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# Health & Human Services Committee

**Thursday, February 2, 2012  
9:00 AM – 11:00 AM  
Morris Hall (17 HOB)**

**Action Packet**

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**  
**2/2/2012 9:00:00AM**

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

**Summary:**

**Health & Human Services Committee**

*Thursday February 02, 2012 09:00 am*

|                |                                     |                           |                  |
|----------------|-------------------------------------|---------------------------|------------------|
| CS/HB 171      | Favorable                           | Yeas: 17                  | Nays: 0          |
| HB 241         | Favorable With Committee Substitute | Yeas: 17                  | Nays: 0          |
|                | Amendment 124187                    | Adopted Without Objection |                  |
| CS/HB 413      | Favorable                           | Yeas: 17                  | Nays: 0          |
| CS/HB 473      | Favorable With Committee Substitute | Yeas: 17                  | Nays: 0          |
|                | Amendment 368591                    | Adopted Without Objection |                  |
|                | Amendment 674437                    | Adopted Without Objection |                  |
| CS/HB 479      | Favorable                           | Yeas: 16                  | Nays: 0          |
| CS/HB 803      | Favorable With Committee Substitute | Yeas: 17                  | Nays: 0          |
|                | Amendment 016857                    | Adopted Without Objection |                  |
|                | Amendment 278099                    | Adopted Without Objection |                  |
|                | Amendment 384415                    | Adopted Without Objection |                  |
|                | Amendment 407999                    | Adopted Without Objection |                  |
|                | Amendment 488775                    | Adopted Without Objection |                  |
| CS/HB 4005     | Favorable                           | Yeas: 14                  | Nays: 2          |
| HB 4029        | Favorable                           | Yeas: 16                  | Nays: 0          |
| HB 4037        | Favorable                           | Yeas: 16                  | Nays: 0          |
| HB 4105        | Favorable                           | Yeas: 16                  | Nays: 0          |
| HB 4139        | Favorable                           | Yeas: 14                  | Nays: 3          |
| PCB HHSC 12-01 | Favorable                           | Yeas: 17                  | Nays: 0          |
| PCB HHSC 12-02 | Favorable                           | Yeas: 11                  | Nays: 5          |
|                | Amendment PCB HHSC 12-02 a1         | Failed to Adopt           | Yeas: 6 Nays: 11 |

Committee meeting was reported out: Thursday, February 02, 2012 1:39:18PM

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**Attendance:**

|                        | <i>Present</i> | <i>Absent</i> | <i>Excused</i> |
|------------------------|----------------|---------------|----------------|
| Robert Schenck (Chair) | X              |               |                |
| Dennis Baxley          | X              |               |                |
| Mack Bernard           | X              |               |                |
| Jason Brodeur          | X              |               |                |
| Richard Corcoran       |                |               | X              |
| Janet Cruz             | X              |               |                |
| Eduardo Gonzalez       | X              |               |                |
| Gayle Harrell          | X              |               |                |
| Doug Holder            | X              |               |                |
| Matt Hudson            | X              |               |                |
| Mia Jones              | X              |               |                |
| Ana Logan              | X              |               |                |
| Mark Pafford           | X              |               |                |
| Ronald Renuart         | X              |               |                |
| Elaine Schwartz        | X              |               |                |
| Carlos Trujillo        | X              |               |                |
| Barbara Watson         | X              |               |                |
| John Wood              | X              |               |                |
| <b>Totals:</b>         | <b>17</b>      | <b>0</b>      | <b>1</b>       |

Committee meeting was reported out: Thursday, February 02, 2012 1:39:18PM

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**CS/HB 171 : Osteopathic Physicians**

Favorable

|                        | <i>Yea</i> | <i>Nay</i>           | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Dennis Baxley          | X          |                      |                |                         |                         |
| Mack Bernard           | X          |                      |                |                         |                         |
| Jason Brodeur          | X          |                      |                |                         |                         |
| Richard Corcoran       |            |                      |                | X                       |                         |
| Janet Cruz             | X          |                      |                |                         |                         |
| Eduardo Gonzalez       | X          |                      |                |                         |                         |
| Gayle Harrell          | X          |                      |                |                         |                         |
| Doug Holder            | X          |                      |                |                         |                         |
| Matt Hudson            | X          |                      |                |                         |                         |
| Mia Jones              | X          |                      |                |                         |                         |
| Ana Logan              | X          |                      |                |                         |                         |
| Mark Pafford           | X          |                      |                |                         |                         |
| Ronald Renuart         | X          |                      |                |                         |                         |
| Elaine Schwartz        | X          |                      |                |                         |                         |
| Carlos Trujillo        | X          |                      |                |                         |                         |
| Barbara Watson         | X          |                      |                |                         |                         |
| John Wood              | X          |                      |                |                         |                         |
| Robert Schenck (Chair) | X          |                      |                |                         |                         |
| <b>Total Yeas: 17</b>  |            | <b>Total Nays: 0</b> |                |                         |                         |

**Appearances:**

Pitts, Brian - Waive In Support  
 Justice-2-Jesus  
 1119 Newton Ave. S.  
 St. Petersburg FL 33705  
 Phone: (727) 897-9291

Winn, Stephen (Lobbyist) - Waive In Support  
 Florida Osteopathic Medical Association  
 2007 Apalachee Pky  
 Tallahassee FL 32301  
 Phone: (850) 878-7364

Committee meeting was reported out: Thursday, February 02, 2012 1:39:18PM

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**HB 241 : Emergency Medical Services**

*Favorable With Committee Substitute*

|                        | <i>Yea</i> | <i>Nay</i>           | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Dennis Baxley          | X          |                      |                |                         |                         |
| Mack Bernard           | X          |                      |                |                         |                         |
| Jason Brodeur          | X          |                      |                |                         |                         |
| Richard Corcoran       |            |                      |                | X                       |                         |
| Janet Cruz             | X          |                      |                |                         |                         |
| Eduardo Gonzalez       | X          |                      |                |                         |                         |
| Gayle Harrell          | X          |                      |                |                         |                         |
| Doug Holder            | X          |                      |                |                         |                         |
| Matt Hudson            | X          |                      |                |                         |                         |
| Mia Jones              | X          |                      |                |                         |                         |
| Ana Logan              | X          |                      |                |                         |                         |
| Mark Pafford           | X          |                      |                |                         |                         |
| Ronald Renuart         | X          |                      |                |                         |                         |
| Elaine Schwartz        | X          |                      |                |                         |                         |
| Carlos Trujillo        | X          |                      |                |                         |                         |
| Barbara Watson         | X          |                      |                |                         |                         |
| John Wood              | X          |                      |                |                         |                         |
| Robert Schenck (Chair) | X          |                      |                |                         |                         |
| <b>Total Yeas: 17</b>  |            | <b>Total Nays: 0</b> |                |                         |                         |

**HB 241 Amendments**

**Amendment 124187**

*Adopted Without Objection*

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 Perry offered the following:

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

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (1) of section 381.0034, Florida  
8 Statutes, is amended to read:

9 381.0034 Requirement for instruction on HIV and AIDS.—

10 (1) As of July 1, 1991, the Department of Health shall require  
 11 each person licensed or certified under ~~chapter 401~~, chapter  
 12 467, part IV of chapter 468, or chapter 483, as a condition of  
 13 biennial relicensure, to complete an educational course approved  
 14 by the department on the modes of transmission, infection  
 15 control procedures, clinical management, and prevention of human  
 16 immunodeficiency virus and acquired immune deficiency syndrome.  
 17 Such course shall include information on current state Florida  
 18 law on acquired immune deficiency syndrome and its impact on  
 19 testing, confidentiality of test results, and treatment of

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 241 (2012)

Amendment No. 1

20 patients. Each such licensee or certificateholder shall submit  
21 confirmation of having completed the said course, on a form  
22 provided by the department, when submitting fees or application  
23 for each biennial renewal.

