



**State Budget Conference Chairs
House Appropriations Committee/Senate Budget**

BUMP ISSUES

**House Health Care Appropriations Subcommittee/
Senate Budget Subcommittee on Health & Human Services Appropriations**

**Conforming Bills
HB 5303, HB 5305, SB 2146, HB 5309**

House Offer # 1

**Thursday May 5, 2011
412 Knott Building**

**Health Care Appropriations Subcommittee/Health and Human Services Appropriations Subcommittee
House Bump Offer #1
Fiscal Year 2011-2012
Department of Health**

HB 5303	Comments	CS/CS/SB 1468
<p>Section 1. (s. 215.5602, F.S.) Repeals a portion of statute that requires the transfer of \$50 million to the Biomedical Research Trust Fund from the state cigarette surcharge for research of tobacco related or cancer related illnesses. The bill also repeals provisions in statute establishing the funding for the James and Esther King Biomedical Research Program, the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program, and the H. Lee Moffitt Cancer Center and Research Institute from proceeds from the state cigarette surcharge.</p>	<p>House with Modification Attached</p>	
<p>Section 2. (s. 381.922, F.S.) Repeals a portion of statute that indicates the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program will be funded pursuant to s. 215.5602, F.S.</p>	<p>House with Modification Attached</p>	
<p>Section 3. Effective date is July 1, 2011.</p>	<p>House</p>	

Section 1. Subsection (12) of section 215.5602, Florida Statutes, is amended to read:

215.5602 James and Esther King Biomedical Research Program.—

(12) From funds appropriated to accomplish the goals of this section, up to \$250,000 shall be available for the operating costs of the Florida Center for Universal Research to Eradicate Disease. Beginning in the 2011-2012 ~~2010-2011~~ fiscal year and thereafter, \$25 ~~50~~ million from the revenue deposited into the Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7) shall be reserved for research of tobacco-related or cancer-related illnesses. Of the revenue deposited in the Health Care Trust Fund pursuant to this section, \$25 ~~50~~ million shall be transferred to the Biomedical Research Trust Fund within the Department of Health. Subject to annual appropriations in the General Appropriations Act, \$5 ~~20~~ million shall be appropriated to the James and Esther King Biomedical Research Program, \$5 ~~20~~ million shall be appropriated to the William G. "Bill" Bankhead, Jr., and David Coley Cancer Research Program created under s. 381.922, ~~and~~ \$5 ~~10~~ million shall be appropriated to the H. Lee Moffitt Cancer Center and Research Institute established under s. 1004.43, \$5 million shall be appropriated to the Sylvester Cancer Center at the University of Miami, and \$5 million shall be appropriated to the Shands Cancer Hospital at the University of Florida.

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HB 5305	Comments	No Senate Bill
Section 1. (ss. 945.601, 945.602, 945.603, 945.6031, 945.6032, 945.6035, and 945.6036, F.S.) Repeals statutes involving the Correctional Medical Authority (CMA), specifically relating to its creation, its membership, its powers and duties of authority, its required reports and surveys, its quality management requirements, its dispute resolution, and its enforcement.	House	
Section 2. (s. 381.90, F.S.) Amends statute to remove the Executive Director of the Correctional Medical Authority from serving as a member of the Health Information Systems Council.	House	
Section 3. (s. 766.101, F.S.) Amends statute to removes the reference to the Correctional Medical Authority as it relates to the term "medical review committee" or "committee."	House	
Section 4. (s. 944.8041, F.S.) Amends statute to remove the Correctional Medical Authority from the requirement that the CMA and the Department of Corrections submit an annual report on the status and treatment of elderly offenders in state and private correctional systems.	House	
Section 5. (s. 945.35, F.S.) Amends statute to remove the Correctional Medical Authority from the requirement for education on human immunodeficiency virus, acquired immune deficiency syndrome, and other communicable diseases.	House	
Section 6. (s. 945.6034, F.S.) Amends statute to remove the Correctional Medical Authority from the requirement that the Department of Corrections submit all health care	House with modification	

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standards to the CMA for review prior to adoption and for the CMA to determine whether they conform to the standard of care generally accepted in the professional health care community.

Modified Language

Section 6. Section 945.6032, Florida Statutes, is amended to read:

945.6032 Medical review committee **Quality**
~~management program requirements.~~ —

~~{1} The authority shall appoint a medical review committee pursuant to s. 766.101 to provide oversight for the Department of Corrections' inmate health care quality management program. The authority shall also designate one of its members to serve on the Department of Corrections' medical review committee in order to ensure coordination between the department and the authority with regard to issues of quality management and to enhance the authority's oversight of the Department of Corrections' quality management system.~~

~~————— {2} The authority's medical review committee shall review amendments to the Department of Corrections' inmate health care quality management program prior to implementation by the department.~~

~~{3} The findings and recommendations of a medical review committee created by the authority or the department~~

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<p>pursuant to s. 766.101 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and any proceedings of the committee are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution.</p>		
<p>Section 7. (s. 951.27, F.S.) Amends statute to remove reference to the recommendations of the Correctional Medical Authority concerning blood tests of inmates.</p>	<p>House</p>	
<p>Section 8. Effective date is July 1, 2011.</p>	<p>House</p>	

