



Health & Human Services Committee

**Monday, April 25, 2011
11:45 AM
Morris Hall (17 HOB)**

Action Packet

**Dean Cannon
Speaker**

**Robert C. "Rob" Schenck
Chair**

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

AMENDED

Location: Morris Hall (17 HOB)

Summary:

Health & Human Services Committee

Monday April 25, 2011 11:45 am

CS/HJR 1	Favorable With Committee Substitute	Yeas: 9	Nays: 6
CS/HB 471	Favorable	Yeas: 15	Nays: 0
CS/CS/HB 619	Favorable With Committee Substitute	Yeas: 11	Nays: 5
CS/HB 661	Favorable With Committee Substitute	Yeas: 12	Nays: 4
Amendment 3	Failed to Adopt	Yeas: 6	Nays: 8
Amendment 1 and 2	Failed to Adopt		
Amendment 4	Failed to Adopt	Yeas: 6	Nays: 10
Amendment 5	Failed to Adopt	Yeas: 7	Nays: 10
Amendment 6	Failed to Adopt	Yeas: 5	Nays: 11
Amendment 7,8,9,10,11,12	Adopted Without Objection		
CS/HB 739	Favorable With Committee Substitute	Yeas: 17	Nays: 0
CS/HB 843	Favorable	Yeas: 15	Nays: 0
CS/HB 891	Favorable With Committee Substitute	Yeas: 16	Nays: 0
CS/HB 1037	Favorable With Committee Substitute	Yeas: 15	Nays: 0
CS/CS/HB 1043	Favorable	Yeas: 15	Nays: 0
CS/HB 1085	Favorable	Yeas: 15	Nays: 0
CS/HB 1193	Favorable	Yeas: 11	Nays: 6
CS/CS/HB 1319	Favorable With Committee Substitute	Yeas: 17	Nays: 0
HB 1463	Favorable With Committee Substitute	Yeas: 16	Nays: 0
PCS for HB 7235	Favorable	Yeas: 11	Nays: 6
PCSMB for CS/CS/HB 967 & CS/HB 1411	Unfavorable	Yeas: 8	Nays: 9

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Robert Schenck (Chair)	X		
Ben Albritton	X		
Mack Bernard	X		
Richard Corcoran	X		
Janet Cruz	X		
Eduardo Gonzalez	X		
Gayle Harrell	X		
Doug Holder	X		
Matt Hudson	X		
Mia Jones	X		
Paige Kreegel			X
Ana Logan	X		
Mark Pafford	X		
Ari Porth	X		
Ronald Renuart	X		
Elaine Schwartz	X		
John Wood	X		
Dana Young	X		
Totals:	17	0	1

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

CS/HJR 1 : Health Care Services

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Ben Albritton	X				
Mack Bernard		X			
Richard Corcoran	X				
Janet Cruz		X			
Eduardo Gonzalez	X				
Gayle Harrell			X		
Doug Holder	X				
Matt Hudson	X				
Mia Jones		X			
Paige Kreegel			X		
Ana Logan				X	
Mark Pafford		X			
Ari Porth		X			
Ronald Renuart	X				
Elaine Schwartz		X			
John Wood	X				
Dana Young	X				
Robert Schenck (Chair)	X				
Total Yeas: 9 Total Nays: 6					

Appearances:

Health Care Freedom
 Miller, Holly (Lobbyist) - Waive In Support
 Florida Medical Association
 123 S Adams ST
 Tallahassee FL 32302
 Phone: (850)224-6496

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HJR 1 (2011)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

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

4
5 **Amendment (with ballot and title amendments)**

6 Remove line 15 and insert:

7 SECTION 28. Health care services.-
8
9

10 -----
11 **B A L L O T A M E N D M E N T**

12 Remove line 85 and insert:

13 HEALTH CARE SERVICES.-Proposing an amendment to the State
14
15

16 -----
17 **T I T L E A M E N D M E N T**

18 Remove line 4 and insert:

19 care services.

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

CS/HB 471 : Umbilical Cord Blood Banking

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard	X				
Richard Corcoran			X		
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell			X		
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Paige Kreegel			X		
Ana Logan	X				
Mark Pafford	X				
Ari Porth	X				
Ronald Renuart	X				
Elaine Schwartz	X				
John Wood	X				
Dana Young	X				
Robert Schenck (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

CS/CS/HB 619 : Sale or Lease of a County, District, or Municipal Hospital

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard		X			
Richard Corcoran	X				
Janet Cruz		X			
Eduardo Gonzalez				X	
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones		X			
Paige Kreegel			X		
Ana Logan	X				
Mark Pafford		X			
Ari Porth	X				
Ronald Renuart	X				
Elaine Schwartz		X			
John Wood	X				
Dana Young	X				
Robert Schenck (Chair)	X				
Total Yeas: 11		Total Nays: 5			

Appearances:

CS/CS/HB 619

Delegal, Mark (Lobbyist) - Opponent
 Safety Net Hospital Alliance of Florida
 215 South Monroe St Suite 200
 Tallahassee FL 32301
 Phone: (850)222-3533

Sale/Lease of Public Hospital

Bayliss, Slater (Lobbyist) - Waive In Support
 Cardenas Partners/HMA
 215 S Monroe St
 Tallahassee FL
 Phone: 850-222-8900

WoodAmendment #8

Russell, Doug (Lobbyist) - Opponent
 Bay Medical Center
 9604 Deer valley
 Tallahassee FL 32312
 Phone: (850)445-0206

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COMMITTEE MEETING REPORT
Health & Human Services Committee

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AMENDED

Location: Morris Hall (17 HOB)

CS/CS/HB 619

Rasmussen, Rich (Lobbyist) - Opponent

Florida Hospital Association

306 E College Ave

Tallahassee FL 32301

Phone: (850)222-9800

Hospital Sale/Leases

McKee, Clarence (Lobbyist) - Proponent

Self

7984 NW 111 Way

Parkland FL 33026

Phone: (954) 415-4096

HB 619

Bishop III, Barney (Lobbyist) - Proponent

Associated Industries of Florida

516 N Adams St

Tallahassee FL 32301

Phone: (850)224-7173

HB 619

Book, Ronald (Lobbyist) - Opponent

North Broward Hospital District -South Broward Hospital District

104 W Jefferson St

Tallahassee FL 32301

Phone: (305)935-1866

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 619 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative(s) Hooper offered the following:

4

5 **Amendment**

6 Remove line 248 and insert:
7 accountability provisions of s. 155.40(15)~~(5)~~ with respect to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 619 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative(s) Hooper offered the following:
4

5 **Amendment (with directory amendment)**

6 -----

7 **D I R E C T O R Y A M E N D M E N T**

8 Remove lines 37-41 and insert:

9 Section 1. Subsections (1) and (4) of section 155.40,
10 Florida statutes, are amended, subsections (5) through (8) are
11 renumbered as subsections (15) through (18), respectively, and
12 new subsections (5) through (14) are added to that section, to
13 read:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 619 (2011)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3 Representative(s) Hooper offered the following:
4

5 **Amendment**

6 Remove lines 88-101 and insert:

7 (5) A determination by a governing board to accept a
8 proposal for sale or lease must state, in writing, the findings
9 and basis for supporting the determination.

10 (a) The board shall develop findings and bases to support
11 the determination of a balanced consideration of factors
12 including, but not limited to, the following:

13 1. Whether the proposal represents fair market value, and
14 if the proposal does not represent fair market value, a detailed
15 explanation of why the public interest is served by the
16 acceptance of less than fair market value.

17 2. Whether the proposal will result in a reduction or
18 elimination of ad valorem or other tax revenues to support the
19 hospital.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 619 (2011)

Amendment No. 3

20 3. Whether the proposal includes an enforceable commitment
21 that existing programs and services, and quality health care
22 will continue to be provided to all residents of the affected
23 community, particularly to the indigent, the uninsured, and the
24 underinsured.

25 4. Whether the proposal is otherwise in compliance with
26 subsections (6) and (7).

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 619 (2011)

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

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

See Subst 4a

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

3 Representative(s) Hooper offered the following:

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Amendment (with title amendment)

Remove lines 158-182 and insert:

(9) Upon the filing of a petition for approval, the court shall issue an order requiring all interested parties to appear at a designated time and place within the circuit where the petition is filed and show why the petition should or should not be granted. For purposes of this section, "interested parties" shall include any party submitting a proposal for sale or lease of the county, district, or municipal hospital, as well as the governing board.

(a) Before the date set for the hearing, the clerk shall publish a copy of the order in one or more newspapers of general circulation in the county in which the majority of the physical assets of the hospital are located at least once each week for 2 consecutive weeks, commencing with the first publication, which

Amendment No. 4

20 shall not be less than 20 days before the date set for the
21 hearing. By this publication, all interested parties are made
22 parties defendant to the action and the court has jurisdiction
23 of them to the same extent as if named as defendants in the
24 petition and personally served with process.

25 (b) Any interested party may become a party to the action
26 by moving against or pleading to the petition at or before the
27 time set for the hearing. At the hearing, the court shall
28 determine all questions of law and fact and make such orders as
29 will enable it to properly consider and determine the action and
30 render a final judgment with the least possible delay.

31 (10) Upon conclusion of all hearings and proceedings, and
32 upon consideration of all evidence presented, the court shall
33 render a final judgment approving or denying the proposed
34 transaction and shall order the governing board to either accept
35 or reject the proposal for sale or lease of the county,
36 district, or municipal hospital. In reaching its final
37 judgment, the court shall determine whether:

38
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40 -----
41 **T I T L E A M E N D M E N T**

42 Remove lines 22-26 and insert:

43 certain circumstances; providing a definition; granting the
44 circuit court jurisdiction to approve sales or leases of county,
45 district or municipal hospitals based on specified criteria;
46 providing for a party to seek judicial review; requiring the
47 court to enter final judgment; requiring board to accept or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 619 (2011)

Amendment No. 4

48 | reject the proposal for sale or lease; requiring the board to
49 | pay costs associated with the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 619 (2011)

Amendment No. 4a

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3 Representative(s) Wood offered the following:

4
5 **Substitute Amendment for Amendment (4) by Representative**
6 **Hooper (with title amendment)**

7 Remove lines 158-182 and insert:

8 (9) Upon the filing of a petition for approval, the court
9 shall issue an order requiring all interested parties to appear
10 at a designated time and place within the circuit where the
11 petition is filed and show why the petition should or should not
12 be granted. For purposes of this section, an "interested party"
13 is any party submitting a proposal for sale or lease of the
14 county, district, or municipal hospital, any taxpayer from the
15 county, district or municipality where the majority of the
16 physical assets of the hospital are located, and the governing
17 board.

18 (a) Before the date set for the hearing, the clerk shall
19 publish a copy of the order in one or more newspapers of general

Amendment No. 4a

20 circulation in the county in which the majority of the physical
21 assets of the hospital are located at least once each week for 2
22 consecutive weeks, commencing with the first publication, which
23 shall not be less than 20 days before the date set for the
24 hearing. By this publication, all interested parties are made
25 parties defendant to the action and the court has jurisdiction
26 of them to the same extent as if named as defendants in the
27 petition and personally served with process.

28 (b) Any interested party may become a party to the action
29 by moving against or pleading to the petition at or before the
30 time set for the hearing. At the hearing, the court shall
31 determine all questions of law and fact and make such orders as
32 will enable it to properly consider and determine the action and
33 render a final judgment with the least possible delay.

34 (10) Upon conclusion of all hearings and proceedings, and
35 upon consideration of all evidence presented, the court shall
36 render a final judgment approving or denying the proposed
37 transaction and shall order the governing board to either accept
38 or reject the proposal for sale or lease of the county,
39 district, or municipal hospital. In reaching its final
40 judgment, the court shall determine whether:

41
42
43 -----
44 **T I T L E A M E N D M E N T**

45 Remove lines 22-26 and insert:
46 certain circumstances; providing a definition; granting the
47 circuit court jurisdiction to approve sales or leases of county,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 619 (2011)

Amendment No. 4a

48 district or municipal hospitals based on specified criteria;
49 providing for a party to seek judicial review; providing a
50 definition; requiring the court to enter final judgment;
51 requiring board to accept or reject the proposal for sale or
52 lease; requiring the board to pay costs associated with the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 619 (2011)

Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3 Representative(s) Hooper offered the following:
4

5 **Amendment**

6 Remove lines 201-206 and insert:

7 (g) The seller or lessor will receive fair market value for
8 the assets, or if the sale or lease represents less than fair
9 market value, why the public interest will be served by
10 acceptance of less than fair market value.

11 (h) The acquiring entity has made an enforceable commitment
12 that existing programs and services, and quality health care,
13 will continue to be provided to all residents of the affected
14 community, particularly to the indigent, the uninsured, and the
15 underinsured.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 619 (2011)

Amendment No. 6

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3 Representative(s) Holder offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 59-61 and insert:

7 such finding. The sale or lease of such hospital is subject to
8 approval by a circuit court, unless exempt under (14), or, for
9 those hospitals which are required by their statutory charter to
10 seek approval by referendum for any action which would result in
11 the termination of the direct control of such hospital by its
12 governing board, approval by such referendum. ~~If the governing~~
13 ~~board of a county, district,~~
14
15

16 -----
17 **T I T L E A M E N D M E N T**

18 Remove line 5 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 619 (2011)

Amendment No. 6

19 | lease of a county, district, or municipal hospital, unless a
20 | referendum is required by charter and is conducted;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 619 (2011)

Amendment No. 7

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3 Representative(s) Holder offered the following:

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

6 Remove lines 143-145 and insert:

7 (8) A governing board of a county, district, or municipal
8 hospital may not enter into a sale or lease of a hospital
9 facility without first receiving approval from a circuit court,
10 or, for those hospitals which are required by their statutory
11 charter to seek approval by referendum for any action which
12 would result in the termination of the direct control of such
13 hospital by its governing board, approval by such referendum.

14
15
16 -----
17 **T I T L E A M E N D M E N T**

18 Remove line 18 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 619 (2011)

Amendment No. 7

19 approval before any transaction is finalized; providing for an
20 exception; specifying

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 619 (2011)

Amendment No. 8

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED (Y/N)

ADOPTED AS AMENDED (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT (Y/N)

WITHDRAWN (Y/N)

OTHER

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

3 Representative(s) Wood offered the following:

4

5 **Amendment**

6 Remove line 231 and insert:

7 subsections (8)-(12). For the purposes of this section, the term

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 619 (2011)

Amendment No. 9

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative(s) Schenck offered the following:

4
5 **Amendment**

6 Remove line 189 and insert:

7 considered by the board in compliance with ss. 286.0105 and
8 286.011.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 619 (2011)

Amendment No. 10

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative(s) Schenck offered the following:

4
5 **Amendment**

6 Remove lines 126-128 and insert:

7 date of the proposed transaction, the governing board shall
8 publish a notice of the proposed

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

CS/HB 661 : Nursing Home Litigation Reform

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard					X
Richard Corcoran	X				
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones		X			
Paige Kreegel			X		
Ana Logan	X				
Mark Pafford		X			
Ari Porth		X			
Ronald Renuart	X				
Elaine Schwartz		X			
John Wood	X				
Dana Young	X				
Robert Schenck (Chair)	X				
Total Yeas: 12		Total Nays: 4			

CS/HB 661 Amendments

Amendment 1 and 2

Failed to Adopt

Amendment 3

Failed to Adopt

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton		X			
Mack Bernard	X				
Richard Corcoran		X			
Janet Cruz	X				
Eduardo Gonzalez		X			
Gayle Harrell		X			
Doug Holder			X		
Matt Hudson		X			
Mia Jones	X				
Paige Kreegel			X		
Ana Logan			X		
Mark Pafford	X				
Ari Porth	X				

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AMENDED

Ronald Renuart		X	
Elaine Schwartz	X		
John Wood		X	
Dana Young			X
Robert Schenck (Chair)		X	
Total Yays: 6		Total Nays: 8	

Amendment 4

Failed to Adopt

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton		X			
Mack Bernard	X				
Richard Corcoran		X			
Janet Cruz	X				
Eduardo Gonzalez		X			
Gayle Harrell		X			
Doug Holder		X			
Matt Hudson		X			
Mia Jones	X				
Paige Kreegel			X		
Ana Logan		X			
Mark Pafford	X				
Ari Porth	X				
Ronald Renuart		X			
Elaine Schwartz	X				
John Wood		X			
Dana Young				X	
Robert Schenck (Chair)		X			
Total Yays: 6		Total Nays: 10			

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Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

