



Criminal & Civil Justice Policy Council

Tuesday, February 2, 2010

10:00 AM

404 HOB

Council Actions

**Larry Cretul
Speaker**

**William Snyder
Chair**

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council
2/2/2010 10:00:00AM

Location: 404 HOB

Summary:

Criminal & Civil Justice Policy Council

Tuesday February 02, 2010 10:00 am

HB 1	Favorable	Yeas: 13	Nays: 0
HB 361	Favorable With Council Substitute	Yeas: 12	Nays: 0
PCB CCJP 10-02	Favorable With Amendments	Yeas: 12	Nays: 0
PCB CCJP 10-03	Favorable With Amendments	Yeas: 13	Nays: 0

Committee meeting was reported out: Tuesday, February 02, 2010 1:15:04PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council
2/2/2010 10:00:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
William Snyder (Chair)	X		
Sandra Adams	X		
Kevin Ambler	X		
Carl Domino	X		
Eric Eisnaugle	X		
Adam M. Fetterman	X		
Luis Garcia			X
Audrey Gibson	X		
Eduardo Gonzalez	X		
Tom Grady	X		
Doug Holder	X		
Julio Robaina	X		
Robert Schenck			X
Perry Thurston	X		
James Waldman	X		
Michael Weinstein	X		
Totals:	14	0	2

Committee meeting was reported out: Tuesday, February 02, 2010 1:15:04PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council
2/2/2010 10:00:00AM

Location: 404 HOB

HB 1 : Statutes of Limitations

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck			X		
Perry Thurston			X		
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Appearances:

Statutes of Limitations
 Dave Ericks (Lobbyist) - Proponent
 205 S Adams St
 Tallahassee FL 32301
 Phone: 850-591-7550

Committee meeting was reported out: Tuesday, February 02, 2010 1:15:04PM

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council
2/2/2010 10:00:00AM

Location: 404 HOB

HB 361 : Trust Administration

Favorable With Council Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler			X		
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson	X				
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck			X		
Perry Thurston			X		
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Committee meeting was reported out: Tuesday, February 02, 2010 1:15:04PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

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

*favorable
2.2.10*

1 Council/Committee hearing bill: Criminal & Civil Justice Policy
2 Council

3 Representative(s) Wood offered the following:

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

6 Between lines 114-115, insert:

7 Section 4. Section 736.04114, Florida Statutes, is created
8 to read:

9 736.04114 Limited judicial construction of irrevocable
10 trust with federal tax provisions.-

11 (1) Upon the application of a trustee or any qualified
12 beneficiary of a trust, a court at any time may construe the
13 terms of a trust that is not then revocable to define the
14 respective shares or determine beneficiaries, in accordance with
15 the intention of the settlor, if a disposition occurs during the
16 applicable period and the trust contains a provision that:

17 (a) Includes a formula disposition referring to the
18 "unified credit", "estate tax exemption," "applicable exemption
19 amount," "applicable credit amount," "applicable exclusion

Amendment No. 1

20 amount," "generation-skipping transfer tax exemption," "GST
21 exemption," "marital deduction," "maximum marital deduction,"
22 "unlimited marital deduction," or "maximum charitable
23 deduction;"

24 (b) Measures a share of a trust based on the amount that
25 can pass free of federal estate tax or the amount that can pass
26 free of federal generation-skipping transfer tax;

27 (c) Otherwise makes a disposition referring to a charitable
28 deduction, marital deduction, or another provision of federal
29 estate tax or generation-skipping transfer tax law; or

30 (d) Appears to be intended to reduce or minimize federal
31 estate tax or generation-skipping transfer tax.

32 (2) For the purpose of this section:

33 (a) "Applicable period" means a period beginning January 1,
34 2010, and ending on the end of the day on the earlier of (i)
35 December 31, 2010, or (ii) the day before the date that an act
36 becomes law that repeals or otherwise modifies or has the effect
37 of repealing or modifying s. 901 of The Economic Growth and Tax
38 Relief Reconciliation Act of 2001.

39 (b) A "disposition occurs" when an interest takes effect in
40 possession or enjoyment.