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HB 5307	Comments	SB 2146
<p>Section 1. (s. 409.1451, F.S.) Independent living transition services- amends the maximum age for former foster children to receive independent living transition services from age 23 to age 21.</p>	<p style="text-align: center;">Senate</p>	
<p>Section 2. (s. 415.1114, F.S.) Adult protective investigations; procedures; funding- Specifies that the department may transfer all responsibility for adult protective investigations to the sheriff of a county in which the abuse is alleged to have occurred.</p>	<p style="text-align: center;">Senate</p>	
	<p style="text-align: center;">House</p>	<p>Section 1. (s. 39.903, F.S.) Specifies the duties and functions of the department with respect to domestic violence:</p> <ul style="list-style-type: none"> • The department shall develop by rule criteria for the approval or rejection of domestic violence centers applying for initial certification. • Certification shall thereafter be renewed annually upon a favorable monitoring report from the Florida Coalition Against Domestic Violence (FCADV). • The department has the right to enter and inspect the premises of domestic violence centers applying for initial certification. • The FCADV will have the right to enter and inspect the premises of certified domestic violence centers for monitoring purposes. • The department shall have the lead for applying for relevant federal grants and coordinate the state STOP Violence Against Women Grant Program plan and seek input from the Florida Coalition Against Sexual Violence and FCADV in developing the plan. • The department shall contract with FCADV for services delivered under the state's domestic violence program and include administration of contracts and grants associated with the STOP

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HB 5307	Comments	SB 2146
	House	<ul style="list-style-type: none"> • Violence Against Women Grant Program. • The department shall also contract with the Florida Council Against Sexual Violence relating to contracts and grants associated with the STOP Violence Against Women Grant Program.
	House	Section 2. (s. 39.904, F.S.) Specifies that the FCADV shall furnish a report to the Legislature on domestic violence.
	House	Section 3. (s. 39.905, F.S.) Changes reference from department to FCADV. When a domestic violence center applies for initial certification in an area where a certified domestic violence center already exists, it must demonstrate that there is an unmet need not being provided by the existing center. Certification of a domestic violence center expires on December 31 unless the certification is extended to allow the center to implement corrective action.
	House	Section 4. (s. 381.006, F.S.) Eliminates the department from food service inspection functions for domestic violence centers.
	House	Section 5. (s. 381.0072, F.S.) Remove the department in monitoring domestic violence centers will not apply the term "food service establishment" if the center does not prepare and serve food.
	House	Section 6. (s. 741.281, F.S.) Eliminates the batterers' intervention program as related to court order batterers' intervention program attendance.
	House	Section 7. (s. 741.2902, F.S.) Amends statute relating to the legislative intent with respect judiciary rule in domestic violence.
	House	Section 8. (s. 741.316, F.S.) Specifies that domestic violence fatality review teams are assigned to the FCADV rather than the department.
	House	Section 9. (s. 741.32, F.S.) Eliminates the Office for Certification and Monitoring of Batterers' Intervention

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		Program from the department.
	House	Section 10. (s. 741.325, F.S.) Eliminates the department's responsibility to create guidelines and conformity to removal of certification.
	House	Section 11. (s. 741.327, F.S.) Repeals s. 741.327, Florida Statutes, thereby eliminating fees for batterers' intervention programs.
	House	Section 12. (s. 938.01, F.S.) Technical adjustment related to court cost deposited in the Domestic Violence Trust Fund.
	House	Section 13. (s. 948.38, F.S.) Eliminates that batterers' intervention programs must be a program certified under s. 741.32, F.S., conforming to removal of certification.
	House	Section 14. (s. 394.908, F.S.) Eliminates the expiration date of July 1, 2011 that funds appropriated for forensic mental health treatment services shall be allocated to the areas of the state having the greatest demand for services.
	House	Section 15. (s. 394.76, F.S.) Specifies if funds for contracts become unavailable due to the reduction or elimination of appropriations supporting contracts, the department may terminate the contract after a minimum of 24 hours' written notice to the contractor. These contracts are related to Community Mental Health.
	House	Section 16. (s. 397.321, F.S.) Specifies if funds for contracts become unavailable due to the reduction or elimination of appropriations supporting contracts, the department may terminate the contract after a minimum of 24 hours' written notice to the contractor. These contracts are related to Community Substance Abuse.
<p><u>Changes to s. 409.16713 (3) and (4)</u></p> <p>(3) For the <u>Beginning in the</u> 2011-2012 state fiscal year,</p> <p>(4) <u>For the 2011-12 fiscal year, any new core services funds shall be allocated based on the equity allocation model. Such allocation</u></p>	Senate with the following House Modification	Section 17. (409.16713, F.S.) Specifies the allocation of funds for community-based care lead agencies.

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<u>shall be proportional to the proportion of funding based on the equity model and allocated only to the community-based care lead agency contracts where the current funding proportion is less than the proportion of funding based on the equity model.</u>		
Section 3. Effective date is July 1, 2011.	House	Section 18. Effective date is July 1, 2011.