24 Section 2. Subsection (7) of section 401.23, Florida  
25 Statutes, is amended to read:

26 401.23 Definitions.—As used in this part, the term:

27 (7) "Basic life support" means treatment of medical  
28 emergencies by a qualified person through the use of techniques  
29 ~~such as patient assessment, cardiopulmonary resuscitation (CPR),~~  
30 ~~splinting, obstetrical assistance, bandaging, administration of~~  
31 ~~oxygen, application of medical antishock trousers,~~  
32 ~~administration of a subcutaneous injection using a premeasured~~  
33 ~~autoinjector of epinephrine to a person suffering an~~  
34 ~~anaphylactic reaction, and other techniques~~ described in the  
35 Emergency Medical Technician Basic Training Course Curriculum or  
36 the National EMS Education Standards of the United States  
37 Department of Transportation, and as approved by the department.  
38 The term ~~"basic life support"~~ also includes other techniques  
39 that ~~which~~ have been approved and are performed under conditions  
40 specified by rules of the department.

41 Section 3. Section 401.24, Florida Statutes, is amended to  
42 read:

43 401.24 Emergency medical services state plan.—The  
44 department is responsible, at a minimum, for the improvement and  
45 regulation of basic and advanced life support programs. The  
46 department shall develop, and biennially revise every 5 years, a  
47 comprehensive state plan for basic and advanced life support

124187 - h241-strike.docx

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Amendment No. 1

48 services, the emergency medical services grants program, trauma  
49 centers, the injury control program, and medical disaster  
50 preparedness. The state plan shall include, but need not be  
51 limited to:

52 (1) Emergency medical systems planning, including the  
53 prehospital and hospital phases of patient care, and injury  
54 control effort and unification of such services into a total  
55 delivery system to include air, water, and land services.

56 (2) Requirements for the operation, coordination, and  
57 ongoing development of emergency medical services, which  
58 includes: basic life support or advanced life support vehicles,  
59 equipment, and supplies; communications; personnel; training;  
60 public education; state trauma system; injury control; and other  
61 medical care components.

62 (3) The definition of areas of responsibility for  
63 regulating and planning the ongoing and developing delivery  
64 service requirements.

65 Section 4. Subsections (4) and (12) of section 401.27,  
66 Florida Statutes, are amended to read:

67 401.27 Personnel; standards and certification.—

68 (4) An applicant for certification or recertification as  
69 an emergency medical technician or paramedic must:

70 (a) Have completed an appropriate training course as  
71 follows:

72 1. For an emergency medical technician, an emergency  
73 medical technician training course equivalent to the most recent  
74 national standard curriculum or National EMS Education Standards  
75 ~~emergency medical technician basic training course~~ of the United



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 241 (2012)

Amendment No. 1

76 States Department of Transportation, and as approved by the  
77 department;

78 2. For a paramedic, a paramedic training program  
79 equivalent to the most recent national standard curriculum or  
80 National EMS Education Standards ~~paramedic course~~ of the United  
81 States Department of Transportation, and as approved by the  
82 department;

83 (b) Certify under oath that he or she is not addicted to  
84 alcohol or any controlled substance;

85 (c) Certify under oath that he or she is free from any  
86 physical or mental defect or disease that might impair the  
87 applicant's ability to perform his or her duties;

88 (d) Within 2 years ~~1 year~~ after course completion have  
89 passed an examination developed or required by the department;

90 (e)1. For an emergency medical technician, hold ~~either~~ a  
91 current American Heart Association cardiopulmonary resuscitation  
92 course card or an American Red Cross cardiopulmonary  
93 resuscitation course card or its equivalent as defined by  
94 department rule;

95 2. For a paramedic, hold a certificate of successful  
96 course completion in advanced cardiac life support from the  
97 American Heart Association or its equivalent as defined by  
98 department rule;

99 (f) Submit the certification fee and the nonrefundable  
100 examination fee prescribed in s. 401.34, which examination fee  
101 will be required for each examination administered to an  
102 applicant; and

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103 (g) Submit a completed application to the department,  
104 which application documents compliance with paragraphs (a), (b),  
105 (c), (e), (f), (g), and, if applicable, (d). The application  
106 must be submitted so as to be received by the department at  
107 least 30 calendar days before the next regularly scheduled  
108 examination for which the applicant desires to be scheduled.

109 (12) An applicant for certification who is an out-of-state  
110 trained emergency medical technician or paramedic must provide  
111 proof of current emergency medical technician or paramedic  
112 certification or registration based upon successful completion  
113 of the United States Department of Transportation emergency  
114 medical technician or paramedic training curriculum or the  
115 National EMS Education Standards, and as approved by the  
116 department, and hold a current certificate of successful course  
117 completion in cardiopulmonary resuscitation (CPR) or advanced  
118 cardiac life support for emergency medical technicians or  
119 paramedics, respectively, to be eligible for the certification  
120 examination. The applicant must successfully complete the  
121 certification examination within 1 year after the date of the  
122 receipt of his or her application by the department. After 1  
123 year, the applicant must submit a new application, meet all  
124 eligibility requirements, and submit all fees to reestablish  
125 eligibility to take the certification examination.

126 Section 5. Paragraph (a) of subsection (1) and subsection  
127 (5) of section 401.2701, Florida Statutes, are amended to read:

128 401.2701 Emergency medical services training programs.—

## Amendment No. 1

129 (1) Any private or public institution in Florida desiring  
130 to conduct an approved program for the education of emergency  
131 medical technicians and paramedics shall:

132 (a) Submit a completed application on a form provided by  
133 the department, which must include:

134 1. Evidence that the institution is in compliance with all  
135 applicable requirements of the Department of Education.

136 2. Evidence of an affiliation agreement with a hospital  
137 that has an emergency department staffed by at least one  
138 physician and one registered nurse.

139 3. Evidence of an affiliation agreement with a current  
140 ~~Florida-licensed~~ emergency medical services provider that is  
141 licensed in this state. Such agreement shall include, at a  
142 minimum, a commitment by the provider to conduct the field  
143 experience portion of the education program.