Amendment 5

Failed to Adopt

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton		X			
Mack Bernard	X				
Richard Corcoran		X			
Janet Cruz	X				
Eduardo Gonzalez		X			
Gayle Harrell		X			
Doug Holder		X			
Matt Hudson		X			
Mia Jones	X				
Paige Kreegel			X		
Ana Logan		X			
Mark Pafford	X				
Ari Porth	X				
Ronald Renuart	X				
Elaine Schwartz	X				
John Wood		X			
Dana Young		X			
Robert Schenck (Chair)		X			
Total Yays: 7		Total Nays: 10			

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

Amendment 6

Failed to Adopt

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton		X			
Mack Bernard			X		
Richard Corcoran		X			
Janet Cruz	X				
Eduardo Gonzalez		X			
Gayle Harrell		X			
Doug Holder		X			
Matt Hudson		X			
Mia Jones	X				
Paige Kreegel			X		
Ana Logan		X			
Mark Pafford	X				
Ari Porth	X				
Ronald Renuart		X			
Elaine Schwartz	X				
John Wood		X			
Dana Young		X			
Robert Schenck (Chair)		X			
Total Yays: 5		Total Nays: 11			

Amendment 7,8,9,10,11,12

Adopted Without Objection

Appearances:

Nursing Home Bill and Amendments #1,2 & 5 - Family Councils (proponent)

Fierro, Victoria (General Public) - Opponent

2855 Asbury Hill

Tallahassee FL 32312

Phone: 850-386-3400

Nursing Home Bill and Amendments #1 - Family Cameras (proponent)

Gray, Randolph (General Public) - Opponent

Self

4061 N State Rd 52

Madison FL 32340

Phone: (850) 464-1296

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

AMENDED

Location: Morris Hall (17 HOB)

Nursing Homes Bill and Amendment #2 - Whistleblower Act (proponent)

Paul, David - Opponent

Linnell Estate

Orlando FL 32804

Phone: (407) 540-0122

Nursing Homes Bill and Amendment #3 - Criminal Conduct (proponent)

Cerasa, Michael (General Public) - Opponent

Nursing Home Residents

801 N Orange Ave Suite 830

Orlando FL 32801

Phone: (407) 446-6170

Nursing Homes Bill and Amendment #6 - Financial Responsibility (proponent)

Watrel, Steve - Opponent

FJA

6129 Atlantic Blvd

Jacksonville FL 32211

Phone: (904) 723-0030

Nursing Homes Bill and Amendment #4 - State Approved Contracts (proponent)

Hamilton, Andy - Opponent

Nursing Home Residents

3415 W Fletcher Ave

Tampa FL 33618

Phone: (813) 962-2600

CS/HB 661

Townsend, Bob (General Public) - Opponent

Self

88687 Misty Dawn Ln

Tallahassee FL 32305

Phone: (850) 421-7007

CS/HB 661

Townsend, Irene (General Public) - Opponent

Self

8687 Misty Dawn Ln

Tallahassee FL 32305

Phone: (850)421-7007

Nursing Homes

Carter, Nathan - Opponent

Irene Larsson & Other NH Residents

801 N Orange Ave

Orlando FL

Phone: (407) 694-6533

Nursing Homes

Larsson, Irene (General Public) - Opponent

2835 NW 32 St

Gainesville FL 32605

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

AMENDED

Location: Morris Hall (17 HOB)

CS/HB 661

Henley, Debra (Lobbyist) - Waive In Opposition

Florida Justice Association

218 S Monroe St

Tallahassee FL 32301

Phone: (850)224-9403

Nursing Home Litigation

Bevis, Brewster (Lobbyist) - Waive In Support

vice President, External Relations, Associated Industries of Florida

516 N. Adams St.

Tallahassee FL 32301

Phone: 850-224-7173

661

Mitchell, Cindy (General Public) - Proponent

Self

4427 Woodbrook Drive

Marianna FL 32446

Phone: (850)209-3296

661

Mannheimer, Doug (Lobbyist) - Waive In Support

Counsel for the Florida Health Care Association

215 South Monroe Street, Suite 400

Tallahassee Florida 32301

Phone: 850-681-6810

Support

Boyd, Janegale (Lobbyist) - Waive In Support

Florida Association of Homes and Services for the Aging

1812 Riggins Rd

Tallahassee FL 32308

Phone: (850)671-3700

661

Mortham, Sandra (Lobbyist) - Waive In Support

FL Justice Reform Institute

6675 Weeping Willow Way

Tallahassee FL 32311

Phone: (850) 251-2283

Nursing Home Litigation Reform

Milsted, Charles (Lobbyist) - Waive In Opposition

AARP

200 West College Avenue

Tallahassee FL 32301

Phone: (850)577-5190

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

AMENDED

Location: Morris Hall (17 HOB)

Nursing Homes Bill Only

Burgess, Lynn (General Public) - Opponent

Self

1674 Harbor Club Dr

Tallahassee FL 32308

Phone: (850) 668-3232

Nursing Homes Bill and Amendment #6 - Financial Responsibility (proponent)

Carter, Nathan - Opponent

Irene Larsson & Other NH Residents

801 N Orange Ave

Orlando FL

Phone: (407) 712-7300

Nursing Homes Bill Only

Rose, Gordon (General Public) - Opponent

Self

Orlando FL 32804

661

Sheedy, Michael (Lobbyist) - Waive In Support

Florida Catholic Conference

201 W Park Ave

Tallahassee FL 32301-7715

Phone: (850)222-3803

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

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

Amendment (with title amendment)

6 Between lines 28 and 29, insert:

7 Section 1. Section 400.0223, Florida Statutes, is
 8 created to read:

9 400.0223 Resident use of electronic monitoring devices
 10 in nursing homes.--

11 (1) As used in this section, "electronic monitoring
 12 device" means:

13 (a) Video surveillance cameras installed in the room of
 14 a resident; and

15 (b) Audio devices installed in the room of a resident
 16 designed to acquire communications or other sounds occurring
 17 in the room.

18 (2) A nursing home shall permit a resident, the
 19 resident's personal representative at the resident's request,

Amendment No. 1

20 the resident's surrogate, or the resident's guardian to
21 monitor the room of the resident through the use of electronic
22 monitoring devices.

23 (3) The nursing home shall require a resident, the
24 resident's personal representative at the resident's request,
25 the resident's surrogate, or the resident's guardian who
26 conducts electronic monitoring to post notice of the
27 monitoring on the hall door of the resident's room. The notice
28 must state that the room is being monitored by an electronic
29 monitoring device.

30 (4) Electronic monitoring conducted under this section:

31 (a) Is voluntary and may be conducted only at the
32 request and expense of the resident's request, the resident's
33 surrogate, or the resident's guardian; and

34 (b) Must protect the privacy rights of other residents
35 and visitors to the nursing home to the extent reasonably
36 possible.

37 (3) (a) A nursing home may not inquire of a prospective
38 resident or representative of a prospective resident who is
39 applying to reside at the facility of the resident's plans
40 regarding the use of electronic monitoring or refuse to admit
41 a person to residency in the nursing home and may not remove a
42 resident from the nursing home because of a request to use an
43 electronic monitoring device.

44 (b) A nursing home shall inform a resident, the personal
45 representative of the resident, the resident's surrogate, or
46 the resident's guardian of the resident's right to conduct
47 electronic monitoring.

Amendment No. 1

48 (4) A nursing home shall make reasonable physical
49 accommodation for electronic monitoring, including:

50 (a) Providing a reasonably secure place to mount a
51 video surveillance camera or other electronic monitoring
52 device; and

53 (b) Providing access to power sources for the video
54 surveillance camera or other electronic monitoring device.

55 (c) If electronic monitoring is conducted on behalf of a
56 resident, the nursing home may require the resident, the
57 resident's personal representative, the resident's surrogate,
58 or the resident's guardian to conduct the electronic
59 monitoring in plain view.

60 (5) A nursing home may require that a request to conduct
61 electronic monitoring be made in writing.

62 (6) Subject to applicable rules of evidence and
63 procedure, a tape or recording created through the use of
64 electronic monitoring conducted under this section may be
65 admitted into evidence in a Florida court or administrative
66 proceeding.

67 (7) An administrator of a nursing home who knowingly
68 refuses to permit a resident, the resident's personal
69 representative at the resident's request, the resident's
70 surrogate, or the resident's guardian to monitor the room of
71 the resident in accordance with this section through the use
72 of electronic monitoring devices commits a second degree
73 misdemeanor punishable under s. 775.082, Florida Statutes, or
74 s. 775.083, Florida Statutes.

75 (8) An administrator of a nursing home who knowingly

Amendment No. 1

76 refuses to admit a person to residency in the nursing home, or
77 who knowingly allows the removal of a resident from the
78 nursing home, because of a request to conduct electronic
79 monitoring under this section commits a second degree
80 misdemeanor punishable under s. 775.082, Florida Statutes, or
81 s. 775.083, Florida Statutes.

82 (9) (a) An employee, officer, or other agent of the
83 nursing home who intentionally hampers, obstructs, tampers
84 with, or destroys an electronic monitoring device installed in
85 a resident's room in accordance with this section, or a tape
86 or recording made by such a device, commits a first degree
87 misdemeanor punishable under s. 775.082, Florida Statutes, or
88 s. 775.083, Florida Statutes.

89 (b) It is a defense to prosecution under this subsection
90 that the employee, officer, or other agent took the action
91 with the consent of the resident on whose behalf the
92 electronic monitoring device was installed, the resident's
93 personal representative at the request of the resident, the
94 resident's surrogate, or the resident's guardian.

95 (c) Prior to an employee, officer, or other agent of the
96 nursing home intentionally hampering, obstructing, tampering
97 with or destroying an electronic monitoring device installed
98 in a resident's room in accordance with this section, or a
99 tape or recording made by such a device, written consent must
100 be obtained from the resident, the resident's personal
101 representative, the resident's surrogate, or the resident's
102 guardian on a form provided by the agency. Such consent and
103 form must be signed by the resident or the person representing

Amendment No. 1

104 the resident who made the request and one other witness.

105 (10) A licensee who operates a nursing home in violation
106 of this section is subject to a fine not to exceed \$500 per
107 violation per day, pursuant to s. 400.102, Florida Statutes.

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

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Between lines 2 and 3, insert:

114

creating s. 400.0223, F.S.; authorizing

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electronic monitoring devices in the rooms of

116

persons residing in nursing homes; providing

117

criminal and administrative penalties relating to

118

electronic monitoring devices;

119

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 661 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3 Representative Jones offered the following:

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

6 Between lines 319 and 320, insert:

7 Section 5. Section 400.0245, Florida Statutes, is
8 created to read:

9 400.0245 Adverse action against employee for disclosing
10 information of specified nature prohibited; employee remedy
11 and relief.--

12 (1) SHORT TITLE.--This section may be cited as the
13 "Nursing Home Facility Whistleblower's Act."

14 (2) LEGISLATIVE INTENT.--It is the intent of the
15 Legislature to prevent nursing home facilities or independent
16 contractors from taking retaliatory action against an employee
17 who reports to an appropriate person or agency violations of
18 law on the part of a facility or independent contractor that
19 create a substantial and specific danger to a nursing home

Amendment No. 2

20 facility resident's health, safety, or welfare. It is further
21 the intent of the Legislature to prevent nursing home
22 facilities or independent contractors from taking retaliatory
23 action against any person who discloses information to an
24 appropriate agency alleging improper use of or gross waste of
25 governmental funds, or any other abuse or gross neglect of
26 duty on the part of a nursing home facility.

27 (3) DEFINITIONS.--As used in this section, unless
28 otherwise specified, the following words or terms shall have
29 the meanings indicated:

30 (a) "Adverse personnel action" means the discharge,
31 suspension, transfer, or demotion of any employee or the
32 withholding of bonuses, the reduction in salary or benefits,
33 or any other adverse action taken against an employee within
34 the terms and conditions of employment by a nursing home
35 facility or independent contractor.

36 (b) "Agency" means any state, regional, county, local,
37 or municipal government entity, whether executive, judicial,
38 or legislative; or any official, officer, department,
39 division, bureau, commission, authority, or political
40 subdivision thereof.

41 (c) "Employee" means a person who performs services for,
42 and under the control and direction of, or contracts with, a
43 nursing home facility or independent contractor for wages or
44 other remuneration.

45 (d) "Gross mismanagement" means a continuous pattern of
46 managerial abuses, wrongful or arbitrary and capricious
47 actions, or fraudulent or criminal conduct which may have a

Amendment No. 2

48 substantial adverse economic impact.

49 (e) "Independent contractor" means a person who is
50 engaged in any business and enters into a contract with a
51 nursing home facility.

52 (4) ACTIONS PROHIBITED.--

53 (a) A nursing home facility or an independent contractor
54 shall not dismiss, discipline, or take any other adverse
55 personnel action against an employee for disclosing
56 information pursuant to the provisions of this section.

57 (b) A nursing home facility or an independent contractor
58 shall not take any adverse action that affects the rights or
59 interests of a person in retaliation for the person's
60 disclosure of information under this section.

61 (c) The provisions of this subsection shall not be
62 applicable when an employee or person discloses information
63 known by the employee or person to be false.

64 (5) NATURE OF INFORMATION DISCLOSED.--The information
65 disclosed under this section must include:

66 (a) Any violation or suspected violation of any federal,
67 state, or local law, rule, or regulation committed by an
68 employee or agent of a nursing home facility or independent
69 contractor which creates and presents a substantial and
70 specific danger to the nursing home facility resident's
71 health, safety, or welfare.

72 (b) Any act or suspected act of gross mismanagement,
73 malfeasance, misfeasance, gross waste of public funds, or
74 gross neglect of duty committed by an employee or agent of a
75 nursing home facility or independent contractor.

Amendment No. 2

76 (6) TO WHOM INFORMATION DISCLOSED.--The information
77 disclosed under this section must be disclosed to any agency
78 or Federal Government entity or person designated in s.
79 400.022(1)(c) having the authority to investigate, police,
80 manage, or otherwise remedy the violation or act.

81 (7) EMPLOYEES AND PERSONS PROTECTED.--This section
82 protects employees and persons who disclose information on
83 their own initiative in a written and signed complaint; who
84 are requested to participate in an investigation, hearing, or
85 other inquiry conducted by any agency or Federal Government
86 entity; who refuse to participate in any adverse action
87 prohibited by this section; or who initiate a complaint
88 through any appropriate complaint hotline. No remedy or other
89 protection under this section applies to any person who has
90 committed or intentionally participated in committing the
91 violation or suspected violation for which protection under
92 this section is being sought.

93 (8) REMEDIES.--Any person protected by this section may
94 bring a civil action in any court of competent jurisdiction
95 against a nursing home facility for any action prohibited by
96 this section.

97 (9) RELIEF.--In any action brought under this section,
98 the relief may include the following:

99 (a) Reinstatement of the employee to the same position
100 held before the adverse action was commenced or to an
101 equivalent position, or reasonable front pay as alternative
102 relief.

103 (b) Reinstatement of the employee's full fringe benefits

Amendment No. 2

104 and seniority rights, as appropriate.

105 (c) Compensation, if appropriate, for lost wages, lost
106 benefits, or other lost remuneration caused by the adverse
107 action.

108 (d) Payment of reasonable costs, including attorney's
109 fees, to a substantially prevailing employee, or to the
110 prevailing employer if the employee filed a frivolous action
111 in bad faith.

112 (e) Issuance of an injunction, if appropriate, by a
113 court of competent jurisdiction.

114 (f) Temporary reinstatement to the employee's former
115 position or to an equivalent position, pending the final
116 outcome on the complaint, if an employee complains of being
117 discharged in retaliation for a protected disclosure and if a
118 court of competent jurisdiction determines that the disclosure
119 was not made in bad faith or for a wrongful purpose or
120 occurred after a nursing home facility's or independent
121 contractor's initiation of a personnel action against the
122 employee that includes documentation of the employee's
123 violation of a disciplinary standard or performance
124 deficiency.

125 (10) PENALTIES.--(a) A nursing home facility determined
126 by the agency to have committed an action prohibited under
127 subsection (4) is subject to the penalties set forth in s.
128 400.23(8) (a).

129 (b) In addition, a violation of subsection (4)
130 constitutes a felony of the third degree, punishable as
131 provided in s. 775.082 and s. 775.083.

Amendment No. 2

132 (11) REWARD.--Any person protected by this section who
133 discloses information as provided in paragraph (5)(b) related
134 to gross waste of public funds shall be awarded \$10,000, which
135 sum shall be paid from the Resident Protection Trust Fund.

136 (12) POSTING OF NOTICE.--Each facility licensed under
137 this part shall prominently post notice of the protections,
138 rewards, and remedies provided under this section, along with
139 the telephone numbers for making reports, and shall provide
140 such notice to all employees of the facility within 30 days
141 after the effective date of this section and to all new
142 employees hired subsequent to that date.

143 (13) DEFENSES.--It shall be an affirmative defense to
144 any action brought pursuant to this section that the adverse
145 action was predicated upon grounds other than, and would have
146 been taken absent, the employee's or person's exercise of
147 rights protected by this section.