41 (3) In construing the trust, the court shall consider the
42 terms and purposes of the trust, the facts and circumstances
43 surrounding the creation of the trust, and the settlor's
44 probable intent. In determining the settlor's probable intent,
45 the court may consider evidence relevant to the settlor's intent
46 even though the evidence contradicts an apparent plain meaning
47 of the trust instrument.

Amendment No. 1

48 (4) This section does not apply to a disposition that is
49 specifically conditioned upon no federal estate or generation-
50 skipping transfer tax being imposed.

51 (5) Unless otherwise ordered by the court, during the
52 applicable period and without court order, the trustee
53 administering a trust containing one or more provisions
54 described in subsection (1) may:

55 (a) Delay or refrain from making any distribution;

56 (b) Incur and pay fees and costs reasonably necessary to
57 determine its duties and obligations (including compliance with
58 provisions of existing and reasonably anticipated future federal
59 tax laws); and

60 (c) Establish and maintain reserves for the payment of
61 these fees and costs and federal taxes.

62
63 The trustee shall not be liable for its actions as provided in
64 this subsection made or taken in good faith.

65 (6) The provisions of this section are in addition to, and
66 not in derogation of, rights under this code or the common law
67 to construe a trust.

68 (7) This section is remedial to provide a new or modified
69 legal remedy. This section shall have retroactive effect and be
70 effective as of January 1, 2010.

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

Remove line 14 and insert:

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 361 (2010)

Amendment No. 1

76 such fees; providing a limitation; creating s. 736.04114, F.S.;

77 providing for interpretation of trusts not subject to the

78 federal estate tax; providing conditions; providing definitions;

79 providing criteria for a court interpreting a trust; providing

80 an exception; allowing a trustee to take certain actions pending

81 a determination of trust distribution; limiting trustee

82 liability; providing for interpretation; providing a retroactive

83 effect; amending s. 736.0505,

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council

2/2/2010 10:00:00AM

Location: 404 HOB

PCB CCJP 10-02 : Criminal Justice Repealer

Favorable With Amendments

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Elsnaugle	X				
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson			X		
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck			X		
Perry Thurston			X		
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Committee meeting was reported out: Tuesday, February 02, 2010 1:15:04PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

PCB Name: **PCB CCJP 10-02**

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 _____

*favourable
2.2.10*

1 Council/Committee hearing PCB: Criminal & Civil Justice Policy
 2 Council
 3 Representative(s) Holder offered the following:
 4

Amendment (with title amendment)

Between line(s) 257 and 258 insert:

7 Section 1. Section 948.101, Florida Statutes, is amended
 8 to read:

9 948.101 Terms and conditions of community control ~~and~~
 10 ~~eriminal quarantine community control.-~~

11 (1) The court shall determine the terms and conditions of
 12 community control. Conditions specified in this subsection do
 13 not require oral pronouncement at the time of sentencing and may
 14 be considered standard conditions of community control.

15 ~~(a)~~ The court shall require intensive supervision and
 16 surveillance for an offender placed into community control,
 17 which may include but is not limited to:

18 (a)1- Specified contact with the parole and probation
 19 officer.

20 (b)2- Confinement to an agreed-upon residence during hours
 21 away from employment and public service activities.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

22 (c)~~3.~~ Mandatory public service.

23 (d)~~4.~~ Supervision by the Department of Corrections by
24 means of an electronic monitoring device or system.

25 (e)~~5.~~ The standard conditions of probation set forth in s.
26 948.03.

27 ~~(b) For an offender placed on criminal quarantine~~
28 ~~community control, the court shall require:~~

29 ~~1. Electronic monitoring 24 hours per day.~~

30 ~~2. Confinement to a designated residence during designated~~
31 ~~hours.~~

32 (2) The enumeration of specific kinds of terms and
33 conditions does not prevent the court from adding thereto any
34 other terms or conditions that the court considers proper.
35 However, the sentencing court may only impose a condition of
36 supervision allowing an offender convicted of s. 794.011, s.
37 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145 to reside in
38 another state if the order stipulates that it is contingent upon
39 the approval of the receiving state interstate compact
40 authority. The court may rescind or modify at any time the terms
41 and conditions theretofore imposed by it upon the offender in
42 community control. However, if the court withholds adjudication
43 of guilt or imposes a period of incarceration as a condition of
44 community control, the period may not exceed 364 days, and
45 incarceration shall be restricted to a county facility, a
46 probation and restitution center under the jurisdiction of the
47 Department of Corrections, a probation program drug punishment
48 phase I secure residential treatment institution, or a community
49 residential facility owned or operated by any entity providing
50 such services.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No.