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Domestic Violence**

HB 5309	Comments	No Senate Bill
<p>Section 1. (s. 39.903, F.S.) Specifies the duties and functions of the department with respect to domestic violence:</p> <ul style="list-style-type: none"> • The department shall develop by rule criteria for the approval or rejection of domestic violence centers applying for initial certification. Certification shall thereafter be renewed annually upon a favorable monitoring report from the Florida Coalition Against Domestic Violence (FCADV). • The department has the right to enter and inspect the premises of domestic violence centers applying for initial certification. • The FCADV will have the right to enter and inspect the premises of certified domestic violence centers for monitoring purposes. The department shall operate the domestic violence program and partner with the FCADV. • The department shall coordinate with state agencies having health, education, or criminal justice responsibilities to raise awareness of domestic violence. • The department shall serve as the lead agency for application of relevant federal grants and the coordinator of the state's STOP implementation Plan. • The department shall contract with the FCADV to delivery services for the state's domestic violence program. Services under this contract shall include: administration of contracts and grants associated with the implementation of the state's STOP Implementation Plan pursuant to the federal Violence Against Women Act and the implementation of other federal grants as directed by the department. 	House	
<p>Section 2. (s. 39.904, F.S.) Specifies that the FCADV shall furnish a report to the Legislature before January 1 of each year on the status of domestic violence cases. The report shall include: number of persons who receive services, the incidence of domestic violence homicides to</p>	House	

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include data collected from state and local domestic violence fatality review teams.		
Section 3. (s. 39.905, F.S.) Changes reference from department to FCADV. When a domestic violence center applies for initial certification in an area where a certified domestic violence center already exists, it must demonstrate that there is an unmet need not being provided by the existing center. Certification of a domestic violence center expires on December 31 unless the certification is extended to allow the center to implement corrective action.	House	
Section 4. (s. 381.006, F.S.) Specifies that FCADV rather than the department will conduct annual food service inspection functions for domestic.	House	
Section 5. (s. 381.0072, F.S.) Specifies that FCADV in monitoring domestic violence centers will not apply the term "food service establishment" if the center does not prepare and serve food.	House	
Section 6. (s. 741.281, F.S.) Eliminates the requirement that a batterers' intervention program must be a certified program under s. 741.32, F.S.	House	
Section 7. (s. 741.2902, F.S.) Amends statute relating to the legislative intent with respect judiciary rule in domestic violence.	House	
Section 8. (s. 741.30, F.S.) Eliminates the department in regards to receiving applications for certification of batterers' intervention programs. When the court provides a list of batterers' intervention programs to order a respondent into a program it will not be certified by the department. Modification Amending s. 741.30, F.S. 5. Ordering the respondent to participate in treatment, intervention, or counseling services to be paid for by the respondent. When the court orders the respondent to participate in a batterers' intervention program, the court, or any entity designated by the court,	House with Modifications	

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<p>must provide the respondent with a list of all certified batterers' intervention programs and all programs that which have submitted an application to the Department of Children and Family Services to become certified under s. 741.32, from which the respondent must choose a program in which to participate. If there are no certified batterers' intervention programs in the circuit, the court shall provide a list of acceptable programs from which the respondent must choose a program in which to participate.</p> <p>6. Referring a petitioner to a certified domestic violence center. The court must provide the petitioner with a list of certified domestic violence centers in the circuit which the petitioner may contact.</p> <p>7. Ordering such other relief as the court deems necessary for the protection of a victim of domestic violence, including injunctions or directives to law enforcement agencies, as provided in this section.</p> <p>(e) An injunction for protection against domestic violence entered pursuant to this section, on its face, may order that the respondent attend a batterers' intervention program as a condition of the injunction. Unless the court makes written factual findings in its judgment or order which are based on substantial evidence, stating why batterers' intervention programs would be inappropriate, the court shall order the respondent to attend a batterers' intervention program if:</p> <ol style="list-style-type: none"> 1. It finds that the respondent willfully violated the ex parte injunction; 2. The respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence; or 3. The respondent, in this state or any other state, has had at any time a prior injunction for protection entered against the respondent after a hearing with notice. <p>It is mandatory that such programs be certified under this part s. 741.32</p>		
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Section 9. (s. 741.316, F.S.) Specifies that domestic violence fatality review teams are assigned to the FCADV rather than the department.	House	
Section 10. (s. 741.32, F.S.) Eliminates the Office for Certification and Monitoring of Batterers' Intervention Program from the department.	House	
Section 11. (s. 741.325, F.S.) Eliminates the department's responsibility to create guidelines and conformity to removal of certification.	House	
Section 12. (s. 741.327, F.S.) Repeals s. 741.327, Florida Statutes, thereby eliminating fees for batterers' intervention programs.	House	
Section 13. (s. 948.38, F.S.) Eliminates that batterers' intervention programs must be a program certified under s. 741.32, F.S., conforming to removal of certification.	House	
Section 14. (s. 938.01, F.S.) Specifies s. 39.903 (2) related to the department operating the domestic violence program in partnership with the FCADV. To conform with changes in Section 1.	House	
Section 15. Effective date is July 1, 2011.	House	