148 (14) EXISTING RIGHTS.--This section does not diminish the
149 rights, privileges, or remedies of an employee under any other
150 law or rule or under any collective bargaining agreement or
151 employment contract.

152

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154

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

155

156 Remove line 25 and insert:

157

 providing applicability; creating s. 400.0245,

158

 F.S.; creating the "Nursing Home Facility

159

 Whistleblower's Act; prohibiting retaliatory

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 661 (2011)

Amendment No. 2

160 | actions from a facility or independent contractor
161 | against an employee for disclosure of certain
162 | information; providing legislative intent;
163 | providing definitions; specifying the nature of
164 | information, to who disclosed, and persons
165 | protected; authorizing civil actions for
166 | violation; providing a reward for information
167 | disclosed; requiring facilities to post notice of
168 | protections, rewards, and remedies; providing
169 | defenses to certain actions; protecting existing
170 | rights of employees; providing an effective date.
171 |

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 661 (2011)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	6-8	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Health & Human Services

2 Committee

3 Representative Jones offered the following:

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

6 Between lines 319 and 320, insert:

7 Section 5. Section 400.0246, Florida Statutes, is
8 created to read:

9 400.0246 Reporting of criminal conduct on premises;
10 destruction of evidence prohibited.--An employee or officer of
11 a nursing home shall report any criminal conduct witnessed or
12 learned of subsequent to its occurrence to local law
13 enforcement prior to reporting the conduct to the employer, a
14 supervisor, or a director. Every effort must be made to
15 preserve all evidence relating to the crime. Destruction of
16 evidence is punishable as a third degree felony, as provided
17 under s. 775.082, Florida Statutes, s. 775.083, Florida
18 Statutes, or s. 775.084, Florida Statutes.
19

Amendment No. 3

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

Remove line 25 and insert:

providing applicability; creating s. 400.0246,
F.S.; requiring reporting of criminal conduct in
a nursing home to local law enforcement;
requiring preservation of evidence; specifying
criminal sanctions for destruction of evidence;
providing an effective date.

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
<u>FAILED TO ADOPT</u>	6-10	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

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

Amendment (with title amendment)

Between lines 319 and 320, insert:

Section 5. Subsection (1) of section 400.151, Florida Statutes, is amended to read:

400.151 Contracts.--

(1) Effective October 1, 2011, the presence of each resident in a facility shall be covered by a state-approved contract, executed by the licensee and the resident or his or her designee or legal representative at the time of admission or prior thereto and at the expiration of the term of a previous contract, and modified by the licensee and the resident or his or her designee or legal representative at the time the source of payment for the resident's care changes. Each party to the contract is entitled to a duplicate original thereof, printed in boldfaced type, and the licensee shall

Amendment No. 4

20 keep on file all contracts which it has with residents. The
21 licensee may not destroy or otherwise dispose of any such
22 contract until 5 years after its expiration or such longer
23 period as may be provided in the rules of the agency.
24 Microfilmed records or records reproduced by a similar process
25 of duplication may be kept in lieu of the original records.
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28

29 -----
30 **T I T L E A M E N D M E N T**

31 Remove line 25 and insert:

32 providing applicability; amending s. 400.151,
33 F.S.; requiring state-approved resident contracts
34 with nursing homes after a specified date;
35 providing an effective date.
36

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 661 (2011)

Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION _____ (Y/N)

FAILED TO ADOPT 9-10 (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

1 Committee/Subcommittee hearing bill: Health & Human Services

2 Committee

3 Representative Jones offered the following:

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

6 Between lines 319 and 320, insert:

7 Section 5. Paragraph (a) of subsection (2) of section
8 400.191, Florida Statutes, is amended to read:

9 400.191 Availability, distribution, and posting of
10 reports and records.--

11 (2) The agency shall publish the Nursing Home Guide
12 quarterly in electronic form to assist consumers and their
13 families in comparing and evaluating nursing home facilities.

14 (a) The agency shall provide an Internet site which
15 shall include at least the following information either
16 directly or indirectly through a link to another established
17 site or sites of the agency's choosing:

18 1. A section entitled "Have you considered programs that
19 provide alternatives to nursing home care?" which shall be the

Amendment No. 5

20 first section of the Nursing Home Guide and which shall
21 prominently display information about available alternatives to
22 nursing homes and how to obtain additional information
23 regarding these alternatives. The Nursing Home Guide shall
24 explain that this state offers alternative programs that permit
25 qualified elderly persons to stay in their homes instead of
26 being placed in nursing homes and shall encourage interested
27 persons to call the Comprehensive Assessment Review and
28 Evaluation for Long-Term Care Services (CARES) Program to
29 inquire if they qualify. The Nursing Home Guide shall list
30 available home and community-based programs which shall clearly
31 state the services that are provided and indicate whether
32 nursing home services are included if needed.

33 2. A list by name and address of all nursing home
34 facilities in this state, including any prior name by which a
35 facility was known during the previous 24-month period.

36 3. Whether such nursing home facilities are proprietary
37 or nonproprietary.

38 4. The current owner of the facility's license and the
39 year that that entity became the owner of the license.

40 5. The name of the owner or owners of each facility and
41 whether the facility is affiliated with a company or other
42 organization owning or managing more than one nursing facility
43 in this state.

44 6. The total number of beds in each facility and the most
45 recently available occupancy levels.

46 7. The number of private and semiprivate rooms in each
47 facility.

Amendment No. 5

48 8. The religious affiliation, if any, of each facility.

49 9. Information about the family council, or similar
50 organization, in each facility, and the name and telephone
51 number of the council's, or the organization's, president or
52 presiding officer.

53 10. ~~9.~~ The languages spoken by the administrator and
54 staff of each facility.

55 11. ~~10.~~ Whether or not each facility accepts Medicare or
56 Medicaid recipients or insurance, health maintenance
57 organization, Veterans Administration, CHAMPUS program, or
58 workers' compensation coverage.

59 12. ~~11.~~ Recreational and other programs available at each
60 facility.

61 13. ~~12.~~ Special care units or programs offered at each
62 facility.

63 14. ~~13.~~ Whether the facility is a part of a retirement
64 community that offers other services pursuant to part III of
65 this chapter or part I or part III of chapter 429.

66 15. ~~14.~~ Survey and deficiency information, including all
67 federal and state recertification, licensure, revisit, and
68 complaint survey information, for each facility for the past
69 30 months. For noncertified nursing homes, state survey and
70 deficiency information, including licensure, revisit, and
71 complaint survey information for the past 30 months shall be
72 provided.

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Amendment No. 5

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

Remove line 25 and insert:

providing applicability; amending s. 400.191,
F.S.; requiring the Agency for Health Care
Administration to list information about nursing
home family councils in a mandated report;
providing an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 661 (2011)

Amendment No. 6

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION _____ (Y/N)

FAILED TO ADOPT 5-11 _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

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

3 Representative Jones offered the following:

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

6 Between lines 319 and 320, insert:

7 Section 5. Section 400.1411, Florida Statutes, is
8 created to read:

9 400.1411 Financial responsibility.--

10 (1) As a condition of licensure and maintaining an active
11 license, and prior to the issuance or renewal of an active
12 license or reactivation of an inactive license for operating a
13 nursing home facility in Florida, an applicant must by one of
14 the following methods demonstrate to the satisfaction of the
15 Agency and the Office of Insurance Regulation financial
16 responsibility to pay claims and costs ancillary thereto
17 arising out of the rendering of, or the failure to render, care
18 or services:

Amendment No. 6

19 (a) Establishing and maintaining an escrow account
20 consisting of cash or assets eligible for deposit in accordance
21 with s. 625.52 in the per claim amounts specified in paragraph
22 (b). The required escrow amount set forth in this paragraph
23 shall not be used for litigation costs and attorneys' fees for
24 the defense of any claim maintained pursuant to common law, ss.
25 400.23 or 400.0233.

26 (b) Obtaining and maintaining general and professional
27 liability coverage in an amount not less than \$500,000 per
28 claim, with a minimum annual aggregate of not less than
29 \$1,000,000, from an authorized insurer as defined under s.
30 624.09, from a surplus lines insurer as defined under s.
31 626.914(2), from a risk retention group as defined under s.
32 627.942, or through a plan of self-insurance as defined in s.
33 627.357. However, any nursing home facility that obtains
34 general and professional liability insurance coverage from a
35 risk retention group as defined under s. 627.942 is only
36 required to maintain general and professional liability
37 insurance coverage in an amount not less than \$250,000 per
38 claim, with a minimum annual aggregate of not less than
39 \$500,000. Furthermore, any nursing home facility that has been
40 awarded a Gold Seal under the program established in s. 400.235
41 is only required to maintain general and professional liability
42 insurance coverage in an amount not less than \$250,000 per
43 claim, with a minimum annual aggregate of not less than
44 \$500,000, from an authorized insurer as defined under s.
45 626.914(2), from a risk retention group as defined under s.
46 627.942, or through a plan of self-insurance as defined in s.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 661 (2011)

Amendment No. 6

47 627.357. The required coverage amount set forth in this
48 paragraph shall not be used for litigation costs and attorneys'
49 fees for the defense of any claim maintained pursuant to common
50 law, ss. 400.023 or 400.0233.

51 (c) Obtaining and maintaining an unexpired, irrevocable
52 letter of credit, established pursuant to chapter 675, in an
53 amount not less than \$500,000 per claim, with a minimum
54 aggregate availability of credit not less than \$1,000,000.
55 However, any nursing home facility that has been awarded a Gold
56 Seal under the program established in s. 400.235 is only
57 required to maintain an unexpired, irrevocable letter of
58 credit, established pursuant to chapter 675, in an amount not
59 less than \$250,000 per claim, with a minimum annual aggregate
60 of availability of credit not less than \$500,000. The letter of
61 credit must be payable to the nursing home facility as
62 beneficiary upon presentment of a final judgment indicating
63 liability and awarding damages to be paid by the nursing home
64 facility or upon presentment of a settlement agreement signed
65 by all parties to such agreement when such final judgment or
66 settlement is a result of a claim arising out of the rendering
67 of, or the failure to render, care and services. The letter of
68 credit shall not be used for litigation costs and attorneys'
69 fees for the defense of any claim maintained pursuant to common
70 law, ss. 400.023 or 400.0233. The letter of credit must be
71 nonassignable and nontransferable. Such letter of credit must
72 be issued by any bank or savings association organized and
73 existing under the laws of this state or any bank or savings
74 association organized under the laws of the United States that

Amendment No. 6

75 | has its principal place of business in this state or has a
76 | branch office that is authorized under the laws of this state
77 | or of the United States to receive deposits in this state.

78 | (2) (a) Each insurer, self-insurer or risk retention
79 | group, must promptly notify the Agency and the Office of
80 | Insurance Regulation of cancellation or nonrenewal of insurance
81 | required by this section. Unless the nursing home facility
82 | demonstrates that it is otherwise in compliance with the
83 | requirements of this section, the Agency shall suspend the
84 | license of the nursing home facility. Any suspension under this
85 | subsection remains in effect until the nursing home facility
86 | demonstrates compliance with the requirements of this section.
87 | If any judgments or settlements are pending at the time of
88 | suspension of the license, those judgments or settlements must
89 | be pain in accordance with this section unless otherwise
90 | mutually agreed to in writing by the parties. This paragraph
91 | does not arrogate a judgment debtor's obligation to satisfy the
92 | entire amount of any judgment.

93 | (b) If financial responsibility requirements are met by
94 | maintaining an escrow account or letter of credit as provided
95 | in this section, upon the entry of an adverse final judgment
96 | arising from a claim maintained in contract or in tort pursuant
97 | to common law, ss. 400.023 or 400.0233, or from noncompliance
98 | with the terms of a settlement agreement arising from a claim
99 | maintained in contract or in tort pursuant to common law, ss.
100 | 400.023 or 400.0233, the licensee of the nursing home facility,
101 | the nursing home facility and/or the entity that owns,
102 | operates, manages and/or controls the nursing home facility,

Amendment No. 6

103 shall pay the entire amount of the judgment together with all
104 accrued interest, or the amount maintained in the escrow
105 account or provided in the letter of credit as required by this
106 section, whichever is less, within 60 days after the date such
107 judgment became final and subject to execution, unless
108 otherwise mutually agreed to in writing by the parties. If
109 timely payment is not made by the licensee of the nursing home
110 facility, the nursing home facility and/or the entity that
111 owns, operates, manages and/or controls the nursing home
112 facility, the Agency shall suspend the license of the nursing
113 home facility. Nothing in this paragraph shall abrogate a
114 judgment debtor's obligation to satisfy the entire amount of
115 any judgment.

116 (3) Upon the entry of an adverse final judgment arising
117 from a claim maintained in contract or in tort pursuant to
118 common law, ss. 400.023 or 400.0233, or from noncompliance with
119 the terms of a settlement agreement arising from a claim
120 maintained in contract or in tort pursuant to common law, ss.
121 400.023 or 400.0233, the licensee of the nursing home facility,
122 the nursing home facility and/or the entity that owns,
123 operates, manages and/or controls the nursing home facility,
124 shall pay the judgment creditor the lesser of the entire amount
125 of the judgment with all accrued interest or the per claim
126 amounts specified in paragraph (1)(b) of this section, within
127 60 days after the date such judgment became final and subject
128 to execution, unless otherwise mutually agreed to in writing by
129 the parties. Such adverse final judgment shall include any
130 cross-claims, counterclaims, or claim for indemnity or

Amendment No. 6

131 contribution arising from the claim maintained in contract or
132 in tort pursuant to common law, ss. 400.023 or 400.0233.

133 Nothing in this paragraph shall abrogate a judgment debtor's
134 obligation to satisfy the entire amount of any judgment. Upon
135 notification of the existence of an unsatisfied judgment or
136 payment pursuant to this subparagraph, the Agency shall notify
137 the nursing home facility by certified mail that its license
138 shall be suspended unless, within 30 days from the date of
139 mailing, it either:

140 (a) Shows proof that the unsatisfied judgment has been
141 paid in the amount specified in this subparagraph; or

142 (b) Furnishes the department with a copy of a timely
143 filed notice of appeal and either:

144 1. A copy of a supersedeas bond properly posted in the
145 amount required by law; or

146 2. An order from a court of competent jurisdiction
147 staying execution on the final judgment pending disposition of
148 the appeal.

149 (c) The Agency shall issue an emergency order suspending
150 the license of any nursing home facility who, after 30 days
151 following receipt of a notice from the Agency, has failed to:
152 satisfy a claim maintained in contract or in tort pursuant to
153 common law, ss. 400.023 or 400.0233 against it in accordance
154 with subsection (6); furnish the Agency a copy of a timely
155 filed notice of appeal; furnish the Agency a copy of a
156 supersedeas bond properly posted in the amount required by law;
157 or furnish the Agency an order from a court of competent

Amendment No. 6

158 | jurisdiction staying execution on the final judgment pending
159 | disposition of the appeal.

160 | (4) Any deceptive, untrue, or fraudulent representation
161 | by the nursing home facility with respect to any provision of
162 | this section shall result in permanent disqualification from
163 | any exemption to mandated financial responsibility as provided
164 | in this section and shall result in the immediate suspension of
165 | the license of the nursing home facility.

166 | (5) Any nursing home facility who relies on any exemption
167 | from the financial responsibility requirement shall notify the
168 | Agency, in writing, of any change of circumstance regarding its
169 | qualifications for such exemption and shall demonstrate that it
170 | is in compliance with the requirements of this section.

171 | (6) The Agency shall adopt rules to implement the
172 | provisions of this section.

173

174

175

176

177

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

178

Remove line 25 and insert:

179

providing applicability; creating s. 400.1411,

180

F.S.; requiring maintenance of financial

181

responsibility as a condition of licensure of

182

nursing home facilities; providing for payment of

183

any outstanding judgments or settlements pending

184

at the time the license of a nursing home

185

facility is suspended by the Agency for Health

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 661 (2011)

Amendment No. 6

186

Care Administration; providing an effective date.

187

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 661 (2011)

Amendment No. 7

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input 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 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee

3 Representative Corcoran offered the following:
4

5 **Amendment (with title amendment)**

6 Between lines 319 and 320, insert:

7 Section 5. If any provision of this act or its application
8 to any person or circumstance is held invalid, the invalidity
9 does not affect other provisions or applications of this act
10 which can be given effect without the invalid provision or
11 application, and to this end the provisions of this act are
12 severable.