51 ~~(3) The court may place a defendant who is being sentenced~~
52 ~~for criminal transmission of HIV in violation of s. 775.0877 on~~
53 ~~criminal quarantine community control. The Department of~~
54 ~~Corrections shall develop and administer a criminal quarantine~~
55 ~~community control program emphasizing intensive supervision with~~
56 ~~24-hour-per-day electronic monitoring. Criminal quarantine~~
57 ~~community control status must include surveillance and may~~
58 ~~include other measures normally associated with community~~
59 ~~control, except that specific conditions necessary to monitor~~
60 ~~this population may be ordered.~~

61 Section 2. Subsection (1) of section 948.11, Florida
62 Statutes, is amended to read:

63 948.11 Electronic monitoring devices.—

64 (1)(a) The Department of Corrections may, at its
65 discretion, electronically monitor an offender sentenced to
66 community control.

67 ~~(b) The Department of Corrections shall electronically~~
68 ~~monitor an offender sentenced to criminal quarantine community~~
69 ~~control 24 hours per day.~~

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

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Remove line 21 and insert:

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alternative to fines; amending ss. 948.101 and 948.11, F.S.,

76

removing references to criminal quarantine community control;

77

amending s. 984.04, F.S., removing a

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COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council
2/2/2010 10:00:00AM

Location: 404 HOB

PCB CCJP 10-03 : Judiciary Repealer

Favorable With Amendments

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Sandra Adams	X				
Kevin Ambler	X				
Carl Domino	X				
Eric Eisnaugle	X				
Adam M. Fetterman	X				
Luis Garcia			X		
Audrey Gibson			X		
Eduardo Gonzalez	X				
Tom Grady	X				
Doug Holder	X				
Julio Robaina	X				
Robert Schenck			X		
Perry Thurston	X				
James Waldman	X				
Michael Weinstein	X				
William Snyder (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Committee meeting was reported out: Tuesday, February 02, 2010 1:15:04PM

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB CCJP 10-03 (2010)

Amendment No.

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	_____	

*favorable
2-2-10*

1 Council/Committee hearing PCB: Criminal & Civil Justice Policy
 2 Council
 3 Representative(s) Holder offered the following:

Amendment (with title amendment)

Remove line 54

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

Remove lines 2-4 and insert:

An act relating to the judiciary; repealing s. 25.051, F.S.,

COUNCIL MEETING REPORT
Criminal & Civil Justice Policy Council
2/2/2010 10:00:00AM

Location: 404 HOB

Other Business Appearance:

Background Screening

John Topa, Assistant General Counsel (Lobbyist) (State Employee) - Information Only
Department of Children & Families
Winewood Plaza
Tallahassee FL 32309
Phone: 850-488-2381

Background Screening

Martha Wright, Bureau Chief, User Services (State Employee) - Information Only
Florida Department of Law Enforcement
P O Box 1489
Tallahassee FL 32302
Phone: 850-410-8113

Background Screening

Donna Uzzell, Director (State Employee) - Information Only
Florida Department of Law Enforcement
2331 Phillips Rd
Tallahassee FL 32308
Phone: 850-410-7100

Background Screening

Molly McKinstry, Bureau Chief, Long Term Care Services (State Employee) - Information Only
Agency for Health Care Administration
2727 Mahan Dr
Tallahassee FL 32308
Phone: 850-414-9717

Committee meeting was reported out: Tuesday, February 02, 2010 1:15:04PM

BACKGROUND SCREENING OF SELECT AGENCIES

The following is a current list of screenings as required by Florida Statute for employees of licensed facilities as well as staff of agencies and direct service workers.