144 4. Documentation verifying faculty, including:

145 a. A medical director who is a licensed physician meeting  
146 the applicable requirements for emergency medical services  
147 medical directors as outlined in this chapter and rules of the  
148 department. The medical director shall have the duty and  
149 responsibility of certifying that graduates have successfully  
150 completed all phases of the education program and are proficient  
151 in basic or advanced life support techniques, as applicable.

152 b. A program director responsible for the operation,  
153 organization, periodic review, administration, development, and  
154 approval of the program.

155 5. Documentation verifying that the curriculum:

## Amendment No. 1

156 a. ~~Meets the course guides and instructor's lesson plans~~  
157 ~~in the~~ most recent Emergency Medical Technician-Basic National  
158 Standard Curricula or the National EMS Education Standards for  
159 emergency medical technician programs and Emergency Medical  
160 Technician-Paramedic National Standard Curricula or the National  
161 EMS Education Standards for paramedic programs, and as approved  
162 by the department.

163 b. Includes 2 hours of instruction on the trauma scorecard  
164 methodologies for assessment of adult trauma patients and  
165 pediatric trauma patients as specified by the department by  
166 rule.

167 ~~c. Includes 4 hours of instruction on HIV/AIDS training~~  
168 ~~consistent with the requirements of chapter 381.~~

169 6. Evidence of sufficient medical and educational  
170 equipment to meet emergency medical services training program  
171 needs.

172 (5) Each approved program must notify the department  
173 within 30 days after ~~of~~ any change in the professional or  
174 employment status of faculty. Each approved program must require  
175 its students to pass a comprehensive final written and practical  
176 examination evaluating the skills described in the current  
177 United States Department of Transportation EMT-Basic or EMT-  
178 Paramedic, National Standard Curriculum or the National EMS  
179 Education Standards, and as approved by the department. Each  
180 approved program must issue a certificate of completion to  
181 program graduates within 14 days after ~~of~~ completion.

182 Section 6. This act shall take effect July 1, 2012.  
183

Amendment No. 1

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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 emergency medical services;  
amending s. 381.0034, F.S.; deleting the requirement  
for emergency medical technicians, paramedics, and 911  
public safety telecommunicators to complete an  
educational course on the modes of transmission,  
infection control procedures, clinical management, and  
prevention of human immunodeficiency virus and  
acquired immune deficiency syndrome; amending s.  
401.23, F.S.; redefining the term "basic life support"  
for purposes of the Raymond H. Alexander, M.D.,  
Emergency Medical Transportation Services Act;  
amending s. 401.24, F.S.; revising the period for  
review of the comprehensive state plan for emergency  
medical services and programs; amending s. 401.27,  
F.S.; revising the requirements for certification or  
recertification as an emergency medical technician or  
paramedic; revising the requirements for certification  
for an out-of-state trained emergency medical  
technician or paramedic; amending s. 401.2701, F.S.;  
revising requirements for an institution that conducts  
an approved program for the education of emergency  
medical technicians and paramedics; revising the  
requirements that students must meet in order to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 241 (2012)

Amendment No. 1

212 receive a certificate of completion from an approved  
213 program; providing an effective date.

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**CS/HB 413 : Chiropractic Medicine**

Favorable

|                        | <i>Yea</i> | <i>Nay</i>           | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Dennis Baxley          | X          |                      |                |                         |                         |
| Mack Bernard           | X          |                      |                |                         |                         |
| Jason Brodeur          | X          |                      |                |                         |                         |
| Richard Corcoran       |            |                      |                | X                       |                         |
| Janet Cruz             | X          |                      |                |                         |                         |
| Eduardo Gonzalez       | X          |                      |                |                         |                         |
| Gayle Harrell          | X          |                      |                |                         |                         |
| Doug Holder            | X          |                      |                |                         |                         |
| Matt Hudson            | X          |                      |                |                         |                         |
| Mia Jones              | X          |                      |                |                         |                         |
| Ana Logan              | X          |                      |                |                         |                         |
| Mark Pafford           | X          |                      |                |                         |                         |
| Ronald Renuart         | X          |                      |                |                         |                         |
| Elaine Schwartz        | X          |                      |                |                         |                         |
| Carlos Trujillo        | X          |                      |                |                         |                         |
| Barbara Watson         | X          |                      |                |                         |                         |
| John Wood              | X          |                      |                |                         |                         |
| Robert Schenck (Chair) | X          |                      |                |                         |                         |
| <b>Total Yeas: 17</b>  |            | <b>Total Nays: 0</b> |                |                         |                         |

**Appearances:**

Lambert, Paul (Lobbyist) - Waive In Support  
 Florida Chiropractic Association, Inc  
 502 N. Adams St.  
 Tallahassee FL 32301  
 Phone: (850) 224-9393

Committee meeting was reported out: Thursday, February 02, 2012 1:39:18PM

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**CS/HB 473 : Alzheimer's Disease**

*Favorable With Committee Substitute*

|                        | <i>Yea</i> | <i>Nay</i>           | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Dennis Baxley          | X          |                      |                |                         |                         |
| Mack Bernard           | X          |                      |                |                         |                         |
| Jason Brodeur          | X          |                      |                |                         |                         |
| Richard Corcoran       |            |                      |                | X                       |                         |
| Janet Cruz             | X          |                      |                |                         |                         |
| Eduardo Gonzalez       | X          |                      |                |                         |                         |
| Gayle Harrell          | X          |                      |                |                         |                         |
| Doug Holder            | X          |                      |                |                         |                         |
| Matt Hudson            | X          |                      |                |                         |                         |
| Mia Jones              | X          |                      |                |                         |                         |
| Ana Logan              | X          |                      |                |                         |                         |
| Mark Pafford           | X          |                      |                |                         |                         |
| Ronald Renuart         | X          |                      |                |                         |                         |
| Elaine Schwartz        | X          |                      |                |                         |                         |
| Carlos Trujillo        | X          |                      |                |                         |                         |
| Barbara Watson         | X          |                      |                |                         |                         |
| John Wood              | X          |                      |                |                         |                         |
| Robert Schenck (Chair) | X          |                      |                |                         |                         |
| <b>Total Yeas: 17</b>  |            | <b>Total Nays: 0</b> |                |                         |                         |

**CS/HB 473 Amendments**

**Amendment 368591**

*Adopted Without Objection*

**Amendment 674437**

*Adopted Without Objection*

**Appearances:**

Pitts, Brian - Waive In Support  
 Justice-2-Jesus  
 1119 Newton Ave. S.  
 St. Petersburg FL 33705  
 Phone: (727) 897-9291

Keller, Natalie (Lobbyist) - Waive In Support  
 Alzheimer's Association  
 P. O. Box 923  
 Tallahassee FL 32302  
 Phone: (850) 570-5747

Committee meeting was reported out: Thursday, February 02, 2012 1:39:18PM



**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**CS/HB 473 : Alzheimer's Disease (continued)**

**Appearances: (continued)**

Hoza, Meghan (Lobbyist) - Waive In Support  
Alzheimer's Community Care  
10521 SW Village Center Dr  
Port St. Lucie FL 34987  
Phone: (772) 485-0693

Cantwell, Laura (Lobbyist) - Waive In Support  
AARP  
200 West College Avenue Suite 304  
Tallahassee FL 32301  
Phone: (850) 577-5163

**Committee meeting was reported out: Thursday, February 02, 2012 1:39:18PM**

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 473 (2012)

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 Hudson offered the following:

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

6 Between lines 116 and 117, insert:

7 (a) Submit to the Governor, the President of the Senate,  
8 and the Speaker of the House of Representatives by January 30,  
9 2013 an interim study regarding state trends with respect to  
10 persons having Alzheimer's disease or a related form of dementia  
11 and their needs.