13 -----
14 **T I T L E A M E N D M E N T**

15 Remove line 25 and insert:
16 providing applicability; providing for severability; providing
17 an effective date.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 661 (2011)

Amendment No. 8

COMMITTEE/SUBCOMMITTEE ACTION

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

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

Amendment (with title amendment)

6 Remove lines 275-319

10 -----

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

12 Remove lines 20-24 and insert:
13 damages;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 661 (2011)

Amendment No. 9

COMMITTEE/SUBCOMMITTEE ACTION

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

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

Amendment (with title amendment)

Remove lines 214-274

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

Remove lines 18-20 and insert:
 entities; amending s. 400.23, F.S.; providing for a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 661 (2011)

Amendment No. 10

COMMITTEE/SUBCOMMITTEE ACTION

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

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

4
5 **Amendment**
6 Remove lines 201-204 and insert:
7 the specific conduct as alleged in subsection (2).
8

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 661 (2011)

Amendment No. 11

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3 Representative(s) Corcoran offered the following:

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

6 Remove lines 56-70 and insert:

7 In any claim for wrongful death brought under this

8
 9
 10 -----

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

12 Remove lines 8-9 and insert:

13 parties; providing a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 661 (2011)

Amendment No. 12

COMMITTEE/SUBCOMMITTEE ACTION

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

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

4
5 **Amendment**

6 Remove line 71 and insert:
7 section, noneconomic damages may not exceed \$300,000 per

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

CS/HB 739 : Transition-to-Adulthood Services

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard	X				
Richard Corcoran	X				
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Paige Kreegel			X		
Ana Logan	X				
Mark Pafford	X				
Ari Porth	X				
Ronald Renuart	X				
Elaine Schwartz	X				
John Wood	X				
Dana Young	X				
Robert Schenck (Chair)	X				
Total Yeas: 17	Total Nays: 0				

Appearances:

Emmons, Virginia (Lobbyist) - Waive In Support
 Educate Tomorrow & SEED Foundation
 100 Collins Avenue, PH3
 Miami Beach fl 33139
 Phone: (786) 303-1911

Poole, Lesley - Waive In Support
 The SEED Foundation
 1776 Massachusetts Ave., NW, Suite 600
 Washington DC
 Phone: (292) 785-4123

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

Amendment No.1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative(s) Porth offered the following:

Amendment (with title amendment)

Remove line 158 and insert:

7 Section 4: Effective July 1, 2011 the College Preparatory
8 Boarding Academy Pilot Program for at risk youth students is
9 created.

10 (1) PROGRAM CREATION.-The College-Preparatory Boarding
11 Academy Pilot Program is created for the purpose of providing
12 unique educational opportunities to dependent or at-risk
13 children who are academic underperformers but who have the
14 potential to progress from at-risk to college-bound. The State
15 Board of Education shall implement this program.

16 (2) DEFINITIONS.-As used in this section, the term:

17 (a) "Board" means the board of trustees of a college-
18 preparatory boarding academy for at-risk students.

Amendment No.1

19 (b) "Eligible student" means a student who is a resident of
20 the state and entitled to attend school in a participating
21 school district, is at risk of academic failure, is currently
22 enrolled in grade 5 or 6, is from a family whose income is below
23 200 percent of the federal poverty guidelines, and who meets at
24 least two of the following additional risk factors:

25 1. The student has a record of suspensions, office
26 referrals, or chronic truancy.

27 2. The student has been referred for academic intervention
28 or has not attained at least a proficient score on the state
29 achievement assessment in English and language arts, reading, or
30 mathematics.

31 3. The student's parent is a single parent.

32 4. The student does not live with the student's custodial
33 parent.

34 5. The student resides in a household that receives a
35 housing voucher or has been determined as eligible for public
36 housing assistance.

37 6. A member of the student's immediate family has been
38 incarcerated.

39 7. The student has been declared an adjudicated dependent
40 by a court of competent jurisdiction.

41 8. The student has received a referral from a school,
42 teacher, counselor, dependency circuit court judge, or
43 community-based care organization.

44 9. The student meets any additional criteria prescribed by
45 an agreement between the State Board of Education and the
46 operator of a college-preparatory boarding academy.

Amendment No.1

47 (c) "Operator" means a private, nonprofit corporation that
48 is selected by the state under subsection (3) to operate the
49 program.

50 (d) "Program" means a college-preparatory boarding academy
51 for at-risk students which includes:

52 1. A remedial curriculum for middle school grades;

53 2. The college-preparatory curriculum for high school
54 grades;

55 3. Extracurricular activities, including athletics and
56 cultural events;

57 4. College admissions counseling;

58 5. Health and mental health services;

59 6. Tutoring;

60 7. Community service and service learning opportunities;

61 8. A residential student life program;

62 9. Extended school days and supplemental programs; and

63 10. Professional services focused on the language arts and
64 reading standards, mathematics standards, science standards,
65 technology standards, and developmental or life skill standards
66 using innovative and best practices for all students.

67 (e) "Sponsor" means a public school district that acts as
68 sponsor pursuant to s. 1002.33, Florida Statutes.

69 (3) PROPOSALS.-

70 (a) The State Board of Education shall select a private,
71 nonprofit corporation to operate the program which must meet all
72 of the following qualifications:

73 1. The nonprofit corporation has, or will receive as a
74 condition of the contract, a public charter school authorized

Amendment No.1

75 under s. 1002.33, Florida Statutes, to offer grades 6 through
76 12, or has a partnership with a sponsor to operate a school.

77 2. The nonprofit corporation has experience operating a
78 school or program similar to the program authorized under this
79 section.

80 3. The nonprofit corporation has demonstrated success with
81 a school or program similar to the program authorized under this
82 section.

83 4. The nonprofit corporation has the capacity to finance
84 and secure private funds for the development of a campus for the
85 program.

86 (b) Within 60 days after July 1, 2011, the State Board of
87 Education shall issue a request for proposals from private,
88 nonprofit corporations interested in operating the program. The
89 state board shall select operators from among the qualified
90 responders within 120 days after the issuance of the requests
91 for proposal.

92 (c) Each proposal must contain the following information:

93 1. The proposed location of the college-preparatory
94 boarding academy;

95 2. A plan for offering grade 6 in the program's initial 2
96 year of operation and a plan for expanding the grade levels
97 offered by the school in subsequent years; and

98 3. Any other information about the proposed educational
99 program, facilities, or operations of the school as determined
100 necessary by the state board.

Amendment No.1

101 | (4) CONTRACT.-The State Board of Education shall contract
102 | with the operator of a college-preparatory boarding academy. The
103 | contract must stipulate that:

104 | (a) The academy may operate only if, and to the extent
105 | that, it holds a valid charter authorized under s. 1002.33,
106 | Florida Statutes, or is authorized by a local school district
107 | defined as a sponsor pursuant to s. 1002.33, Florida Statutes.

108 | (b) The operator shall finance and oversee the acquisition
109 | of a facility for the academy.

110 | (c) The operator shall operate the academy in accordance
111 | with the terms of the proposal accepted by the state board.

112 | (d) The operator shall comply with this section.

113 | (e) The operator shall comply with any other provisions of
114 | law specified in the contract, the charter granted by the local
115 | school district or the operating agreement with the sponsor, and
116 | the rules adopted by the state board for schools operating in
117 | this state.

118 | (f) The operator shall comply with the bylaws that it
119 | adopts.

120 | (g) The operator shall comply with standards for admission
121 | of students to the academy and standards for dismissal of
122 | students from the academy which are included in the contract and
123 | may be reevaluated and revised by mutual agreement between the
124 | operator and the state board.

125 | (h) The operator shall meet the academic goals and other
126 | performance standards established by the contract.

127 | (i) The state board or the operator may terminate the
128 | contract in accordance with the procedures specified in the

Amendment No.1

129 contract, which must at least require that the party seeking
130 termination give prior written notice of the intent to terminate
131 the contract and that the party receiving the termination notice
132 be granted an opportunity to redress any grievances cited
133 therein.

134 (j) If the school closes for any reason, the academy's
135 board of trustees shall execute the closing in a manner
136 specified in the contract.

137 (5) OPERATOR BYLAWS.-The operator of the program shall
138 adopt bylaws for the oversight and operation of the academy
139 which are in accordance with this section, state law, and the
140 contract between the operator and the State Board of Education.
141 The bylaws must include procedures for the appointment of board
142 members to the academy's board of trustees, which may not exceed
143 25 members, 5 members of whom shall be appointed by the Governor
144 with the advice and consent of the Senate. The bylaws are
145 subject to approval of the state board.

146 (6) OUTREACH.-The program operator shall adopt an outreach
147 program with the local education agency or school district and
148 community. The outreach program must give special attention to
149 the recruitment of children in the state's foster care program
150 as a dependent child or as a child in a program to prevent
151 dependency who are academic underperformers who, if given the
152 unique educational opportunity found in the program, have the
153 potential to progress from at-risk children to college-bound
154 children.

155 (7) FUNDING.-The college-preparatory boarding academy must be a
156 public school and part of the state's program of education.

Amendment No.1

157 Funding for the operation of the boarding academy shall be
158 contingent on development of a plan by the Department of
159 Education, the Department of Juvenile Justice and the Department
160 of Children and Family Services that details how educational and
161 non-educational funds that would otherwise be committed to the
162 students in the school and their families can be repurposed to
163 provide for the operation of the school and related services.

164 Such plans shall be based on federal and state funding streams
165 for children and families meeting the eligibility criteria for
166 eligible students as specified in section (2)b.

167 The Department of Education, the Department of Juvenile Justice
168 and the Department of Children and Family Services shall submit
169 such plan along with relevant budget requests either through the
170 Legislative Budget Request process in accordance with ss.

171 216.023, Florida Statutes or through requests for budget
172 amendments to the Legislative Budget Commission in accordance
173 with ss. 216.181, Florida Statutes.

174 (8) PROGRAM CAPACITY.-Beginning August 2012, or later
175 pursuant to the funding plan required in section (7), the
176 program shall admit 80 students. In each subsequent fiscal year,
177 the program shall grow by an additional number of students, as
178 specified in the contract, until the program reaches a capacity
179 of 400 students.

180 (9) STUDENT SERVICES.-Students enrolled in the program who
181 have been adjudicated dependent must remain under the case
182 management services and supervision of the lead agency and its
183 respective providers. The operator may contract with its own
184 providers as necessary to provide services to children in the

Amendment No.1

185 program and to ensure continuity of the full range of services
186 required by children in foster care who attend the academy.

187 (10) MEDICAID BILLING.-This section does not prohibit an
188 operator from appropriately billing Medicaid for services
189 rendered to eligible students through the program or from
190 earning federal or local funding for services provided.

191 (11) ADMISSION.-An eligible student may apply for admission
192 to the program. If more eligible students apply for admission
193 than the number of students permitted by the capacity
194 established by the board of trustees, admission shall be
195 determined by lottery.

196 (12) STUDENT HOUSING.-Notwithstanding ss. 409.1677(3) (d)
197 and 409.176, Florida Statutes, or any other provision of law, an
198 operator may house and educate dependent, at-risk youth in its
199 residential school for the purpose of facilitating the mission
200 of the program and encouraging innovative practices.

201 (13) ANNUAL REPORT.-

202 (a) The State Board of Education shall issue an annual
203 report for each college-preparatory boarding academy which
204 includes all information applicable to schools.

205 (b) Each college-preparatory boarding academy shall report
206 to the Department of Education, in the form and manner
207 prescribed in the contract, the following information:

- 208 1. The total number of students enrolled in the academy;
209 2. The number of students enrolled in the academy who are
210 receiving special education services pursuant to an individual
211 education plan; and
212 3. Any additional information specified in the contract.

Amendment No.1

213 (c) The operator shall comply with s. 1002.33, Florida
 214 Statutes, and shall annually assess reading and mathematics
 215 skills. The operator shall provide the student's legal guardians
 216 with sufficient information on whether the student is reading at
 217 grade level and whether the student gains at least a year's
 218 worth of learning for every year spent in the program.

219 (14) RULES.-The State Board of Education shall adopt rules to
 220 administer this section. These rules must identify any existing
 221 rules that are applicable to the program and preempt any other
 222 rules that are not specified for the purpose of clarifying the
 223 rules that may be conflicting, redundant, or that result in an
 224 unnecessary burden on the program or the operator.

225 Section 5.Except as otherwise provided herein this act
 226 shall take effect October 1, 2011.

227
 228
 229
 230
 231
 232 -----

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

234 Remove line 23 and insert:

235 commitment; creating the College-Preparatory Boarding
 236 Academy Pilot Program for dependent or at-risk students;
 237 providing a purpose for the program; requiring that the
 238 State Board of Education implement the program; providing
 239 definitions; requiring the state board to select a private
 240 nonprofit corporation to operate the program if certain

Amendment No.1

241 qualifications are met; requiring that the state board
242 request proposals from private nonprofit corporations;
243 providing requirements for such proposals; requiring that
244 the state board enter into a contract with the operator of
245 the academy; requiring that the contract contain specified
246 requirements; requiring that the operator adopt bylaws,
247 subject to approval by the state board; requiring that the
248 operator adopt an outreach program with the local education
249 agency or school district and community; providing that the
250 academy is a public school and part of the state's
251 education program; providing program funding guidelines and
252 requiring development of a plan; limiting the capacity of
253 eligible students attending the academy; requiring that
254 enrolled students remain under case management services and
255 the supervision of the lead agency; authorizing the
256 operator to appropriately bill Medicaid for services
257 rendered to eligible students or earn federal or local
258 funding for services provided; providing for eligible
259 students to be admitted by lottery if the number of
260 applicants exceeds the allowed capacity; authorizing the
261 operator to board dependent, at-risk students; requiring
262 that the state board issue an annual report and adopt
263 rules; providing an effective date.

264

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

CS/HB 843 : Teaching Agency for Home and Community-Based Care

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard	X				
Richard Corcoran			X		
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell			X		
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Paige Kreegel			X		
Ana Logan	X				
Mark Pafford	X				
Ari Porth	X				
Ronald Renuart	X				
Elaine Schwartz	X				
John Wood	X				
Dana Young	X				
Robert Schenck (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

CS/HB 891 : Regulation of Smoking

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard	X				
Richard Corcoran	X				
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell			X		
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Paige Kreegel			X		
Ana Logan	X				
Mark Pafford	X				
Ari Porth	X				
Ronald Renuart	X				
Elaine Schwartz	X				
John Wood	X				
Dana Young	X				
Robert Schenck (Chair)	X				
Total Yeas: 16	Total Nays: 0				

Appearances:

HB 891

Fischer, Michael (Lobbyist) - Waive In Support
 American Cancer Society, Florida Division, Inc
 P.O. Box 1197
 Tallahassee FL 32305
 Phone: (850)222-6374

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 891 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Health & Human Services
2 Committee
3 Representative(s) Corcoran offered the following:

4
5 **Amendment**

6 Remove line 16 and insert:
7 Section 3. This act shall become effective upon becoming
8 law.

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

CS/HB 1037 : Continuing Care Retirement Communities

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard	X				
Richard Corcoran			X		
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell			X		
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Paige Kreegel			X		
Ana Logan	X				
Mark Pafford	X				
Ari Porth	X				
Ronald Renuart	X				
Elaine Schwartz	X				
John Wood	X				
Dana Young	X				
Robert Schenck (Chair)	X				
Total Yeas: 15	Total Nays: 0				

Appearances:

Support and Information
 Boyd, Janegale (Lobbyist) - Waive In Support
 Florida Association of Homes for the Aging
 1812 Riggins Rd
 Tallahassee FL 32308
 Phone: (850)671-3700

Information - Only if needed
 Johnson, Ray - Waive In Support
 Vicker's Landing
 1000 Vicar's Landing Way
 Ponte Vedra Beach FL 32082
 Phone: (904) 273-1702

HB 1037
 Dudley, Fred (Lobbyist) - Waive In Support
 Vicar's Landing
 315 South Calhoun St Suite 300
 Tallahassee FL 32301
 Phone: (850) 681-0024

HB 1037
 Holley, John (Lobbyist) - Waive In Support
 Florida Life Care Residents Association
 Tallahassee FL 32303

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1037 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

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

4
5 **Amendment**
6 Remove lines 654-657 and insert:
7 an ownership right.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 1037 (2011)

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3 Representative Bemby offered the following:

4

5 **Amendment**

6 Between lines 734 and 735, insert:

7 (9) A prospective resident, resident, or resident's estate is
8 not entitled to interest of any type on a deposit or entrance
9 fee unless interest is specified in the continuing care
10 contract. This subsection is remedial in nature and clarifies
11 existing law.