Facility/Service/Employee Type	Owner / Administrator	Financial Officer	Direct Care Staff	Controlling Interests	Other Staff	Authorizing Statute for Staff
Agency for Health Care Administration						
Abortion Clinics	Level 2	Level 2	--	Level 2	--	408.809
Adult Day Care Centers	Level 2	Level 2	Level 1	Level 2	--	429.919
Adult Family Care Homes	Level 2	--	Level 1	Level 2	--	429.67
Ambulatory Surgery Centers	Level 2	Level 2	--	Level 2	--	408.809
Assisted Living Facilities	Level 2	Level 2	Level 1	Level 2	--	429.174
Birth Centers	Level 2	Level 2	--	Level 2	--	408.809
Clinical Laboratories:					--	408.809
Certificate of Exemption (Waived Testing Only)	--	--	--			
Clinical Laboratories Performing Non-waived Testing (including physician performed microscopic tests)	Level 2	Level 2	--	Level 2		
Drug Free Workplace	Level 2	Level 2	--	Level 2	--	408.809
Health Care Service Pools	Level 2	Level 2	Level 1 and Level 2	Level 2	--	400.980(6)
Health Care Clinics	Level 2 (includes owners with 10% or more interest in clinic)	Level 2	Level 2 (includes Medical Director, Clinical Director and all licensed health care providers)	Level 2	--	400.991
Home Health Agencies	Level 2	Level 2	Level 1 and Level 2	Level 2	--	400.512
Homemaker, Sitter, Companion Agencies	Level 2	Level 2	Level 1	Level 2	--	400.512
Home Medical Equipment Providers	Level 2	Level 2	Level 1	Level 2	--	400.953 and 400.955

Facility/Service/Employee Type	Owner / Administrator	Financial Officer	Direct Care Staff	Controlling Interests	Other Staff	Authorizing Statute for Staff
Homes for Special Services	Level 2	Level 2	--	Level 2	--	408.809
Hospice	Level 2	Level 2	Level 1	Level 2	--	400.6065
Hospitals	Level 2	Level 2	--	Level 2	--	408.809
ICF/DDs	Level 2	Level 2	Level 2	Level 2	--	400.964
Medicaid Contracted Facilities	Level 2	Level 2	Level 2	--	--	408.809
Multiphasic Health Testing Centers	Level 2	Level 2	--	Level 2	--	408.809
Nurse Registries	Level 2	Level 2	Level 1 and Level 2	--	--	400.512
Nursing Homes	Level 2	Level 2	Level 1 and Level 2	Level 2	Level 1 and Level 2	400.215
Organ Procurement Organizations, Tissue Banks, Eye Banks	Level 2	Level 2	--	Level 2	--	408.809
Prescribed Pediatric Extended Care Centers	Level 2	Level 2	--	Level 2	--	408.809
Risk Managers <i>(Risk Managers are licensed individuals)</i>	Level 2	**	**	**	--	408.809
Residential Treatment Centers	Level 2	Level 2	Level 2	Level 2	--	394.4572
Residential Treatment Facilities	Level 2	Level 2	Level 2	Level 2	--	394.4572
Transitional Living Facilities	Level 2	Level 2	--	Level 2	--	408.809
Agency for Persons with Disabilities						
Group Homes	Level 2	Level 2	Level 2	Level 2	Level 2 (e.g. volunteers > 40 hrs.)	393.0655
Foster Homes	Level 2	Level 2	Level 2	Level 2	Level 2 (e.g. volunteers > 40 hrs.)	393.0655
Residential Habilitation Centers	Level 2	Level 2	Level 2	Level 2	Level 2 (e.g. volunteers > 40 hrs.)	393.0655