12  
13  
14 -----  
15 **T I T L E A M E N D M E N T**

16 Between lines 8 and 9, insert:  
17 requiring the task force to submit an interim study to the  
18 Governor and legislature regarding state trends with respect to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 473 (2012)

Amendment No. 2

19 persons having Alzheimer's disease or a related form of

20 dementia;

21

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 473 (2012)

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 Hudson offered the following:

4  
5 **Amendment**

6 Remove line 66 and insert:

7 (1) The task force shall consist of 18 volunteer,  
8 culturally diverse members,  
9

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**CS/HB 479 : Animal Control**

Favorable

|                        | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|------------------------|------------|------------|----------------|-------------------------|-------------------------|
| Dennis Baxley          | X          |            |                |                         |                         |
| Mack Bernard           | X          |            |                |                         |                         |
| Jason Brodeur          | X          |            |                |                         |                         |
| Richard Corcoran       |            |            |                | X                       |                         |
| Janet Cruz             | X          |            |                |                         |                         |
| Eduardo Gonzalez       | X          |            |                |                         |                         |
| Gayle Harrell          |            |            |                | X                       |                         |
| Doug Holder            | X          |            |                |                         |                         |
| Matt Hudson            | X          |            |                |                         |                         |
| Mia Jones              | X          |            |                |                         |                         |
| Ana Logan              | X          |            |                |                         |                         |
| Mark Pafford           | X          |            |                |                         |                         |
| Ronald Renuart         | X          |            |                |                         |                         |
| Elaine Schwartz        | X          |            |                |                         |                         |
| Carlos Trujillo        | X          |            |                |                         |                         |
| Barbara Watson         | X          |            |                |                         |                         |
| John Wood              | X          |            |                |                         |                         |
| Robert Schenck (Chair) | X          |            |                |                         |                         |
| <b>Total Yeas: 16</b>  |            |            |                |                         |                         |
| <b>Total Nays: 0</b>   |            |            |                |                         |                         |

**Appearances:**

MacFall, Kate - Waive In Support  
 Animal Shelter Foundation  
 2144 Delta Way  
 Tallahassee FL 32303

Bevan, Laura - Waive In Support  
 Humane Society of the United States  
 1624 Metropolitan Circle-B  
 Tallahassee FL 32308  
 Phone: (850) 386-3435

Mixon, Pat (Lobbyist) - Waive In Support  
 Florida Veterinary Medical Association  
 119 E. Park Ave.  
 Tallahassee FL 32301  
 Phone: (850) 528-4442

Pitts, Brian - Waive In Support  
 Justice-2-Jesus  
 1119 Newton Ave. S.  
 St. Petersburg FL 33705  
 Phone: (727) 897-9291

Committee meeting was reported out: Thursday, February 02, 2012 1:39:18PM

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**CS/HB 479 : Animal Control (continued)**

**Appearances: (continued)**

Anderson, Ryan (Lobbyist) - Waive In Support  
Florida Animal Control Agencies  
119 S Monroe St Suite 202  
Tallahassee FL 32301  
Phone: (850) 681-6788

Committee meeting was reported out: Thursday, February 02, 2012 1:39:18PM

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**CS/HB 803 : Child Protection**

*Favorable With Committee Substitute*

|                        | <i>Yea</i> | <i>Nay</i>           | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Dennis Baxley          | X          |                      |                |                         |                         |
| Mack Bernard           | X          |                      |                |                         |                         |
| Jason Brodeur          | X          |                      |                |                         |                         |
| Richard Corcoran       |            |                      |                | X                       |                         |
| Janet Cruz             | X          |                      |                |                         |                         |
| Eduardo Gonzalez       | X          |                      |                |                         |                         |
| Gayle Harrell          | X          |                      |                |                         |                         |
| Doug Holder            | X          |                      |                |                         |                         |
| Matt Hudson            | X          |                      |                |                         |                         |
| Mia Jones              | X          |                      |                |                         |                         |
| Ana Logan              | X          |                      |                |                         |                         |
| Mark Pafford           | X          |                      |                |                         |                         |
| Ronald Renuart         | X          |                      |                |                         |                         |
| Elaine Schwartz        | X          |                      |                |                         |                         |
| Carlos Trujillo        | X          |                      |                |                         |                         |
| Barbara Watson         | X          |                      |                |                         |                         |
| John Wood              | X          |                      |                |                         |                         |
| Robert Schenck (Chair) | X          |                      |                |                         |                         |
| <b>Total Yeas: 17</b>  |            | <b>Total Nays: 0</b> |                |                         |                         |

**CS/HB 803 Amendments**

**Amendment 016857**

*Adopted Without Objection*

**Amendment 278099**

*Adopted Without Objection*

**Amendment 384415**

*Adopted Without Objection*

**Amendment 407999**

*Adopted Without Objection*

**Amendment 488775**

*Adopted Without Objection*

Committee meeting was reported out: Thursday, February 02, 2012 1:39:18PM

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**CS/HB 803 : Child Protection (continued)**

**Appearances:**

Pitts, Brian - Proponent  
Justice-2-Jesus  
1119 Newton Ave. S.  
St. Petersburg FL 33705  
Phone: (727) 897-9291

Abramowitz, Alan (Lobbyist) (State Employee) - Waive In Support  
Guardian Ad Litem Program  
600 S. Calhoun, Ste. 274  
Tallahassee FL 32303  
Phone: (850) 241-2323

**Committee meeting was reported out: Thursday, February 02, 2012 1:39:18PM**



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 Diaz offered the following:

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

6 Remove lines 114-124 and insert:

7 Section 1. Subsection (1), paragraph (e) of subsection  
8 (32), and subsection (33) of section 39.01, Florida Statutes,  
9 are amended to read:

10 39.01 Definitions.—When used in this chapter, unless the  
11 context otherwise requires:

12 (1) "Abandoned" or "abandonment" means a situation in  
13 which the parent or legal custodian of a child or, in the  
14 absence of a parent or legal custodian, the caregiver, while  
15 being able, has made ~~makes~~ no significant contribution to the  
16 child's care and maintenance or ~~provision for the child's~~  
17 ~~support and~~ has failed to establish or maintain a substantial  
18 and positive relationship with the child, or both. For purposes  
19 of this subsection, "establish or maintain a substantial and

## Amendment No.1

20 positive relationship" includes, but is not limited to, frequent  
21 and regular contact with the child through frequent and regular  
22 visitation or frequent and regular communication to or with the  
23 child, and the exercise of parental rights and responsibilities.  
24 Marginal efforts and incidental or token visits or  
25 communications are not sufficient to establish or maintain a  
26 substantial and positive relationship with a child. The term  
27 does not include a surrendered newborn infant as described in s.  
28 383.50, a "child in need of services" as defined in chapter 984,  
29 or a "family in need of services" as defined in chapter 984. The  
30 incarceration, repeated incarceration, or extended incarceration  
31 of a parent, legal custodian, or caregiver responsible for a  
32 child's welfare may support a finding of abandonment.