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)
CS/CS/HB 1043 : Citrus County

AMENDED

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard	X				
Richard Corcoran			X		
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell			X		
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Paige Kreegel			X		
Ana Logan	X				
Mark Pafford	X				
Ari Porth	X				
Ronald Renuart	X				
Elaine Schwartz	X				
John Wood	X				
Dana Young	X				
Robert Schenck (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

CS/CS/ 1043

Kirk, Susan - Waive In Support
 Citrus Co. Hospital Board
 25 SE Kings Bay Dr
 Crystal River FL 34429
 Phone: (352) 220-0804

Citrus County Local Bill

Gorrie, Jan (Lobbyist) - Opponent
 Citrus Memorial Health Foundation
 4221 Boy Scout Blvd
 Tampa FL 33607
 Phone: (813) 334-5288

Citrus County Hospital

Williams, Larry (Lobbyist) - Waive In Support
 Citrus County Hospital Board
 215 South Monroe Suite 601
 Tallahassee FL 32301
 Phone: (850) 521-1980

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

CS/HB 1085 : Women's Health

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard	X				
Richard Corcoran			X		
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell			X		
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Paige Kreegel			X		
Ana Logan	X				
Mark Pafford	X				
Ari Porth	X				
Ronald Renuart	X				
Elaine Schwartz	X				
John Wood	X				
Dana Young	X				
Robert Schenck (Chair)	X				
Total Yeas: 15		Total Nays: 0			

Appearances:

Ovarian Cancer
 Brantley, Bobby (Lobbyist) - Waive In Support
 Ovarian Cancer Alliance
 215 S Monroe St
 Tallahassee FL 32301
 Phone: (850)521-0600

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

CS/HB 1193 : Health Insurance

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard		X			
Richard Corcoran	X				
Janet Cruz		X			
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones		X			
Paige Kreegel			X		
Ana Logan	X				
Mark Pafford		X			
Ari Porth		X			
Ronald Renuart	X				
Elaine Schwartz		X			
John Wood	X				
Dana Young	X				
Robert Schenck (Chair)	X				
Total Yeas: 11		Total Nays: 6			

Appearances:

Health Care
 Fay, Andrew (Lobbyist) (State Employee) - Information Only
 Attorney General's Office
 PL 02
 Tallahassee FL 32301

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

CS/CS/HB 1319 : Certificates and Licenses for Certain Health Care Practitioners

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard	X				
Richard Corcoran	X				
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones	X				
Paige Kreegel			X		
Ana Logan	X				
Mark Pafford	X				
Ari Porth	X				
Ronald Renuart	X				
Elaine Schwartz	X				
John Wood	X				
Dana Young	X				
Robert Schenck (Chair)	X				
Total Yeas: 17		Total Nays: 0			

Appearances:

Hart, Joe Ann (Lobbyist) - Waive In Support
 Florida Dental Association
 118 E. Jefferson St.
 Tallahassee FL 32301
 Phone: (850)224-1089

Sehgal, Angela (State Employee) - Waive In Support
 Athletic Trainers Assoc. of Florida
 422 Sandels Blvd.
 Tallahassee FL 32306-1493

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1319 (2011)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

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

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (3) is added to section 456.024,
8 Florida Statutes, to read:

9 456.024 Members of Armed Forces in good standing with
10 administrative boards or the department; spouses.—

11 (3) (a) The board, or the department if there is no board,
12 may issue a temporary professional license to the spouse of an
13 active duty member of the Armed Forces of the United States who
14 submits to the department:

15 1. A completed application upon a form prepared and
16 furnished by the department in accordance with the board's
17 rules;

18 2. The required application fee;

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19 3. Proof that the applicant is married to a member of the
20 Armed Forces of the United States who is on active duty;

21 4. Proof that the applicant holds a valid license for the
22 profession issued by another state, the District of Columbia, or
23 a possession or territory of the United States, and is not the
24 subject of any disciplinary proceeding in any jurisdiction in
25 which the applicant holds a license to practice a profession
26 regulated by this chapter;

27 5. Proof that the applicant's spouse is assigned to a duty
28 station in this state pursuant to the member's official active
29 duty military orders; and

30 6. Proof that the applicant would otherwise be entitled to
31 full licensure under the appropriate practice act, and is
32 eligible to take the respective licensure examination as
33 required in Florida.

34 (b) The applicant must also submit to the Department of
35 Law Enforcement a complete set of fingerprints. The Department
36 of Law Enforcement shall conduct a statewide criminal history
37 check and forward the fingerprints to the Federal Bureau of
38 Investigation for a national criminal history check.

39 (c) Each board, or the department if there is no board,
40 shall review the results of the state and federal criminal
41 history checks according to the level 2 screening standards in
42 s. 435.04 when granting an exemption and when granting or
43 denying the temporary license.

44 (d) The applicant shall pay the cost of fingerprint
45 processing. If the fingerprints are submitted through an
46 authorized agency or vendor, the agency or vendor shall collect

Amendment No.

47 the required processing fees and remit the fees to the
48 Department of Law Enforcement.

49 (e) The department shall set an application fee, which may
50 not exceed the cost of issuing the license.

51 (f) A temporary license expires 12 months after the date
52 of issuance and is not renewable.

53 (g) An applicant for a temporary license under this
54 subsection is subject to the requirements under s. 456.013(3)(a)
55 and (c).

56 (h) An applicant shall be deemed ineligible for a
57 temporary license pursuant to this section if the applicant:

58 1. Has been convicted of or pled nolo contendere to,
59 regardless of adjudication, any felony or misdemeanor related to
60 the practice of a health care profession;

61 2. Has had a health care provider license revoked or
62 suspended from another of the United States, the District of
63 Colombia, or a United States Territory;

64 3. Has been reported to the National Practitioner Data
65 Bank, unless the applicant has successfully appealed to have his
66 or her name removed from the data bank; or

67 4. Has previously failed the Florida examination required
68 to receive a license to practice the profession for which the
69 applicant is seeking a license.

70 (i) The board, or department if there is no board, may
71 revoke a temporary license upon finding that the individual
72 violated the profession's governing practice act.

73 (j) An applicant who is issued a temporary professional
74 license to practice as a dentist pursuant to this section must

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1319 (2011)

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75 practice under the indirect supervision, as defined in s.

76 466.003, of a dentist licensed pursuant to chapter 466.

77 Section 2. Present subsections (1) through (4) of section
78 458.315, Florida Statutes, are renumbered as subsections (2)
79 through (5), respectively, and a new subsection (1) is added to
80 that section, to read:

81 458.315 Temporary certificate for practice in areas of
82 critical need.—

83 (1) A certificate issued pursuant to this section may be
84 cited as the "Rear Admiral LeRoy Collins, Jr., Temporary
85 Certificate for Practice in Areas of Critical Need."

86 Section 3. Present subsections (1) through (4) of section
87 459.0076, Florida Statutes, are renumbered as subsections (2)
88 through (5), respectively, and a new subsection (1) is added to
89 that section, to read:

90 459.0076 Temporary certificate for practice in areas of
91 critical need.—

92 (1) A certificate issued pursuant to this section may be
93 cited as the "Rear Admiral LeRoy Collins, Jr., Temporary
94 Certificate for Practice in Areas of Critical Need."

95 Section 4. Subsection (14) of section 466.003, Florida
96 Statutes, is amended, and subsection (15) is added to that
97 section, to read:

98 466.003 Definitions.—As used in this chapter:

99 (14) "Health access setting settings" means a program or
100 an institution programs and institutions of the Department of
101 Children and Family Services, the Department of Health, the
102 Department of Juvenile Justice, a nonprofit community health

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1319 (2011)

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103 ~~center centers, a~~ Head Start ~~center centers, a~~ federally
104 qualified health ~~center or look-alike centers (FQHCs), FQHC~~
105 ~~look-alikes~~ as defined by federal law, a school-based prevention
106 program, a clinic and clinics operated by an accredited college
107 colleges of dentistry, or an accredited dental hygiene program
108 in this state if such community service program or institution
109 ~~programs and institutions~~ immediately reports report to the
110 Board of Dentistry all violations of s. 466.027, s. 466.028, or
111 other practice act or standard of care violations related to the
112 actions or inactions of a dentist, dental hygienist, or dental
113 assistant engaged in the delivery of dental care in such setting
114 ~~settings~~.

115 (15) "School-based prevention program" means preventive
116 oral health services offered at a school by one of the entities
117 defined in subsection (14) or by a nonprofit organization that
118 is exempt from federal income taxation under s. 501(a) of the
119 Internal Revenue Code, and described in s. 501(c)(3) of the
120 Internal Revenue Code.

121 Section 5. Subsections (2) and (3) of section 466.023,
122 Florida Statutes, are amended to read:

123 466.023 Dental hygienists; scope and area of practice.—

124 (2) Dental hygienists may perform their duties:

125 (a) In the office of a licensed dentist;

126 (b) In public health programs and institutions of the

127 Department of Children and Family Services, Department of

128 Health, and Department of Juvenile Justice under the general

129 supervision of a licensed dentist; ~~or~~

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1319 (2011)

Amendment No.

130 (c) In a health access setting as defined in s. 466.003;

131 or

132 (d)-(e) Upon a patient of record of a dentist who has
133 issued a prescription for the services of a dental hygienist,
134 which prescription shall be valid for 2 years unless a shorter
135 length of time is designated by the dentist, in:

- 136 1. Licensed public and private health facilities;
- 137 2. Other public institutions of the state and federal
- 138 government;
- 139 3. Public and private educational institutions;
- 140 4. The home of a nonambulatory patient; and
- 141 5. Other places in accordance with the rules of the board.

142

143 However, the dentist issuing such prescription shall remain
144 responsible for the care of such patient. As used in this
145 subsection, "patient of record" means a patient upon whom a
146 dentist has taken a complete medical history, completed a
147 clinical examination, recorded any pathological conditions, and
148 prepared a treatment plan.

149 (3) Dental hygienists may, without supervision, provide
150 educational programs, faculty or staff training programs, and
151 authorized fluoride rinse programs; apply fluorides; instruct a
152 patient in oral hygiene care; supervise the oral hygiene care of
153 a patient; ~~and perform other services that which~~ do not involve
154 diagnosis or treatment of dental conditions and that which
155 ~~services~~ are approved by rule of the board.

156 Section 6. Subsection (2) of section 466.0235, Florida
157 Statutes, is amended to read:

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158 466.0235 Dental charting.—

159 (2) A dental hygienist may, without supervision and within
160 the lawful scope of his or her duties as authorized by law,
161 perform dental charting of hard and soft tissues in public and
162 private educational institutions of the state and Federal
163 Government, nursing homes, assisted living and long-term care
164 facilities, community health centers, county health departments,
165 mobile dental or health units, health access settings as defined
166 in s. 466.003, and epidemiological surveys for public health. A
167 dental hygienist may also perform dental charting on a volunteer
168 basis at health fairs.

169 Section 7. Section 466.024, Florida Statutes, is amended
170 to read:

171 466.024 Delegation of duties; expanded functions.—

172 (1) A dentist may not delegate irremediable tasks to a
173 dental hygienist or dental assistant, except as provided by law.
174 A dentist may delegate remediable tasks to a dental hygienist or
175 dental assistant when such tasks pose no risk to the patient. A
176 dentist may only delegate remediable tasks so defined by law or
177 rule of the board. The board by rule shall designate which tasks
178 are remediable and delegable, except that the following are by
179 law found to be remediable and delegable:

180 (a) Taking impressions for study casts but not for the
181 purpose of fabricating any intraoral restorations or orthodontic
182 appliance.

183 (b) Placing periodontal dressings.

184 (c) Removing periodontal or surgical dressings.

185 (d) Removing sutures.

COMMITTEE/SUBCOMMITTEE AMENDMENT

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- 186 (e) Placing or removing rubber dams.
187 (f) Placing or removing matrices.
188 (g) Placing or removing temporary restorations.
189 (h) Applying cavity liners, varnishes, or bases.
190 (i) Polishing amalgam restorations.
191 (j) Polishing clinical crowns of the teeth for the purpose
192 of removing stains but not changing the existing contour of the
193 tooth.
194 (k) Obtaining bacteriological cytological specimens not
195 involving cutting of the tissue.
196
197 ~~Nothing in This subsection does not shall be construed to limit~~
198 ~~delegable tasks to those specified herein.~~
199 (2) A dental hygienist licensed in this state may perform
200 the following remediable tasks in a health access setting as
201 defined in s. 466.003 without the physical presence, prior
202 examination, or authorization of a dentist:
203 (a) Perform dental charting as defined in s. 466.0235 and
204 as provided by rule.
205 (b) Measure and record a patient's blood pressure rate,
206 pulse rate, respiration rate, and oral temperature.
207 (c) Record a patient's case history.
208 (d) Apply topical fluorides, including fluoride varnishes,
209 which are approved by the American Dental Association or the
210 Food and Drug Administration.
211 (e) Apply dental sealants.

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212 (f) Remove calculus deposits, accretions, and stains from
213 exposed surfaces of the teeth and from tooth surfaces within the
214 gingival sulcus.

215 1. A dentist licensed under this chapter or a physician
216 licensed under chapter 458 or chapter 459 must give medical
217 clearance before a dental hygienist removes calculus deposits,
218 accretions, and stains from exposed surfaces of the teeth or
219 from tooth surfaces within the gingival sulcus.

220 2. A dentist shall conduct a dental examination on a
221 patient within 13 months after a dental hygienist removes the
222 patient's calculus deposits, accretions, and stains from exposed
223 surfaces of the teeth or from tooth surfaces within the gingival
224 sulcus. Additional oral hygiene services may not be performed
225 under this paragraph without a clinical examination by a dentist
226 who is licensed under this chapter.

227
228 This subsection does not authorize a dental hygienist to perform
229 root planing or gingival curettage without supervision by a
230 dentist.

231 (3) For all remediable tasks listed in subsection (2), the
232 following disclaimer must be provided to the patient in writing
233 before any procedure is performed:

234 (a) The services being offered are not a substitute for a
235 comprehensive dental exam by a dentist.

236 (b) The diagnosis of caries, soft tissue disease, oral
237 cancer, temporomandibular joint disease (TMJ), and dentofacial
238 malocclusions will be completed only by a dentist in the context
239 of delivering a comprehensive dental exam.

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240 (4) This section does not prevent a program operated by
241 one of the health access settings as defined in s. 466.003 or a
242 nonprofit organization that is exempt from federal income
243 taxation under s. 501(a) of the Internal Revenue Code and
244 described in s. 501(c) (3) of the Internal Revenue Code from
245 billing and obtaining reimbursement for the services described
246 in this section which are provided by a dental hygienist or from
247 making or maintaining any records pursuant to s. 456.057
248 necessary to obtain reimbursement.

249 (5) A dental hygienist who performs, without supervision,
250 the remediable tasks listed in subsection (2) shall:

251 (a) Provide a dental referral in strict compliance with
252 federal and state patient referral, anti-kickback, and patient
253 brokering laws.

254 (b) Encourage the establishment of a dental home.

255 (c) Maintain professional malpractice insurance coverage
256 that has minimum limits of \$100,000 per occurrence and \$300,000
257 in the aggregate through the employing health access setting or
258 individual policy.

259 ~~(6)-(2)~~ Notwithstanding subsection (1) or subsection (2), a
260 dentist may delegate the tasks of gingival curettage and root
261 planing to a dental hygienist but not to a dental assistant.

262 ~~(7)-(3)~~ All other remediable tasks shall be performed under
263 the direct, indirect, or general supervision of a dentist, as
264 determined by rule of the board, and after such formal or on-
265 the-job training by the dental hygienist or dental assistant as
266 the board by rule may require. The board by rule may establish a
267 certification process for expanded-duty dental assistants,

Amendment No.

268 establishing such training or experience criteria or
269 examinations as it deems necessary and specifying which tasks
270 may be delegable only to such assistants. If the board does
271 establish such a certification process, the department shall
272 implement the application process for such certification and
273 administer any examinations required.

274 ~~(8)(4)~~ Notwithstanding subsection (1) or subsection (2), a
275 dentist may not delegate to anyone other than another licensed
276 dentist:

277 (a) Any prescription of drugs or medications requiring the
278 written order or prescription of a licensed dentist or
279 physician.

280 (b) Any diagnosis for treatment or treatment planning.

281 ~~(9)(5)~~ Notwithstanding any other provision of law, a
282 dentist is primarily responsible for all procedures delegated by
283 her or him.

284 ~~(10)(6)~~ A ~~No~~ dental assistant may not shall perform an
285 intraoral procedure except after such formal or on-the-job
286 training as the board by rule shall prescribe.

287 Section 8. For the purpose of incorporating the amendment
288 made by this act to section 466.003, Florida Statutes, in a
289 reference thereto, subsection (2) of section 466.00672, Florida
290 Statutes, is reenacted to read:

291 466.00672 Revocation of health access dental license.—

292 (2) Failure of an individual licensed pursuant to s.
293 466.0067 to limit the practice of dentistry to health access
294 settings as defined in s. 466.003 constitutes the unlicensed
295 practice of dentistry.