Facility/Service/Employee Type	Owner / Administrator	Financial Officer	Direct Care Staff	Controlling Interests	Other Staff	Authorizing Statute for Staff
Developmental Disability Centers	Level 2	Level 2	Level 2	Level 2	Level 2 (e.g. volunteers > 40 hrs.)	393.0655
Adult Day Training Programs	Level 2	Level 2	Level 2	Level 2	Level 2 (e.g. volunteers > 40 hrs.)	393.0655
Comprehensive Transitional Education Programs	Level 2	Level 2	Level 2	Level 2	Level 2 (e.g. volunteers > 40 hrs.)	393.0655
Direct Service Workers (e.g. support coordinator, supported living coach, supported employment coach)	Level 2	Level 2	Level 2	Level 2	Level 2 (e.g. volunteers > 40 hrs.)	393.0655
APD Employees	NA	NA	Level 2	NA	Level 2 (e.g. volunteers > 40 hrs.)	110.1127, 393.0655
Department of Children and Families						
Child Care Facilities (includes Family Day Care Homes, Large Family Child Care Homes, Registered Family Day Care Homes, and Religious Exempt Child Care Facilities)	Level 2	Level 2	Level 2	Level 2	Level 2 (e.g. All house hold members, volunteers >40 hrs)	402.305
Community Based Care Lead Agencies	Level 2	Level 2	Level 2	Level 2	Level 2	409.175
Foster homes	Level 2	Level 2	Level 2	Level 2	Level 2	409.175
Child placing agencies	Level 2	Level 2	Level 2	Level 2	Level 2	409.175
Residential Child Caring Agencies	Level 2	Level 2	Level 2	Level 2	Level 2	409.175
Addiction Receiving Facilities	Level 2	Level 2	Level 2 (in contact with patients under age 18 or adults with dev. disability)	Level 2	Level 2	397.451

Facility/Service/Employee Type	Owner / Administrator	Financial Officer	Direct Care Staff	Controlling Interests	Other Staff	Authorizing Statute for Staff
Detox Facility	Level 2	Level 2	Level 2 (in contact with patients under age 18 or adults with dev. disability)	Level 2	Level 2	397.451
Inpatient Treatment Facility	Level 2	Level 2	Level 2 (in contact with patients under age 18 or adults with dev. disability)	Level 2	Level 2	397.451
Residential Facility	Level 2	Level 2	Level 2 (in contact with patients under age 18 or adults with dev. disability)	Level 2	Level 2	397.451
Day or Night Treatment Facility	Level 2	Level 2	Level 2 (in contact with patients under age 18 or adults with dev. disability)	Level 2	Level 2	397.451
Outpatient Treatment Facility	Level 2	Level 2	Level 2 (in contact with patients under age 18 or adults with dev. disability)	Level 2	Level 2	397.451
Medication and Methadone Treatment Facility	Level 2	Level 2	Level 2 (in contact with patients under age 1 or adults with dev. disability)	Level 2	Level 2	397.451
Florida Civil Commitment Center (serves sexually violent predators)	Level 2	Level 2	Level 2	--	Level 2	Contractual requirement.
Treasure Coast Forensic Treatment Center (private forensic mental health treatment facility)	Level 2	Level 2	Level 2	--	Level 2	Contractual requirement.
North Florida Evaluation and Treatment Center (public forensic mental health treatment facility)	Level 2	Level 2	Level 2	--	Level 2	435.04, 110.1127
DCF employees	--	--	Level 2	--	Level 2	110.1127
Department of Health						

Facility/Service/Employee Type	Owner / Administrator	Financial Officer	Direct Care Staff	Controlling Interests	Other Staff	Authorizing Statute for Staff
Adv. Reg. Nurse Practitioner by Endorsement	--	--	Level 2	--	--	464.009(4), 456.0391(4)(a)
Certified Nursing Asst. by Examination in FL > 5 years	--	--	Level 1	--	--	400.215
Certified Nursing Asst. by Examination in FL < 5 years	--	--	Level 2	--	--	400.215
Certified Nursing Asst. by Reciprocity	--	--	Level 2	--	--	400.215
Licensed. Practical Nurse by Examination	--	--	Level 1	--	--	464.008(1)(b)
Licensed Practical Nurse by "Endorsement	--	--	Level 2	--	--	464.009(4)
Registered Nurse by Examination	--	--	Level 1	--	--	464.008(1)(b)
Registered Nurse by Endorsement	--	--	Level 2	--	--	464.009(4)
Chiropractic Physicians	--	--	Level 2	--	--	460.406(1)(f) & 456.039(4)(a)
Medicine	--	--	Level 2	--	--	458.311(2)(g) & 456.039(4)(a)
Osteopathic Physicians	--	--	Level 2	--	--	459.0055(1)(j) & 456.039(4)(a)
Orthotists, Prosthetists, Pedorthists, Orthotic Filters, Orthotic Filter Assistants, O & P Residents	--	--	Level 2	--	--	468.803(2)(a)
Drug Wholesales/Certif. Designated Representative	--	--	--	--	Level 2	499.012
Pharmacy Owners	Level 2	--	--	--	--	465.022