33 (32) "Harm" to a child's health or welfare can occur when  
34 any person:

35 (e) Abandons the child. Within the context of the  
36 definition of "harm," the term "abandoned the child" or  
37 "abandonment of the child" means a situation in which the parent  
38 or legal custodian of a child or, in the absence of a parent or  
39 legal custodian, the caregiver, while being able, has made ~~makes~~  
40 no significant contribution to the child's care and maintenance  
41 or provision for the child's support ~~and~~ has failed to establish  
42 or maintain a substantial and positive relationship with the  
43 child, or both. For purposes of this paragraph, "establish or  
44 maintain a substantial and positive relationship" includes, but  
45 is not limited to, frequent and regular contact with the child  
46 through frequent and regular visitation or frequent and regular  
47 communication to or with the child, and the exercise of parental

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Amendment No.1

48 rights and responsibilities. Marginal efforts and incidental or  
49 token visits or communications are not sufficient to establish  
50 or maintain a substantial and positive relationship with a  
51 child. The term "abandoned" does not include a surrendered  
52 newborn infant as described in s. 383.50, a child in need of  
53 services as defined in chapter 984, or a family in need of  
54 services as defined in chapter 984. The incarceration, repeated  
55 incarceration, or extended incarceration of a parent, legal  
56 custodian, or caregiver responsible for a child's welfare may  
57 support a finding of abandonment.

58 (33) "Institutional child abuse or neglect" means  
59 situations of known or suspected child abuse or neglect in which  
60 the person allegedly perpetrating the child abuse or neglect is  
61 an employee of a private school, public or private day care  
62 center, residential home, institution, facility, or agency or  
63 any other person at such institution responsible for the child's  
64 care as defined in subsection (47).

65  
66  
67 -----  
68 **T I T L E A M E N D M E N T**

69 Remove lines 2-4 and insert:

70 An act relating to child protection; amending s. 39.01, F.S.;  
71 revising the definitions of the term "abandoned" or  
72 "abandonment," "institutional child abuse or neglect," and  
73 "abandons the child within the context of harm"; amending s.  
74 39.013, F.S.;

Amendment No.2

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 Diaz offered the following:

**Amendment (with title amendment)**

Remove lines 1193-1198 and insert:

7 Section 15. Paragraphs (d), (e), and (k) of subsection (1)  
 8 and subsection (2) of section 39.806, Florida Statutes, are  
 9 amended to read:

10 39.806 Grounds for termination of parental rights.-

11 (1) Grounds for the termination of parental rights may be  
 12 established under any of the following circumstances:

13 (d) When the parent of a child is incarcerated ~~in a state~~  
 14 ~~or federal correctional institution~~ and either:

15 1. The period of time for which the parent is expected to  
 16 be incarcerated will constitute a significant substantial  
 17 portion of the child's minority. When determining whether the  
 18 period of time is significant, the court shall consider the  
 19 child's age and the child's need for a permanent and stable

## Amendment No.2

20 home. The period of time begins on the date that the parent  
21 enters into incarceration ~~period of time before the child will~~  
22 ~~attain the age of 18 years;~~

23 2. The incarcerated parent has been determined by the  
24 court to be a violent career criminal as defined in s. 775.084,  
25 a habitual violent felony offender as defined in s. 775.084, or  
26 a sexual predator as defined in s. 775.21; has been convicted of  
27 first degree or second degree murder in violation of s. 782.04  
28 or a sexual battery that constitutes a capital, life, or first  
29 degree felony violation of s. 794.011; or has been convicted of  
30 an offense in another jurisdiction which is substantially  
31 similar to one of the offenses listed in this paragraph. As used  
32 in this section, the term "substantially similar offense" means  
33 any offense that is substantially similar in elements and  
34 penalties to one of those listed in this subparagraph, and that  
35 is in violation of a law of any other jurisdiction, whether that  
36 of another state, the District of Columbia, the United States or  
37 any possession or territory thereof, or any foreign  
38 jurisdiction; or

39 3. The court determines by clear and convincing evidence  
40 that continuing the parental relationship with the incarcerated  
41 parent would be harmful to the child and, for this reason that  
42 termination of the parental rights of the incarcerated parent is  
43 in the best interest of the child. When determining harm, the  
44 court shall consider the following factors:

45 a. The age of the child;

46 b. The relationship between the child and the parent;

Amendment No.2

47 c. The nature of the parent's current and past provision  
48 for the child's developmental, cognitive, psychological, and  
49 physical needs;

50 d. The parent's history of criminal behavior, which may  
51 include the frequency of incarceration and the unavailability of  
52 the parent to the child due to incarceration; and

53 e. Any other factor the court deems relevant.  
54  
55

56 -----  
57 **T I T L E A M E N D M E N T**

58 Remove line 101 and insert:

59 whichever occurs first; amending s. 39.806, F.S.; providing  
60 additional criteria for the court to consider when deciding  
61 whether to terminate the parental rights of a parent or legal  
62 guardian because the parent or legal guardian is incarcerated;  
63

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 803 (2012)

Amendment No.3

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 Diaz offered the following:

4  
5 **Amendment**

6 Between lines 560 and 561, insert:

7 4. At the close of an investigation the department or the  
8 sheriff providing child protective services shall provide to the  
9 person who is alleged to have caused the abuse, neglect or  
10 abandonment and the parent or legal custodian a summary of  
11 findings from the investigation and provide information about  
12 their right to access confidential reports in accordance with  
13 s.39.202.  
14

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 803 (2012)

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 Diaz offered the following:

4

5 **Amendment**

6 Between lines 581 and 582, insert:

7 3. Know how to explain, to the parent, legal custodian, or  
8 person who is alleged to have caused the abuse, neglect, or  
9 abandonment, the results of the investigation and to provide  
10 information about their right to access confidential reports in  
11 accordance with s. 39.202, prior to closing the case.

12



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 803 (2012)

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 Diaz offered the following:

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

6 Between lines 1289 and 1290, insert:

7 Section 19. Paragraph (c) of subsection (3) of section

8 402.56, Florida Statutes, is amended to read

9 (3) ORGANIZATION.—There is created the Children and Youth  
10 Cabinet, which is a coordinating council as defined in s. 20.03.