COMMITTEE/SUBCOMMITTEE AMENDMENT

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296 Section 9. Effective October 1, 2011, section 466.006,
297 Florida Statutes, is amended to read:

298 466.006 Examination of dentists.—

299 (1) (a) It is the intent of the Legislature to reduce the
300 costs associated with an independent state-developed practical
301 or clinical examination to measure an applicant's ability to
302 practice the profession of dentistry and to use the American
303 Dental Licensing Examination developed by the American Board of
304 Dental Examiners, Inc., in lieu of an independent state-
305 developed practical or clinical examination. The Legislature
306 finds that the American Dental Licensing Examination, in both
307 its structure and function, consistently meets generally
308 accepted testing standards and has been found, as it is
309 currently organized and operating, to adequately and reliably
310 measure an applicant's ability to practice the profession of
311 dentistry.

312 (b) Any person desiring to be licensed as a dentist shall
313 apply to the department to take the licensure examinations and
314 shall verify the information required on the application by
315 oath. The application shall include two recent photographs.
316 There shall be an application fee set by the board not to exceed
317 \$100 which shall be nonrefundable. There shall also be an
318 examination fee set by the board, which shall not exceed \$425
319 plus the actual per applicant cost to the department for
320 purchase of some or all portions of the examination from the
321 American Board of Dental Examiners or its successor entity, if
322 any, provided the board finds the successor entity's clinical
323 examination complies with the provisions of this section. The

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324 ~~examination fee Northeast Regional Board of Dental Examiners or~~
325 ~~a similar national organization, which~~ may be refundable if the
326 applicant is found ineligible to take the examinations.

327 (2) An applicant shall be entitled to take the
328 examinations required in this section to practice dentistry in
329 this state if the applicant:

330 (a) Is 18 years of age or older.

331 (b)1. Is a graduate of a dental school accredited by the
332 American Dental Association Commission on Dental Accreditation
333 ~~Commission on Accreditation of the American Dental Association~~
334 or its successor entity agency, if any, or any other dental
335 ~~nationally recognized~~ accrediting entity recognized by the
336 United States Department of Education agency; or

337 2. Is a dental student in the final year of a program at
338 such an accredited dental school who has completed all the
339 coursework necessary to prepare the student to perform the
340 clinical and diagnostic procedures required to pass the
341 examinations. With respect to a dental student in the final year
342 of a program at a dental school, a passing score on the
343 examinations is valid for 365 ~~180~~ days after the date the
344 examinations were completed. A dental school student who takes
345 the licensure examinations during the student's final year of an
346 approved dental school must have graduated before being
347 certified for licensure pursuant to s. 466.011.

348 (c)1. Has successfully completed the National Board of
349 Dental Examiners dental examination ~~within 10 years of the date~~
350 ~~of application~~; or

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351 2. Has an active health access dental license in this
352 state; and

353 a. The applicant has at least 5,000 hours within 4
354 consecutive years of clinical practice experience providing
355 direct patient care in a health access setting as defined in s.
356 466.003 ~~s. 466.003(14)~~; the applicant is a retired veteran
357 dentist of any branch of the United States Armed Services who
358 has practiced dentistry while on active duty and has at least
359 3,000 hours within 3 consecutive years of clinical practice
360 experience providing direct patient care in a health access
361 setting as defined in s. 466.003 ~~s. 466.003(14)~~; or the
362 applicant has provided a portion of his or her salaried time
363 teaching health profession students in any public education
364 setting, including, but not limited to, a community college,
365 college, or university, and has at least 3,000 hours within 3
366 consecutive years of clinical practice experience providing
367 direct patient care in a health access setting as defined in s.
368 466.003 ~~s. 466.003(14)~~;

369 b. The applicant has not been disciplined by the board,
370 except for citation offenses or minor violations;

371 c. The applicant has not filed a report pursuant to s.
372 456.049; and

373 d. The applicant has not been convicted of or pled nolo
374 contendere to, regardless of adjudication, any felony or
375 misdemeanor related to the practice of a health care profession.

376 (3) If an applicant is a graduate of a dental college or
377 school not accredited in accordance with paragraph (2)(b) or of
378 a dental college or school not approved by the board, the

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379 applicant shall not be entitled to take the examinations
380 required in this section to practice dentistry until she or he
381 satisfies one of the following:

382 (a) Completes a program of study, as defined by the board
383 by rule, at an accredited American dental school and
384 demonstrates receipt of a D.D.S. or D.M.D. from said school; or

385 (b) Completes a 2-year supplemental dental education
386 program at an accredited dental school and receives a dental
387 diploma, degree, or certificate as evidence of program
388 completion.

389 (4) Notwithstanding any other provision of law in chapter
390 456 pertaining to the clinical dental licensure examination or
391 national examinations s. 456.017(1)(e), to be licensed as a
392 dentist in this state, an applicant must successfully complete
393 the following:

394 (a) A written examination on the laws and rules of the
395 state regulating the practice of dentistry;

396 (b)1. A practical or clinical examination, which shall be
397 the American Dental Licensing Examination produced by the
398 American Board of Dental Examiners, Inc., or its successor
399 entity, if any, that is administered in this state and graded by
400 dentists licensed in this state and employed by the department
401 for just such purpose, provided that the board has attained, and
402 continues to maintain thereafter, representation on the board of
403 directors of the American Board of Dental Examiners, the
404 examination development committee of the American Board of
405 Dental Examiners, and such other committees of the American
406 Board of Dental Examiners as the board deems appropriate by rule

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407 to assure that the standards established herein are maintained
408 organizationally. A passing score on the American Dental
409 Licensing Examination administered in this state and graded by
410 dentists who are licensed in this state is valid for 365 days
411 after the date the official examination results are published.

412 2.a. As an alternative to the requirements of subparagraph
413 1., an applicant may submit scores from an American Dental
414 Licensing Examination previously administered in a jurisdiction
415 other than this state after October 1, 2011, and such
416 examination results shall be recognized as valid for the purpose
417 of licensure in this state. A passing score on the American
418 Dental Licensing Examination administered out-of-state shall be
419 the same as the passing score for the American Dental Licensing
420 Examination administered in this state and graded by dentists
421 who are licensed in this state. The examination results are
422 valid for 365 days after the date the official examination
423 results are published. The applicant must have completed the
424 examination after October 1, 2011.

425 b. This subparagraph may not be given retroactive
426 application.

427 3. If the date of an applicant's passing American Dental
428 Licensing Examination scores from an examination previously
429 administered in a jurisdiction other than this state under
430 subparagraph 2. is older than 365 days, then such scores shall
431 nevertheless be recognized as valid for the purpose of licensure
432 in this state, but only if the applicant demonstrates that all
433 of the following additional standards have been met:

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434 a. (I) The applicant completed the American Dental
435 Licensing Examination after October 1, 2011.

436 (II) This sub-subparagraph may not be given retroactive
437 application;

438 b. The applicant graduated from a dental school accredited
439 by the American Dental Association Commission on Dental
440 Accreditation or its successor entity, if any, or any other
441 dental accrediting organization recognized by the United States
442 Department of Education. Provided, however, if the applicant did
443 not graduate from such a dental school, the applicant may submit
444 proof of having successfully completed a full-time supplemental
445 general dentistry program accredited by the American Dental
446 Association Commission on Dental Accreditation of at least 2
447 consecutive academic years at such accredited sponsoring
448 institution. Such program must provide didactic and clinical
449 education at the level of a D.D.S. or D.M.D. program accredited
450 by the American Dental Association Commission on Dental
451 Accreditation;

452 c. The applicant currently possesses a valid and active
453 dental license in good standing, with no restriction, which has
454 never been revoked, suspended, restricted, or otherwise
455 disciplined, from another state or territory of the United
456 States, the District of Columbia, or the Commonwealth of Puerto
457 Rico;

458 d. The applicant submits proof that he or she has never
459 been reported to the National Practitioner Data Bank, the
460 Healthcare Integrity and Protection Data Bank, or the American
461 Association of Dental Boards Clearinghouse. This sub-

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462 subparagraph does not apply if the applicant successfully
463 appealed to have his or her name removed from the data banks of
464 these agencies;

465 e.(I) In the 5 years immediately preceding the date of
466 application for licensure in this state, the applicant must
467 submit proof of having been consecutively engaged in the full-
468 time practice of dentistry in another state or territory of the
469 United States, the District of Columbia, or the Commonwealth of
470 Puerto Rico, or, if the applicant has been licensed in another
471 state or territory of the United States, the District of
472 Columbia, or the Commonwealth of Puerto Rico for less than 5
473 years, the applicant must submit proof of having been engaged in
474 the full-time practice of dentistry since the date of his or her
475 initial licensure.

476 (II) As used in this section, "full-time practice" is
477 defined as a minimum of 1,200 hours per year for each and every
478 year in the consecutive 5-year period or, where applicable, the
479 period since initial licensure, and must include any combination
480 of the following:

481 (A) Active clinical practice of dentistry providing direct
482 patient care.

483 (B) Full-time practice as a faculty member employed by a
484 dental or dental hygiene school approved by the board or
485 accredited by the American Dental Association Commission on
486 Dental Accreditation.

487 (C) Full-time practice as a student at a postgraduate
488 dental education program approved by the board or accredited by

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489 the American Dental Association Commission on Dental
490 Accreditation.

491 (III) The board shall develop rules to determine what type
492 of proof of full-time practice is required and to recoup the
493 cost to the board of verifying full-time practice under this
494 section. Such proof must, at a minimum, be:

495 (A) Admissible as evidence in an administrative
496 proceeding;

497 (B) Submitted in writing;

498 (C) Submitted by the applicant under oath with penalties
499 of perjury attached;

500 (D) Further documented by an affidavit of someone
501 unrelated to the applicant who is familiar with the applicant's
502 practice and testifies with particularity that the applicant has
503 been engaged in full-time practice; and

504 (E) Specifically found by the board to be both credible
505 and admissible.

506 (IV) An affidavit of only the applicant is not acceptable
507 proof of full-time practice unless it is further attested to by
508 someone unrelated to the applicant who has personal knowledge of
509 the applicant's practice. If the board deems it necessary to
510 assess credibility or accuracy, the board may require the
511 applicant or the applicant's witnesses to appear before the
512 board and give oral testimony under oath.

513 f. The applicant must submit documentation that he or she
514 has completed, or will complete, prior to licensure in this
515 state, continuing education equivalent to this state's
516 requirements for the last full reporting biennium;

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517 g. The applicant must prove that he or she has never been
518 convicted of, or pled nolo contendere to, regardless of
519 adjudication, any felony or misdemeanor related to the practice
520 of a health care profession in any jurisdiction;

521 h. The applicant must successfully pass a written
522 examination on the laws and rules of this state regulating the
523 practice of dentistry and must successfully pass the computer-
524 based diagnostic skills examination; and

525 i. The applicant must submit documentation that he or she
526 has successfully completed the National Board of Dental
527 Examiners dental examination.

528 (5) (a) The practical examination required under subsection
529 (4) shall be the American Dental Licensing Examination developed
530 by the American Board of Dental Examiners, Inc., or its
531 successor entity, if any, provided the board finds that the
532 successor entity's clinical examination complies with the
533 provisions of this section, and shall include, at a minimum:

534 1. A comprehensive diagnostic skills examination covering
535 the full scope of dentistry and an examination on applied
536 clinical diagnosis and treatment planning in dentistry for
537 dental candidates.

538 2.a. Two restorations on a live patient or patients, and
539 The board by rule shall determine the class of such
540 restorations. and whether they shall be performed on mannequins,
541 live patients, or both. At least one restoration shall be on a
542 live patient;

543 3.b. A demonstration of periodontal skills on a live
544 patient;

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545 ~~4.e.~~ A demonstration of prosthetics and restorative skills
546 in complete and partial dentures and crowns and bridges and the
547 utilization of practical methods of evaluation, specifically
548 including the evaluation by the candidate of completed
549 laboratory products such as, but not limited to, crowns and
550 inlays filled to prepared model teeth;

551 ~~5.d.~~ A demonstration of restorative skills on a mannequin
552 which requires the candidate to complete procedures performed in
553 preparation for a cast restoration; and

554 ~~6.e.~~ A demonstration of endodontic skills; and

555 7. A diagnostic skills examination demonstrating ability
556 to diagnose conditions within the human oral cavity and its
557 adjacent tissues and structures from photographs, slides,
558 radiographs, or models pursuant to rules of the board. If an
559 applicant fails to pass the diagnostic skills examination in
560 three attempts, the applicant shall not be eligible for
561 reexamination unless she or he completes additional educational
562 requirements established by the board.

563 ~~(b)2.~~ The department shall consult with the board in
564 planning the times, places, physical facilities, training of
565 personnel, and other arrangements concerning the administration
566 of the examination. The board or a duly designated committee
567 thereof shall approve the final plans for the administration of
568 the examination.

569 ~~(c)3.~~ If the applicant fails to pass the clinical
570 examination in three attempts, the applicant shall not be
571 eligible for reexamination unless she or he completes additional
572 educational requirements established by the board; and

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573 ~~(c) A diagnostic skills examination demonstrating ability~~
574 ~~to diagnose conditions within the human oral cavity and its~~
575 ~~adjacent tissues and structures from photographs, slides,~~
576 ~~radiographs, or models pursuant to rules of the board. If an~~
577 ~~applicant fails to pass the diagnostic skills examination in~~
578 ~~three attempts, the applicant shall not be eligible for~~
579 ~~reevaluation unless she or he completes additional educational~~
580 ~~requirements established by the board.~~

581 (d) The board may by rule provide for additional
582 procedures which are to be tested, provided such procedures
583 shall be common to the practice of general dentistry. The board
584 by rule shall determine the passing grade for each procedure and
585 the acceptable variation for examiners. No such rule shall apply
586 retroactively.

587
588 The department shall require a mandatory standardization
589 exercise for all examiners prior to each practical or clinical
590 examination and shall retain for employment only those dentists
591 who have substantially adhered to the standard of grading
592 established at such exercise.

593 (6) (a) It is the finding of the Legislature that absent a
594 threat to the health, safety, and welfare of the public, the
595 relocation of applicants to practice dentistry within the
596 geographic boundaries of this state, who are lawfully and
597 currently practicing dentistry in another state or territory of
598 the United States, the District of Columbia, or the Commonwealth
599 of Puerto Rico, based on their scores from the American Dental
600 Licensing Examination administered in a state other than this

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601 state, is substantially related to achieving the important state
602 interest of improving access to dental care for underserved
603 citizens of this state and furthering the economic development
604 goals of the state. Therefore, in order to maintain valid active
605 licensure in this state, all applicants for licensure who are
606 relocating to this state based on scores from the American
607 Dental Licensing Examination administered in a state other than
608 this state must actually engage in the full-time practice of
609 dentistry inside the geographic boundaries of this state within
610 1 year of receiving such licensure in this state. The
611 Legislature finds that, if such applicants do not actually
612 engage in the full-time practice of dentistry within the
613 geographic boundaries of this state within 1 year of receiving
614 such a license in this state, access to dental care for the
615 public will not significantly increase, patients' continuity of
616 care will not be attained, and the economic development goals of
617 the state will not be significantly met.

618 (b)1. As used in this section, "full-time practice of
619 dentistry within the geographic boundaries of this state within
620 1 year" is defined as a minimum of 1,200 hours in the initial
621 year of licensure, which must include any combination of the
622 following:

623 a. Active clinical practice of dentistry providing direct
624 patient care within the geographic boundaries of this state.

625 b. Full-time practice as a faculty member employed by a
626 dental or dental hygiene school approved by the board or
627 accredited by the American Dental Association Commission on

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628 Dental Accreditation and located within the geographic
629 boundaries of this state.

630 c. Full-time practice as a student at a postgraduate
631 dental education program approved by the board or accredited by
632 the American Dental Association Commission on Dental
633 Accreditation and located within the geographic boundaries of
634 this state.

635 2. The board shall develop rules to determine what type of
636 proof of full-time practice of dentistry within the geographic
637 boundaries of this state for 1 year is required in order to
638 maintain active licensure and shall develop rules to recoup the
639 cost to the board of verifying maintenance of such full-time
640 practice under this section. Such proof must, at a minimum:

641 a. Be admissible as evidence in an administrative
642 proceeding;

643 b. Be submitted in writing;

644 c. Be submitted by the applicant under oath with penalties
645 of perjury attached;

646 d. Be further documented by an affidavit of someone
647 unrelated to the applicant who is familiar with the applicant's
648 practice and testifies with particularity that the applicant has
649 been engaged in full-time practice of dentistry within the
650 geographic boundaries of this state within the last 365 days;
651 and

652 e. Include such additional proof as specifically found by
653 the board to be both credible and admissible.

654 3. An affidavit of only the applicant is not acceptable
655 proof of full-time practice of dentistry within the geographic

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656 boundaries of this state within 1 year, unless it is further
657 attested to by someone unrelated to the applicant who has
658 personal knowledge of the applicant's practice within the last
659 365 days. If the board deems it necessary to assess credibility
660 or accuracy, the board may require the applicant or the
661 applicant's witnesses to appear before the board and give oral
662 testimony under oath.