Facility/Service/Employee Type	Owner / Administrator	Financial Officer	Direct Care Staff	Controlling Interests	Other Staff	Authorizing Statute for Staff
Prescription Department Manager	Level 2	---	---	---	---	465.022
Podiatric Physicians	---	---	Level 2	---	---	461.006(1)(3) & 456.039(4)(a)
All non-physician Health Care Providers	Level 2	---	Level 2	---	---	391.026(10)
Department of Elder Affairs						
DOEA employees, professional guardians and volunteers	---	---	Level 2	---	Level 2	435.04, 943.0542
In Home Respite Care	---	---	Level 1 (If provided through Senior Companion Program) Level 2 (If provided through RELIEF Program)	---	---	---
Facility Based Respite Care	---	---	Level standards applicable to the facility type	---	---	---
Facility or In Home Personal Care	---	---	Level 1	---	---	400.512
Department of Education						
Public School/ District <ul style="list-style-type: none"> • Instructional personnel • Non- instructional personnel • Contractors/vendors 	---	---	---	---	Level 2	1012.165, 1012.32
Voluntary Prekindergarten (VPK) –Public School <ul style="list-style-type: none"> • Instructional personnel • Non- instructional personnel • Contractors/vendors 	---	---	---	---	Level 2	1002.63, 1002.61 (VPK), 1012.465, 1012.32

Facility/Service/Employee Type	Owner / Administrator	Financial Officer	Direct Care Staff	Controlling Interests	Other Staff	Authorizing Statute for Staff
Voluntary Prekindergarten (VPK) – Private School	Level 2	—	—	—	Level 2 (Director, Instructor and Assistant)	1002.63 1002.61 1012.465 1012.32
McKay and Florida Tax Credit Scholarship Programs <ul style="list-style-type: none"> • Instructional personnel and administrators • Non- instructional personnel with direct child contact 	—	—	—	—	Level 2	1002.421 1012.315 435.04
McKay Scholarship Program Contractors/Vendors	—	—	—	—	—	—
All DOE employees	—	—	—	—	Level 2	110.1127 435.04 435.06 413.011(7)
Guardian Ad Litem						
Paid staff and certified volunteers	—	—	Level 1	—	—	39.821
Department of Juvenile Justice						
All DJJ Employees, volunteers, mentors, interns	Level 2	—	Level 2	Level 2	—	985.644
All Contract Provider employees, volunteers, mentors, interns, owners and operators	Level 2	—	Level 2	Level 2	—	985.644
Detention Centers	Level 2	—	Level 2	Level 2	—	985.644
Probation Offices	Level 2	—	Level 2	Level 2	—	985.644

Facility/Service/Employee Type	Owner / Administrator	Financial Officer	Direct Care Staff	Controlling Interests	Other Staff	Authorizing Statute for Staff
Residential Treatment Centers	Level 2	—	Level 2	Level 2	—	985.644
Prevention Service Providers/Programs	Level 2	—	Level 2	Level 2	—	985.644
Department of Veterans' Affairs						
Nursing and domiciliary homes	—	—	Level 1 and Level 2	—	—	400.215, 429.174

	Stat. Authority	Level I	Level II
Guardians	s. 744.3135, F.S.	optional	professional guardian, public guardian, employees of a professional guardian that have a fiduciary responsibility to ward
Commission for the Transportation Disadvantaged	s. 427.012, F.S.		candidates for the Commission
Division of Blind Services	s. 413.011, F.S.		all employees
Contractors	s. 489.115, F.S.		initial applicants for license
Hurricane Inspectors	s. 215.5586, F.S.		wind certification entity employees