11 (c) ~~The cabinet shall meet for its organizational session~~  
12 ~~no later than October 1, 2007. Thereafter, The cabinet shall~~  
13 ~~meet at least four ~~six~~ times each year, but no more than six~~  
14 ~~times each year, in different regions of the state in order to~~  
15 ~~solicit input from the public and any other individual offering~~  
16 ~~testimony relevant to the issues considered. Each meeting must~~  
17 ~~include a public comment session.~~

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 803 (2012)

Amendment No. 5

19  
20  
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23  
24  
25  
26  
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28

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**T I T L E   A M E N D M E N T**

Remove lines 109-110 and insert:  
references to changes made by the act; amending s. 402.56, F.S.;  
providing that the Children's Cabinet shall meet at least 4  
times but no more than six times each year; providing an  
effective date.

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**CS/HB 4005 : Department of Health**

Favorable

|  | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|--|------------|------------|----------------|-------------------------|-------------------------|
| Dennis Baxley                            | X          |            |                |                         |                         |
| Mack Bernard                             |            | X          |                |                         |                         |
| Jason Brodeur                            | X          |            |                |                         |                         |
| Richard Corcoran                         |            |            |                | X                       |                         |
| Janet Cruz                               | X          |            |                |                         |                         |
| Eduardo Gonzalez                         | X          |            |                |                         |                         |
| Gayle Harrell                            | X          |            |                |                         |                         |
| Doug Holder                              | X          |            |                |                         |                         |
| Matt Hudson                              | X          |            |                |                         |                         |
| Mia Jones                                |            | X          |                |                         |                         |
| Ana Logan                                | X          |            |                |                         |                         |
| Mark Pafford                             | X          |            |                |                         |                         |
| Ronald Renuart                           | X          |            |                |                         |                         |
| Elaine Schwartz                          |            |            | X              |                         |                         |
| Carlos Trujillo                          | X          |            |                |                         |                         |
| Barbara Watson                           | X          |            |                |                         |                         |
| John Wood                                | X          |            |                |                         |                         |
| Robert Schenck (Chair)                   | X          |            |                |                         |                         |
| <b>Total Yeas: 14      Total Nays: 2</b> |            |            |                |                         |                         |

**Appearances:**

Pitts, Brian - Waive In Opposition  
 Justice-2-Jesus  
 1119 Newton Ave. S.  
 St. Petersburg FL 33705  
 Phone: (727) 897-9291

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**HB 4029 : Mosquito Control Districts**

Favorable

|  | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|--|------------|------------|----------------|-------------------------|-------------------------|
| Dennis Baxley                            | X          |            |                |                         |                         |
| Mack Bernard                             | X          |            |                |                         |                         |
| Jason Brodeur                            | X          |            |                |                         |                         |
| Richard Corcoran                         |            |            |                | X                       |                         |
| Janet Cruz                               | X          |            |                |                         |                         |
| Eduardo Gonzalez                         | X          |            |                |                         |                         |
| Gayle Harrell                            |            |            |                | X                       |                         |
| Doug Holder                              | X          |            |                |                         |                         |
| Matt Hudson                              | X          |            |                |                         |                         |
| Mia Jones                                | X          |            |                |                         |                         |
| Ana Logan                                | X          |            |                |                         |                         |
| Mark Pafford                             | X          |            |                |                         |                         |
| Ronald Renuart                           | X          |            |                |                         |                         |
| Elaine Schwartz                          | X          |            |                |                         |                         |
| Carlos Trujillo                          | X          |            |                |                         |                         |
| Barbara Watson                           | X          |            |                |                         |                         |
| John Wood                                | X          |            |                |                         |                         |
| Robert Schenck (Chair)                   | X          |            |                |                         |                         |
| <b>Total Yeas: 16      Total Nays: 0</b> |            |            |                |                         |                         |

Committee meeting was reported out: Thursday, February 02, 2012 1:39:18PM

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**HB 4037 : Standards for Compressed Air**

Favorable

|                        | <i>Yea</i> | <i>Nay</i>           | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Dennis Baxley          | X          |                      |                |                         |                         |
| Mack Bernard           | X          |                      |                |                         |                         |
| Jason Brodeur          | X          |                      |                |                         |                         |
| Richard Corcoran       |            |                      |                | X                       |                         |
| Janet Cruz             | X          |                      |                |                         |                         |
| Eduardo Gonzalez       | X          |                      |                |                         |                         |
| Gayle Harrell          | X          |                      |                |                         |                         |
| Doug Holder            | X          |                      |                |                         |                         |
| Matt Hudson            | X          |                      |                |                         |                         |
| Mia Jones              | X          |                      |                |                         |                         |
| Ana Logan              | X          |                      |                |                         |                         |
| Mark Pafford           | X          |                      |                |                         |                         |
| Ronald Renuart         | X          |                      |                |                         |                         |
| Elaine Schwartz        |            |                      | X              |                         |                         |
| Carlos Trujillo        | X          |                      |                |                         |                         |
| Barbara Watson         | X          |                      |                |                         |                         |
| John Wood              | X          |                      |                |                         |                         |
| Robert Schenck (Chair) | X          |                      |                |                         |                         |
| <b>Total Yeas: 16</b>  |            | <b>Total Nays: 0</b> |                |                         |                         |

**Appearances:**

Pico, Angela - Waive In Support  
 Diving Equipment & Marketing Association  
 2618 Centennial Pl  
 Tallahassee FL 32308  
 Phone: (850) 222-0270

Harris, Bob (Lobbyist) - Waive In Support  
 Professional Association of Dive Instructors, Inc (PADI)  
 2618 Centennial PL  
 Tallahassee FL 32308  
 Phone: (850) 222-0720

Committee meeting was reported out: Thursday, February 02, 2012 1:39:18PM

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**HB 4105 : Agency for Health Care Administration**

Favorable

|                        | <i>Yea</i> | <i>Nay</i>           | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Dennis Baxley          | X          |                      |                |                         |                         |
| Mack Bernard           | X          |                      |                |                         |                         |
| Jason Brodeur          | X          |                      |                |                         |                         |
| Richard Corcoran       |            |                      |                | X                       |                         |
| Janet Cruz             | X          |                      |                |                         |                         |
| Eduardo Gonzalez       | X          |                      |                |                         |                         |
| Gayle Harrell          |            |                      |                | X                       |                         |
| Doug Holder            | X          |                      |                |                         |                         |
| Matt Hudson            | X          |                      |                |                         |                         |
| Mia Jones              | X          |                      |                |                         |                         |
| Ana Logan              | X          |                      |                |                         |                         |
| Mark Pafford           | X          |                      |                |                         |                         |
| Ronald Renuart         | X          |                      |                |                         |                         |
| Elaine Schwartz        | X          |                      |                |                         |                         |
| Carlos Trujillo        | X          |                      |                |                         |                         |
| Barbara Watson         | X          |                      |                |                         |                         |
| John Wood              | X          |                      |                |                         |                         |
| Robert Schenck (Chair) | X          |                      |                |                         |                         |
| <b>Total Yeas: 16</b>  |            | <b>Total Nays: 0</b> |                |                         |                         |

