (a) Organ, tissue, and eye procurement organizations that
8 have been certified by the Agency for Health Care Administration
9 for the purpose of ascertaining or effectuating the existence of
10 a gift under s. 765.522.

11 (b) Persons engaged bona fide research if the person
12 agrees to:

13 1. Submit a research plan to the agency that specifies the
14 exact nature of the information requested and the intended use
15 of the information;

16 2. Maintain the confidentiality of the records or
17 information if personal identifying information is made
18 available to the researcher;

19 3. Destroy any confidential records or information
20 obtained after the research is concluded; and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

21 4. Not directly or indirectly contact, for any purpose,
22 any donor or donee.

23

24

25

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

26

Remove line(s) 5-6 and insert:

27

registry which would identify a donor; providing

28

exceptions; providing for future legislative review and

29

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 (for drafter's use only)

Bill No. 1487

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: Healthcare Council

2 Representative(s) Hays offered the following:

3

4 **Amendment**

5 Remove line(s) 28 and insert:

6 on October 2, 2013, unless reviewed and saved from repeal

7

8

House of Representatives
COUNCIL/COMMITTEE BILL ACTION WORK SHEET

Council/Committee: Healthcare Council
 Meeting Date: 4/17/08
 Place: Mon Hall
 Time: 8:30 AM

Bill Number: HB 1525
 Date Received: _____
 Date Reported: _____
 Subject: memory disorder clinic

Council/Committee Action:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Favorable | <input type="checkbox"/> Retained for Reconsideration |
| <input type="checkbox"/> Favorable w/ _____ amendments | <input type="checkbox"/> Reconsidered |
| <input 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								
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay	Yea	Nay
✓		Anderson								
✓		Ausley								
✓		Cusack								
✓		Galvano								
✓		Garcia								
✓		Gibson								
✓		Grimsley								
✓		Harrell								
✓		Hays								
✓		Hooper								
✓		Hudson								
✓		Patronis								
✓		Porth								
✓		Roberson								
✓		Schwartz								
✓		Skidmore								
✓		Zapata								
✓		Bean, Chair								
Yeas	Nays	TOTALS	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
17	0									

Appearance Record

NAME	REPRESENTING	ADDRESS & PHONE	*CODE