663 (c) It is the further intent of the Legislature that a
664 license issued pursuant to paragraph (a) shall expire in the
665 event the board finds that it did not receive acceptable proof
666 of full-time practice within the geographic boundaries of this
667 state within 1 year after the initial issuance of the license.
668 The board shall make reasonable attempts within 30 days prior to
669 the expiration of such a license to notify the licensee in
670 writing at his or her last known address of the need for proof
671 of full-time practice in order to continue licensure. If the
672 board has not received a satisfactory response from the licensee
673 within the 30-day period, the licensee must be served with
674 actual or constructive notice of the pending expiration of
675 licensure and be given 20 days in which to submit proof required
676 in order to continue licensure. If the 20-day period expires and
677 the board finds it has not received acceptable proof of full-
678 time practice within the geographic boundaries of this state
679 within 1 year after the initial issuance of the license, then
680 the board must issue an administrative order finding that the
681 license has expired. Such an order may be appealed by the former
682 licensee in accordance with the provisions of chapter 120. In
683 the event of expiration, the licensee shall immediately cease

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684 and desist from practicing dentistry and shall immediately
685 surrender to the board the wallet-size identification card and
686 wall card. A person who uses or attempts to use a license issued
687 pursuant to this section which has expired commits unlicensed
688 practice of dentistry, a felony of the third degree pursuant to
689 s. 466.026(1)(b), punishable as provided in s. 775.082, s.
690 775.083, or s. 775.084.

691 Section 10. Effective October 1, 2011, section 466.067,
692 Florida Statutes, is amended, and, for the purpose of
693 incorporating the amendment made by this act to section 466.006,
694 Florida Statutes, in a reference thereto, subsections (2), (5),
695 (9), and (12) of that section are reenacted, to read:

696 466.0067 Application for health access dental license.—The
697 Legislature finds that there is an important state interest in
698 attracting dentists to practice in underserved health access
699 settings in this state and further, that allowing out-of-state
700 dentists who meet certain criteria to practice in health access
701 settings without the supervision of a dentist licensed in this
702 state is substantially related to achieving this important state
703 interest. Therefore, notwithstanding the requirements of s.
704 466.006, the board shall grant a health access dental license to
705 practice dentistry in this state in health access settings as
706 defined in s. 466.003 ~~s. 466.003(14)~~ to an applicant that:

707 (1) Files an appropriate application approved by the
708 board;

709 (2) Pays an application license fee for a health access
710 dental license, laws-and-rule exam fee, and an initial licensure

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711 fee. The fees specified in this subsection may not differ from
712 an applicant seeking licensure pursuant to s. 466.006;

713 (3) Has not been convicted of or pled nolo contendere to,
714 regardless of adjudication, any felony or misdemeanor related to
715 the practice of a health care profession;

716 (4) Submits proof of graduation from a dental school
717 accredited by the Commission on Dental Accreditation of the
718 American Dental Association or its successor agency;

719 (5) Submits documentation that she or he has completed, or
720 will obtain prior to licensure, continuing education equivalent
721 to this state's requirement for dentists licensed under s.
722 466.006 for the last full reporting biennium before applying for
723 a health access dental license;

724 (6) Submits proof of her or his successful completion of
725 parts I and II of the dental examination by the National Board
726 of Dental Examiners and a state or regional clinical dental
727 licensing examination that the board has determined effectively
728 measures the applicant's ability to practice safely;

729 (7) Currently holds a valid, active, dental license in
730 good standing which has not been revoked, suspended, restricted,
731 or otherwise disciplined from another of the United States, the
732 District of Columbia, or a United States territory;

733 (8) Has never had a license revoked from another of the
734 United States, the District of Columbia, or a United States
735 territory;

736 (9) Has never failed the examination specified in s.
737 466.006, unless the applicant was reexamined pursuant to s.

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738 466.006 and received a license to practice dentistry in this
739 state;

740 (10) Has not been reported to the National Practitioner
741 Data Bank, unless the applicant successfully appealed to have
742 his or her name removed from the data bank;

743 (11) Submits proof that he or she has been engaged in the
744 active, clinical practice of dentistry providing direct patient
745 care for 5 years immediately preceding the date of application,
746 or in instances when the applicant has graduated from an
747 accredited dental school within the preceding 5 years, submits
748 proof of continuous clinical practice providing direct patient
749 care since graduation; and

750 (12) Has passed an examination covering the laws and rules
751 of the practice of dentistry in this state as described in s.
752 466.006(4)(a).

753 Section 11. Effective October 1, 2011, for the purpose of
754 incorporating the amendment made by this act to section 466.006,
755 Florida Statutes, in a reference thereto, subsection (1) of
756 section 466.0065, Florida Statutes, is reenacted to read:

757 466.0065 Regional licensure examinations.—

758 (1) It is the intent of the Legislature that schools of
759 dentistry be allowed to offer regional licensure examinations to
760 dental students who are in the final year of a program at an
761 approved dental school for the sole purpose of facilitating the
762 student's licensing in other jurisdictions. This section does
763 not allow a person to be licensed as a dentist in this state
764 without taking the examinations as set forth in s. 466.006, nor
765 does this section mean that regional examinations administered

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766 under this section may be substituted for complying with testing
767 requirements under s. 466.006.

768 Section 12. Effective October 1, 2011, for the purpose of
769 incorporating the amendment made by this act to section 466.006,
770 Florida Statutes, in a reference thereto, paragraph (d) of
771 subsection (1) of section 466.00671, Florida Statutes, is
772 reenacted to read:

773 466.00671 Renewal of the health access dental license.—

774 (1) A health access dental licensee shall apply for
775 renewal each biennium. At the time of renewal, the licensee
776 shall sign a statement that she or he has complied with all
777 continuing education requirements of an active dentist licensee.
778 The board shall renew a health access dental license for an
779 applicant that:

780 (d) Has not failed the examination specified in s. 466.006
781 since initially receiving a health access dental license or
782 since the last renewal; and

783 Section 13. Effective October 1, 2011, for the purpose of
784 incorporating the amendment made by this act to section 466.006,
785 Florida Statutes, in a reference thereto, paragraph (b) of
786 subsection (2) and subsection (3) of section 466.007, Florida
787 Statutes, are reenacted to read:

788 466.007 Examination of dental hygienists.—

789 (2) An applicant shall be entitled to take the
790 examinations required in this section to practice dental hygiene
791 in this state if the applicant:

792 (b)1. Is a graduate of a dental hygiene college or school
793 approved by the board or accredited by the Commission on

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794 Accreditation of the American Dental Association or its
795 successor agency; or

796 2. Is a graduate of a dental college or school accredited
797 in accordance with s. 466.006(2)(b), or a graduate of an
798 unaccredited dental college or school, and has met the
799 requirements of subsection (3).

800 (3) A graduate of a dental college or school shall be
801 entitled to take the examinations required in this section to
802 practice dental hygiene in this state if, in addition to the
803 requirements specified in subsection (2), the graduate meets the
804 following requirements:

805 (a) Submits the following credentials for review by the
806 board:

807 1. Transcripts totaling 4 academic years of postsecondary
808 dental education; and

809 2. A dental school diploma which is comparable to a D.D.S.
810 or D.M.D.

811

812 Such credentials shall be submitted in a manner provided by rule
813 of the board. The board shall approve those credentials which
814 comply with this paragraph and with rules of the board adopted
815 pursuant to this paragraph. The provisions of this paragraph
816 notwithstanding, an applicant of a foreign dental college or
817 school not accredited in accordance with s. 466.006(2)(b) who
818 cannot produce the credentials required by this paragraph, as a
819 result of political or other conditions in the country in which
820 the applicant received his or her education, may seek the
821 board's approval of his or her educational background by

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822 submitting, in lieu of the credentials required in this
823 paragraph, such other reasonable and reliable evidence as may be
824 set forth by board rule. The board shall not accept such other
825 evidence until it has made a reasonable attempt to obtain the
826 credentials required by this paragraph from the educational
827 institutions the applicant is alleged to have attended, unless
828 the board is otherwise satisfied that such credentials cannot be
829 obtained.

830 (b) Successfully completes one or more courses, of a scope
831 and duration approved and defined by board rule, that meet the
832 requirements of law for instructing health care providers on the
833 human immunodeficiency virus and acquired immune deficiency
834 syndrome. In addition, the board may require an applicant who
835 graduated from a nonaccredited dental college or school to
836 successfully complete additional coursework, only after failing
837 the initial examination, as defined by board rule, at an
838 educational institution approved by the board or accredited as
839 provided in subparagraph (2)(b)1. A graduate of a foreign dental
840 college or school not accredited in accordance with s.
841 466.006(2)(b) may not take the coursework set forth in this
842 paragraph until the board has approved the credentials required
843 by paragraph (a).

844 Section 14. Effective October 1, 2011, for the purpose of
845 incorporating the amendment made by this act to section 466.006,
846 Florida Statutes, in a reference thereto, subsection (1) of
847 section 466.009, Florida Statutes, is reenacted to read:

848 466.009 Reexamination.—

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1319 (2011)

Amendment No.

849 (1) The department shall permit any person who fails an
850 examination which is required under s. 466.006 or s. 466.007 to
851 retake the examination. If the examination to be retaken is a
852 practical or clinical examination, the applicant shall pay a
853 reexamination fee set by rule of the board in an amount not to
854 exceed the original examination fee.

855 Section 15. Effective October 1, 2011, for the purpose of
856 incorporating the amendment made by this act to section 466.006,
857 Florida Statutes, in a reference thereto, section 466.011,
858 Florida Statutes, is reenacted to read:

859 466.011 Licensure.—The board shall certify for licensure
860 by the department any applicant who satisfies the requirements
861 of s. 466.006, s. 466.0067, or s. 466.007. The board may refuse
862 to certify an applicant who has violated any of the provisions
863 of s. 466.026 or s. 466.028.

864 Section 16. If any provision of this act or its
865 application to any person or circumstance is held invalid by a
866 court of competent jurisdiction, the invalidity does not affect
867 other provisions or applications of the act which can be given
868 effect without the invalid provision or application, and to this
869 end the provisions of this act are severable.

870 Section 17. Except as otherwise specifically provided in
871 this act, this act shall take effect upon becoming a law, and
872 shall not apply retroactively.

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Amendment No.

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

Remove the entire title and insert:

A bill to be entitled

An act relating to certificates and licenses for certain health care practitioners; amending s. 456.024, F.S.; providing for issuance of a temporary license to specified health care practitioners who are spouses of active duty members of the Armed Forces under certain circumstances; providing for criminal history checks; providing fees; providing for expiration of a temporary license; requiring a person who is issued a temporary license to be subject to certain general licensing requirements; providing that certain persons are ineligible for such license; providing for revocation of such license; requiring certain temporary licensees to practice under the indirect supervision of other licensees; amending ss. 458.315 and 459.0076, F.S.; naming the temporary certificates issued to physicians who practice in areas of critical need after Rear Admiral LeRoy Collins, Jr.; amending s. 466.003, F.S.; revising the definition of the term "health access setting" and defining the term "school-based prevention program" for purposes of provisions regulating the practice of dentistry; amending s. 466.023, F.S.; revising the scope and area of practice for dental hygienists; amending s. 466.0235, F.S.; revising the locations at which dental hygienists may perform dental charting; amending s. 466.024, F.S.; authorizing dental hygienists to perform certain duties without supervision or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1319 (2011)

Amendment No.

905 authorization by a dentist; providing exceptions;
906 requiring that dental hygienists in a health access
907 setting provide a certain disclaimer to patients before a
908 procedure is performed; providing that a health access
909 setting may bill for certain services; requiring that
910 dental hygienists provide a referral, encourage the
911 establishment of a dental home, and maintain insurance
912 coverage in specified circumstances; reenacting s.
913 466.00672(2), F.S., relating to the revocation of health
914 access dental licenses, to incorporate the amendment made
915 by the act to s. 466.003, F.S., in a reference thereto;
916 amending s. 466.006, F.S.; providing legislative intent
917 with respect to the use of the American Dental Licensing
918 Examination developed by the American Board of Dental
919 Examiners, Inc., in lieu of an independent state-developed
920 practical or clinical exam, to measure an applicant's
921 ability to practice the profession of dentistry; providing
922 for examination fees and use thereof; revising criteria
923 for applicants for licensure with respect to accreditation
924 of dental school and period of validity of examination
925 scores; adopting the American Dental Licensure Exam as the
926 clinical or practical licensure examination used for
927 licensure as a dentist in this state, providing specified
928 conditions are maintained; providing for period of
929 validity of examination scores; authorizing applicants to
930 submit American Dental Licensing Examination scores from a
931 jurisdiction outside the state; specifying period of
932 validity of such examination scores; providing that

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1319 (2011)

Amendment No.

933 authority to submit such examination scores does not apply
934 retroactively; providing that such examination scores
935 outside the period of validity be recognized as valid upon
936 demonstration that the applicant has met specified
937 additional standards; designating the practical
938 examination and specifying minimum standards therefor;
939 requiring applicants for licensure with American Dental
940 Licensing Examination scores from a state other than this
941 state to engage in the full-time practice of dentistry
942 inside the geographic boundaries of this state within 1
943 year of receiving such licensure in this state; providing
944 legislative findings with respect thereto; providing a
945 definition; providing legislative intent with respect to
946 expiration of such licenses upon a finding that acceptable
947 proof of full-time practice within the geographic
948 boundaries of this state within 1 year after the initial
949 issuance of the license was not received by the board;
950 providing procedures and requirements with respect to
951 determination of compliance; providing procedures,
952 requirements, and prohibitions in the event of expiration;
953 providing a penalty for using or attempting to use a
954 license that has expired; amending s. 466.0067, F.S.;
955 correcting a cross-reference; reenacting ss. 466.0065(1),
956 466.0067(2), (5), (9), and (12), 466.00671(1)(d),
957 466.007(2)(b) and (3), 466.009(1), and 466.011, F.S.,
958 relating to regional licensure examinations, application
959 for health access dental license, renewal of the health
960 access dental license, examination of dental hygienists,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1319 (2011)

Amendment No.

961 reexamination, and licensure, respectively, to incorporate
962 the amendments made to s. 466.006, F.S., in references
963 thereto; providing severability; providing that the act
964 does not apply retroactively; providing effective dates.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1319 (2011)

Amendment No. 1a

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3 Representative Harrell offered the following:

4
5 **Amendment to Amendment (37438) by Representative Harrell**
6 **(with title amendment)**

7 Between lines 85 and 86, insert:

8 Section 3. Section 458.3312, Florida Statutes, is amended
9 to read:

10 458.3312 Specialties.—A physician licensed under this
11 chapter may not hold himself or herself out as a board-certified
12 specialist unless the physician has received formal recognition
13 as a specialist from a specialty board of the American Board of
14 Medical Specialties or other recognizing agency that has been
15 approved by the board. However, a physician may indicate the
16 services offered and may state that his or her practice is
17 limited to one or more types of services when this accurately
18 reflects the scope of practice of the physician. ~~A physician may~~
19 ~~not hold himself or herself out as a board-certified specialist~~

HB 1319 Amendment 1a to strike all

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1319 (2011)

Amendment No. 1a

20 ~~in dermatology unless the recognizing agency, whether authorized~~
21 ~~in statute or by rule, is triennially reviewed and reauthorized~~
22 ~~by the Board of Medicine.~~

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

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Remove line 895 and insert:

28

Rear Admiral LeRoy Collins, Jr.; eliminating a requirement

29

of the Board of Medicine to triennially review and

30

reauthorize recognizing agencies that certify

31

dermatologists; amending s. 466.003,

HB 1319 Amendment 1a to strike all

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1319 (2011)

Amendment No. 2a

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3 Representative Harrell offered the following:

4
5 **Amendment to Amendment (37438) by Representative Harrell**
6 **(with title amendment)**

7 Between lines 863 and 864, insert:

8 Section 16. Subsections (7), (8), and (9) of section
9 468.701, Florida Statutes, are renumbered as subsections (8),
10 (9), and (10), respectively, and a new subsection (7) is added
11 to that section, to read:

12 468.701 Definitions.—As used in this part, the term:

13 (7) "Board of Certification" means the nationally
14 accredited certifying body for athletic trainers or its
15 successor agency.

16 Section 17. Subsection (2) of section 468.703, Florida
17 Statutes, is amended to read:

18 468.703 Board of Athletic Training.—

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1319 (2011)

Amendment No. 2a

19 (2) Five members of the board must be licensed athletic
20 trainers, certified by the Board of Certification. One member of
21 the board must be a physician licensed under chapter 458 or
22 chapter 459. One member of the board must be a physician
23 licensed under chapter 460. Two members of the board shall be
24 consumer members, each of whom must be a resident of this state
25 who has never worked as an athletic trainer, who has no
26 financial interest in the practice of athletic training, and who
27 has never been a licensed health care practitioner as defined in
28 s. 456.001(4).