Committee meeting was reported out: Thursday, February 02, 2012 1:39:18PM

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**HB 4139 : Repeal of Health Insurance Provisions**

Favorable

|                        | <i>Yea</i> | <i>Nay</i>           | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Dennis Baxley          | X          |                      |                |                         |                         |
| Mack Bernard           | X          |                      |                |                         |                         |
| Jason Brodeur          | X          |                      |                |                         |                         |
| Richard Corcoran       |            |                      |                | X                       |                         |
| Janet Cruz             | X          |                      |                |                         |                         |
| Eduardo Gonzalez       | X          |                      |                |                         |                         |
| Gayle Harrell          | X          |                      |                |                         |                         |
| Doug Holder            | X          |                      |                |                         |                         |
| Matt Hudson            | X          |                      |                |                         |                         |
| Mia Jones              |            | X                    |                |                         |                         |
| Ana Logan              | X          |                      |                |                         |                         |
| Mark Pafford           |            | X                    |                |                         |                         |
| Ronald Renuart         | X          |                      |                |                         |                         |
| Elaine Schwartz        | X          |                      |                |                         |                         |
| Carlos Trujillo        | X          |                      |                |                         |                         |
| Barbara Watson         |            | X                    |                |                         |                         |
| John Wood              | X          |                      |                |                         |                         |
| Robert Schenck (Chair) | X          |                      |                |                         |                         |
| <b>Total Yeas: 14</b>  |            | <b>Total Nays: 3</b> |                |                         |                         |

**Appearances:**

Pitts, Brian - Opponent  
 Justice-2-Jesus  
 1119 Newton Ave. S.  
 St. Petersburg FL 33705  
 Phone: (727) 897-9291

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**PCB HHSC 12-01 : Domestic Violence**

*Favorable*

|                        | <i>Yea</i> | <i>Nay</i>           | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Dennis Baxley          | X          |                      |                |                         |                         |
| Mack Bernard           | X          |                      |                |                         |                         |
| Jason Brodeur          | X          |                      |                |                         |                         |
| Richard Corcoran       |            |                      |                | X                       |                         |
| Janet Cruz             | X          |                      |                |                         |                         |
| Eduardo Gonzalez       | X          |                      |                |                         |                         |
| Gayle Harrell          | X          |                      |                |                         |                         |
| Doug Holder            | X          |                      |                |                         |                         |
| Matt Hudson            | X          |                      |                |                         |                         |
| Mia Jones              | X          |                      |                |                         |                         |
| Ana Logan              | X          |                      |                |                         |                         |
| Mark Pafford           | X          |                      |                |                         |                         |
| Ronald Renuart         | X          |                      |                |                         |                         |
| Elaine Schwartz        | X          |                      |                |                         |                         |
| Carlos Trujillo        | X          |                      |                |                         |                         |
| Barbara Watson         | X          |                      |                |                         |                         |
| John Wood              | X          |                      |                |                         |                         |
| Robert Schenck (Chair) | X          |                      |                |                         |                         |
| <b>Total Yeas: 17</b>  |            | <b>Total Nays: 0</b> |                |                         |                         |

**Appearances:**

Pitts, Brian - Information Only  
 Justice-2-Jesus  
 1119 Newton Ave. S.  
 St. Petersburg FL 33705  
 Phone: (727) 897-9291

Wiseman, Leisa (Lobbyist) - Waive In Support  
 Florida Coalition Against Domestic Violence  
 425 Office Plaza Dr  
 Tallahassee FL 32301  
 Phone: (850) 425-2749

Committee meeting was reported out: Thursday, February 02, 2012 1:39:18PM



**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**PCB HHSC 12-02 : State Employee Group Insurance Program**

*Favorable*

|                        | <i>Yea</i> | <i>Nay</i>           | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|------------------------|------------|----------------------|----------------|-------------------------|-------------------------|
| Dennis Baxley          | X          |                      |                |                         |                         |
| Mack Bernard           | X          |                      |                |                         |                         |
| Jason Brodeur          | X          |                      |                |                         |                         |
| Richard Corcoran       |            |                      |                | X                       |                         |
| Janet Cruz             |            | X                    |                |                         |                         |
| Eduardo Gonzalez       | X          |                      |                |                         |                         |
| Gayle Harrell          | X          |                      |                |                         |                         |
| Doug Holder            |            |                      | X              |                         |                         |
| Matt Hudson            | X          |                      |                |                         |                         |
| Mia Jones              |            | X                    |                |                         |                         |
| Ana Logan              | X          |                      |                |                         |                         |
| Mark Pafford           |            | X                    |                |                         |                         |
| Ronald Renuart         | X          |                      |                |                         |                         |
| Elaine Schwartz        |            | X                    |                |                         |                         |
| Carlos Trujillo        | X          |                      |                |                         |                         |
| Barbara Watson         |            | X                    |                |                         |                         |
| John Wood              | X          |                      |                |                         |                         |
| Robert Schenck (Chair) | X          |                      |                |                         |                         |
| <b>Total Yeas: 11</b>  |            | <b>Total Nays: 5</b> |                |                         |                         |

**PCB HHSC 12-02 Amendments**

**Amendment PCB HHSC 12-02 a1**

*Failed to Adopt*

|                  | <i>Yea</i> | <i>Nay</i> | <i>No Vote</i> | <i>Absentee<br/>Yea</i> | <i>Absentee<br/>Nay</i> |
|------------------|------------|------------|----------------|-------------------------|-------------------------|
| Dennis Baxley    |            | X          |                |                         |                         |
| Mack Bernard     | X          |            |                |                         |                         |
| Jason Brodeur    |            | X          |                |                         |                         |
| Richard Corcoran |            |            | X              |                         |                         |
| Janet Cruz       | X          |            |                |                         |                         |
| Eduardo Gonzalez |            | X          |                |                         |                         |
| Gayle Harrell    |            | X          |                |                         |                         |
| Doug Holder      |            | X          |                |                         |                         |
| Matt Hudson      |            | X          |                |                         |                         |
| Mia Jones        | X          |            |                |                         |                         |
| Ana Logan        |            | X          |                |                         |                         |
| Mark Pafford     | X          |            |                |                         |                         |
| Ronald Renuart   |            | X          |                |                         |                         |
| Elaine Schwartz  | X          |            |                |                         |                         |
| Carlos Trujillo  |            | X          |                |                         |                         |
| Barbara Watson   | X          |            |                |                         |                         |
| John Wood        |            | X          |                |                         |                         |

**Committee meeting was reported out: Thursday, February 02, 2012 1:39:18PM**

**COMMITTEE MEETING REPORT**  
**Health & Human Services Committee**

**2/2/2012 9:00:00AM**

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

**PCB HHSC 12-02 : State Employee Group Insurance Program (continued)**

**Amendment PCB HHSC 12-02 a1**

*Failed to Adopt*

|                        |                       |
|------------------------|-----------------------|
| Robert Schenck (Chair) | X                     |
| <b>Total Yays: 6</b>   | <b>Total Nays: 11</b> |