29 Section 18. Section 468.707, Florida Statutes, is amended
30 to read:

31 468.707 Licensure by examination; requirements.—

32 ~~(1)~~ Any person desiring to be licensed as an athletic
33 trainer shall apply to the department on a form approved by the
34 department. The department shall license each applicant who:

35 ~~(1)(a)~~ Has completed the application form and remitted the
36 required fees.

37 ~~(2)(b)~~ Is at least 21 years of age.

38 ~~(3)(e)~~ Has obtained a baccalaureate degree from a college
39 or university accredited by an accrediting agency recognized and
40 approved by the United States Department of Education or the
41 Commission on Recognition of Postsecondary Accreditation, ~~or~~
42 approved by the board, or recognized by the Board of
43 Certification.

44 ~~(4)(d)~~ If graduated after 2004, has completed an approved
45 athletic training curriculum from a college or university
46 accredited by a program recognized by the Board of Certification

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HB 1319 (2011)

Amendment No. 2a

47 ~~an accrediting agency recognized and approved by the United~~
48 ~~States Department of Education or the Commission on Recognition~~
49 ~~of Postsecondary Accreditation, or approved by the board.~~

50 (5) ~~(e)~~ Has current certification in cardiovascular
51 pulmonary resuscitation with an automated external defibrillator
52 from the American Red Cross or the American Heart Association,
53 or an equivalent certification as determined by the board.

54 (6) ~~(f)~~ Has passed the an examination and is certified by
55 the Board of Certification administered or approved by the
56 board.

57 ~~(2) Pursuant to the requirements of s. 456.034, each~~
58 ~~applicant shall complete a continuing education course on human~~
59 ~~immunodeficiency virus and acquired immune deficiency syndrome~~
60 ~~as part of initial licensure.~~

61 Section 19. Section 468.711, Florida Statutes, is amended
62 to read:

63 468.711 Renewal of license; continuing education.—

64 (1) The department shall renew a license upon receipt of
65 the renewal application and fee, provided the applicant is in
66 compliance with the provisions of this section, chapter 456, and
67 rules promulgated pursuant thereto.

68 (2) The board may, by rule, prescribe continuing education
69 requirements, not to exceed 24 hours biennially. The criteria
70 for continuing education shall be approved by the board and must
71 ~~shall~~ include a current certificate in cardiovascular pulmonary
72 resuscitation with an automated external defibrillator from the
73 American Red Cross or the American Heart Association or an
74 equivalent training as determined by the board.

Amendment No. 2a

75 (3) The licensee must be currently certified by the Board
76 of Certification or its successor agency Pursuant to the
77 requirements of s. 456.034, each licensee shall complete a
78 continuing education course on human immunodeficiency virus and
79 acquired immune deficiency syndrome as part of biennial
80 relicensure.

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

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Remove line 963 and insert:

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thereto; amending s. 468.701, F.S.; defining "board of

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certification"; amending s. 468.703, F.S.; revising

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qualifications for certain members of the Board of

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Athletic Training; amending s. 468.707, F.S.; revising

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requirements for licensure by the Department of Health as

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an athletic trainer; reorganizing provisions; amending s.

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468.711, F.S.; revising provisions relating to renewal of

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license and continuing education requirements for athletic

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trainers; providing severability; providing that the act

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

HB 1463 : Crisis Stabilization Units

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard	X				
Richard Corcoran	X				
Janet Cruz	X				
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones				X	
Paige Kreegel			X		
Ana Logan	X				
Mark Pafford	X				
Ari Porth	X				
Ronald Renuart	X				
Elaine Schwartz	X				
John Wood	X				
Dana Young	X				
Robert Schenck (Chair)	X				
Total Yeas: 16		Total Nays: 0			

Appearances:

Koch, Karen (Lobbyist) - Waive In Support
 Florida Council for Behavioral Healthcare, Inc
 316 E Park Ave
 Tallahassee FL 32301-1514
 Phone: (850)224-6048

Arisso, Manuel (Lobbyist) - Waive In Support
 Magellan Health Services
 113 E College Ave #210
 Tallahassee FL 32301
 Phone: (850) 321-0898

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM



Committee on Health and Human Services
Date 4/25/2011

Action Adopted
W/o objection

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

Amendment No. 1

Bill No. 1403

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

Representative(s)/The Committee on Rep. Hudson

offered the following amendment:

Amendment ①
on page 1, ^{between} line 24-25,

(d) The department is directed to implement a demonstration project in circuit 18 to test the impact of expanding maximum beds authorized in crisis stabilization units from 30 to 50 beds. Specifically, the department is directed to authorize existing public or private crisis stabilization units in circuit 18 to expand bed capacity to a maximum of 50, and to assess the impact on the availability of crisis stabilization services to ~~the~~ clients.

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

PCS for HB 7235 : Vulnerable Children and Adults

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard		X			
Richard Corcoran	X				
Janet Cruz		X			
Eduardo Gonzalez	X				
Gayle Harrell	X				
Doug Holder	X				
Matt Hudson	X				
Mia Jones		X			
Paige Kreegel			X		
Ana Logan	X				
Mark Pafford		X			
Ari Porth		X			
Ronald Renuart	X				
Elaine Schwartz		X			
John Wood	X				
Dana Young	X				
Robert Schenck (Chair)	X				
Total Yeas: 11		Total Nays: 6			

Appearances:

HB 7235

Delegal, Mark (Lobbyist) - Waive In Support
 Florida Justice Reform Institute
 215 South Monroe St Suite 200
 Tallahassee FL 32301
 Phone: (850)222-3533

Hatch, Taylor (Lobbyist) - Waive In Support
 Eckerd Youth Alternatives
 225 S Adams St
 Tallahassee FL
 Phone: 850-294-0797

Vulnerable Children & Adults

Stewart, Nancy (Lobbyist) - Waive In Support
 Eckerd Youth Alternatives, Inc
 1535 Killearn Center Blvd
 Tallahassee FL 32309
 Phone: (850)385-7805

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

AMENDED

Location: Morris Hall (17 HOB)

Foster Care Liability Provision
Salimida, Sean - Waive In Support
Partnership for Florida Families
515 N Main St
Gainesville FL 32607
Phone: 352-359-0157

Foster Care Liability & Amendment
Pfeiffer, Summer (Lobbyist) - Waive In Support
Children's Home Society of Florida, The
Tallahassee FL 32308
Phone: (850)921-0772

Sexual Activity /Sexual Abuse Issues
Poore, Terri (Lobbyist) - Waive In Support
Director of Public Affairs, Florida Council Against Sexual Violence
1820 East Park Avenue Suite 100
Tallahassee FL 32301
Phone: 850-297-2000

Vulnerable Children & Adults
Reid, John (Lobbyist) - Opponent
Fl Justice Association
218 S Monroe St
Tallahassee FL 32301
Phone: 850-224-9403

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

Location: Morris Hall (17 HOB)

AMENDED

PCSBM for CS/CS/HB 967 & CS/HB 1411 : Motor Vehicle Insurance

Unfavorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Ben Albritton	X				
Mack Bernard		X			
Richard Corcoran	X				
Janet Cruz		X			
Eduardo Gonzalez		X			
Gayle Harrell	X				
Doug Holder		X			
Matt Hudson	X				
Mia Jones		X			
Paige Kreegel			X		
Ana Logan	X				
Mark Pafford		X			
Ari Porth		X			
Ronald Renuart		X			
Elaine Schwartz		X			
John Wood	X				
Dana Young	X				
Robert Schenck (Chair)	X				
Total Yeas: 8	Total Nays: 9				

Appearances:

Driggers, Kim (Lobbyist) - Proponent

Self-Lawyer
 909 E. Park Avenue
 Tallahassee FL 32301
 Phone: (850) 222-2000

Player, Thomas - Opponent

Self
 698 N. Maitland Avenue
 Maitland FL 32751
 Phone: (407) 599-9036

Carlson, Michael (Lobbyist) - Waive In Support

Executive Director, Personal Insurance Federation of Florida
 215 S. Monroe Street, Suite 835
 Tallahassee FL 32311
 Phone: 850-597-7425

Ligori, Christopher - Opponent

Christopher Ligori and Associates
 117 S. Willow Ave.
 Tampa FL 33606
 Phone: (813) 223-2929

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

AMENDED

Location: Morris Hall (17 HOB)

Gibson, Michael - Opponent

Self

Orlando FL 32803

Phone: (407) 422-4529

Health, Robert - Opponent

Self

423 N. Baylen St.

Pensacola FL 32501

Phone: (850) 466-3888

Bevis, Brewster (Lobbyist) - Waive In Support

Vice President, External Relations, Associated Industries of Florida

516 N. Adams St.

Tallahassee FL 32301

Phone: 850-224-7173

Smith, Roy - Opponent

Self

815 N. Orienta Ave., Ste. 2050

Altamonte Springs FL 32701

Phone: (407) 790-4800

Smith, Chip - Information Only

Florida Chiropractic Asso.

555 Avenue L. NW

Winter Haven FL 32661

Phone: (863) 293-4249

Cornelius, Mark - Opponent

Self

2601 Technology Drive

Orlando FL 32804

Phone: (407) 578-9696

Dartland, Walter - Proponent

Alliance to Erase Fraud

2086 Wildridge Drive

Tallahassee FL 32303

Phone: (850) 562-2086

Reed, Christopher - Opponent

Self

875 Concourse Parkway S.

Maitland FL 32751

Phone: (407) 628-2929

Fiorini, Dennis - Opponent

2619 Blaiirstone Road

Tallahassee FL 32301

Phone: (850) 656-2200

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

AMENDED

Location: Morris Hall (17 HOB)

Prasser, Justin - Opponent
Self
698 N. Maitland Avenue
Maitland FL 32751

Mayer, Ashley (Lobbyist) (State Employee) - Proponent
Dept. of Financial Services
Capitol
Tallahassee FL
Phone: (850) 413-2863

Stevens, Monte (Lobbyist) (State Employee) - Information Only
OIR
200 E Gaines St
Tallahassee FL 32399
Phone: (850) 413-2571

HB 1411

Klausman, Glenn (General Public) - Opponent
Self
890 SR 434 N
Altamonte Springs FL 32714
Phone: 407-478-7121

HB 1411

Player, Thomas - Opponent
Self
698 N Maitland Avenue
Maitland FL 32751
Phone: 407-599-9036

PIP

Driggers, Kimberly (Lobbyist) - Opponent
Self
909 E PArk Ave
Tallahassee FL
Phone: (850)222-2000

PIP

Lambert, Paul (Lobbyist) - Proponent
502 North Adams St
Tallahassee FL 32301
Phone: (850)224-9393

PIP

Lazega, Russell - Opponent
Self
13499 Biscayne Blvd #107
North Miami FL 33181
Phone: 305-981-9055

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE MEETING REPORT
Health & Human Services Committee

4/25/2011 11:45:00AM

AMENDED

Location: Morris Hall (17 HOB)

PCS 1411/967

Dughi, Leslie (Lobbyist) - Waive In Support

Enterprise , National and Alamo Rental Car Companies
101 E College Ave

All Bills/Amendments on PIP & Atty Fees

Bradford, Rutledge - Opponent

Self

5210 S Orange

Orlando FL 32809

Phone: 407-579-3454

PCS 967

Delegal, Mark (Lobbyist) - Proponent

State Farm Mutual Automobile Insurance Company

215 South Monroe St Suite 200

Tallahassee FL 32312

Phone: (850)222-3533

Committee meeting was reported out: Monday, April 25, 2011 9:15:17PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCSMB for CS/CS/HB 967 & CS/HB 1411 (2011)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Health & Human Services

2 Committee

3 Representative(s) Wood offered the following:

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

6 Between lines 218 and 219, insert:

7 Section 1. Section 627.4137, Florida Statutes, is amended
8 to read:

9 627.4137 Disclosure of certain information required.—

10 (1) Each insurer which does or may provide liability
11 insurance coverage to pay all or a portion of any claim which
12 might be made shall provide, within 30 days of the written
13 request of the claimant, a statement, under oath, of a corporate
14 officer or the insurer's claims manager or superintendent
15 setting forth the following information with regard to each
16 known policy of insurance, including excess or umbrella
17 insurance:

18 (a) The name of the insurer.

19 (b) The name of each insured.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCSMB for CS/CS/HB 967 & CS/HB 1411 (2011)

Amendment No.

- 20 (c) The limits of the liability coverage.
21 (d) A statement of any policy or coverage defense which
22 such insurer reasonably believes is available to such insurer at
23 the time of filing such statement.
24 (e) A copy of the policy.
25

26 In addition, the insured, or her or his insurance agent, upon
27 written request of the claimant or the claimant's attorney,
28 shall disclose the name and coverage of each known insurer to
29 the claimant and shall forward such request for information as
30 required by this subsection to all affected insurers. The
31 insurer shall then supply the information required in this
32 subsection to the claimant within 30 days of receipt of such
33 request.

34 (2) The statement required by subsection (1) shall be
35 amended immediately upon discovery of facts calling for an
36 amendment to such statement.

37 (3) Any request related to motor vehicle insurance made to
38 a self-insured corporation pursuant to this section shall be
39 sent by certified mail to the registered agent of the disclosing
40 entity.
41
42

43 -----
44 **T I T L E A M E N D M E N T**

45 Remove line 8 and insert:
46 Reports; amending s. 627.4137, F.S.; requiring certain requests
47 for information relating to motor vehicle insurance be sent by

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCSMB for CS/CS/HB 967 & CS/HB 1411 (2011)

Amendment No.

48 certified mail to specified entities; creating s. 627.7311,
49 F.S.,; providing for the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCSMB for CS/CS/HB 967 and CS/HB 1411 (2011)

Amendment No. *1a*

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3 Representative(s) Wood offered the following:

4

5 **Amendment**

6 Remove lines 460-473 and insert:

7 An entity or clinic eligible to provide medical services and
8 treatment under subparagraph 3., subparagraph 4., or
9 subparagraph 5., shall provide the department, on a form adopted
10 by the department, with documentation that the entity or clinic
11 meets the criteria of subparagraph 3., subparagraph 4., or
12 subparagraph 5., and that includes a sworn statement or
13 affidavit to that effect. Any changes in ownership shall require
14 the filing of a new form with the department within 10 days from
15 the date of the change in ownership.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCSMB for CS/CS/HB 967 and CS/HB 1411 (2011)

Amendment No. **B2**

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3 Representative(s) Wood offered the following:

4
5 **Amendment**

6 Remove lines 609-611 and insert:

7 belief that such act has been committed. A claimant must provide
8 any information requested by the insurer within 30 days of
9 receipt of the request. The insurer must pay or deny the claim,
10 in full or in part within 15 days of receipt of all requested
11 information. However, no payment is due to a claimant

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCSMB for CS/CS/HB 967 and CS/HB 1411 (2011)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3 Representative(s) Wood offered the following:

4
5 **Amendment**

6 Remove line 1085 and insert:

7 or medical bills due until the form is in compliance. If an
8 insurer denies a claim due to a provider's failure to submit a
9 properly completed disclosure and acknowledgment form, the
10 insurer shall notify the provider as to the provisions that were
11 improperly completed, and the provider shall have 30 days after
12 the receipt of such notice to submit a properly completed form.
13 If the provider fails to comply with this requirement, the
14 insurer is not required to pay the claim.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCSMB for CS/CS/HB 967 and CS/HB 1411 (2011)

Amendment No. **4**

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3 Representative(s) Wood offered the following:
4

5 **Amendment (with title amendment)**

6 Remove line 1112 and insert:

7 written request from the insurer. If an insurer denies a claim
8 due to a provider's failure to submit a properly completed
9 patient log, the insurer shall notify the provider as to the
10 provisions that were improperly completed, and the provider
11 shall have 30 days after the receipt of such notice to submit a
12 properly completed patient log. If the provider fails to comply
13 with this requirement, the insurer is not required to pay the
14 claim. Failure to maintain patient

15
16
17 -----
18 **T I T L E A M E N D M E N T**

19 Remove line 55 and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCSMB for CS/CS/HB 967 and CS/HB 1411 (2011)

Amendment No. **4**

20 renders the treatment noncompensable; authorizing providers to
21 resubmit patient logs;

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCSMB for CS/CS/HB 967 and CS/HB 1411 (2011)

Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

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

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

3 Representative(s) Wood offered the following:

4

5 **Amendment**

6 Remove lines 761-764 and insert:

7 or medical provider:

8 1. Fails to cooperate in the insurer's investigation;

9 2. Commits a fraud or material misrepresentation; or

10 3. Fails to comply with this subsection.