**Appearances:**

Proponent of Amendment 1 by Rep. Schwartz

Bell, Samuel (Lobbyist) - Information Only

FL Pediatric Society

1298 Millstream

Tallahassee FL 32312

Phone: (850) 222-3533

Garner, Michael (Lobbyist) - Information Only

Florida Association of Health Plans, Inc

200 W College Ave Ste 104

Tallahassee FL 32301

Phone: (850) 386-2904

Crosier, Barbara (State Employee) - Information Only

DMS

4050 Esplanade Way

Tallahassee FL 32399

Phone: (850) 921-4658

Committee meeting was reported out: Thursday, February 02, 2012 1:39:18PM

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 type="checkbox"/>            | (Y/N) |
| FAILED TO ADOPT       | <input checked="" type="checkbox"/> | (Y/N) |
| WITHDRAWN             | <input type="checkbox"/>            | (Y/N) |
| OTHER                 | <input type="checkbox"/>            |       |

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

3 Representative Schwartz offered the following:

4

5 **Amendment (with title amendment)**

6 Between lines 760 and 761, insert:

7 Section 3. Paragraph (b) of subsection (6) of section 409.8132,  
8 Florida Statutes, is amended to read:

9 409.8132 Medikids program component.--

10 (6) ELIGIBILITY.--

11 (b) The provisions of s. 409.814(3)-(7) apply 409.814(3),  
12 ~~(4), (5), and (6) shall be applicable to the Medikids program.~~

13 Section 4. Section 409.814, Florida Statutes, is amended  
14 to read:

15 409.814 Eligibility.--A child who has not reached 19 years  
16 of age whose family income is equal to or below 200 percent of  
17 the federal poverty level is eligible for the Florida Kidcare  
18 program as provided in this section. ~~For enrollment in the~~  
19 ~~Children's Medical Services Network, a complete application~~

Amendment No. 1

20 ~~includes the medical or behavioral health screening. If,~~  
21 ~~subsequently,~~ an enrolled individual is determined to be  
22 ineligible for coverage, he or she must be immediately ~~be~~  
23 disenrolled from the respective Florida Kidcare program  
24 component.

25 (1) A child who is eligible for Medicaid coverage under s.  
26 409.903 or s. 409.904 must be enrolled in Medicaid and is not  
27 eligible to receive health benefits under any other health  
28 benefits coverage authorized under the Florida Kidcare program.

29 (2) A child who is not eligible for Medicaid, but who is  
30 eligible for the Florida Kidcare program, may obtain health  
31 benefits coverage under any of the other components listed in s.  
32 409.813 if such coverage is approved and available in the county  
33 in which the child resides.

34 (3) A Title XXI-funded child who is eligible for the  
35 Florida Kidcare program who is a child with special health care  
36 needs, as determined through a medical or behavioral screening  
37 instrument, is eligible for health benefits coverage from and  
38 shall be assigned to and may opt out of the Children's Medical  
39 Services Network.

40 (4) A child who is eligible for a state-sponsored health  
41 benefit plan through a family member or guardian employed by the  
42 state and who meets the eligibility requirements for the  
43 subsidized Florida Kidcare program may enroll in the subsidized  
44 Florida Kidcare program.

45 ~~(5)-(4)~~ The following children are not eligible to receive  
46 Title XXI-funded premium assistance for health benefits coverage  
47 under the Florida Kidcare program, except under Medicaid if the

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48 child would have been eligible for Medicaid under s. 409.903 or  
49 s. 409.904 as of June 1, 1997:

50 ~~(a)~~ A child who is eligible for coverage under a state  
51 health benefit plan on the basis of a family member's employment  
52 with a public agency in the state.

53 (a)~~(b)~~ A child who is covered under a family member's  
54 group health benefit plan or under other private or employer  
55 health insurance coverage, if the cost of the child's  
56 participation is not greater than 5 percent of the family's  
57 income. If a child is otherwise eligible for a subsidy under the  
58 Florida Kidcare program and the cost of the child's  
59 participation in the family member's health insurance benefit  
60 plan is greater than 5 percent of the family's income, the child  
61 may enroll in the appropriate subsidized Kidcare program.

62 (b)~~(e)~~ A child who is seeking premium assistance for the  
63 Florida Kidcare program through employer-sponsored group  
64 coverage, if the child has been covered by the same employer's  
65 group coverage during the 60 days before the family submitted  
66 ~~prior to the family's submitting~~ an application for  
67 determination of eligibility under the program.

68 (c)~~(d)~~ A child who is an alien, but who does not meet the  
69 definition of qualified alien, in the United States.

70 (d)~~(e)~~ A child who is an inmate of a public institution or  
71 a patient in an institution for mental diseases.

72 (e)~~(f)~~ A child who is otherwise eligible for premium  
73 assistance for the Florida Kidcare program and has had his or  
74 her coverage in an employer-sponsored or private health benefit  
75 plan voluntarily canceled in the last 60 days, except those

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76 children whose coverage was voluntarily canceled for good cause,  
77 including, but not limited to, the following circumstances:

78 1. The cost of participation in an employer-sponsored  
79 health benefit plan is greater than 5 percent of the family's  
80 income;

81 2. The parent lost a job that provided an employer-  
82 sponsored health benefit plan for children;

83 3. The parent who had health benefits coverage for the  
84 child is deceased;

85 4. The child has a medical condition that, without medical  
86 care, would cause serious disability, loss of function, or  
87 death;

88 5. The employer of the parent canceled health benefits  
89 coverage for children;

90 6. The child's health benefits coverage ended because the  
91 child reached the maximum lifetime coverage amount;

92 7. The child has exhausted coverage under a COBRA  
93 continuation provision;

94 8. The health benefits coverage does not cover the child's  
95 health care needs; or

96 9. Domestic violence led to loss of coverage.

97 ~~(6)(5)~~ A child who is otherwise eligible for the Florida  
98 Kidcare program and who has a preexisting condition that  
99 prevents coverage under another insurance plan as described in  
100 paragraph (5)(a) ~~(4)(b)~~ which would have disqualified the child  
101 for the Florida Kidcare program if the child were able to enroll  
102 in the plan is ~~shall be~~ eligible for Florida Kidcare coverage  
103 when enrollment is possible.

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104        ~~(7)-(6)~~ A child whose family income is above 200 percent of  
105 the federal poverty level or a child who is excluded under the  
106 provisions of subsection (5) ~~(4)~~ may participate in the Florida  
107 Kidcare program as provided in s. 409.8132 or, if the child is  
108 ineligible for Medikids by reason of age, in the Florida Healthy  
109 Kids program, subject to the following ~~provisions~~:

110            (a) The family is not eligible for premium assistance  
111 payments and must pay the full cost of the premium, including  
112 any administrative costs.

113            (b) The board of directors of the Florida Healthy Kids  
114 Corporation may offer a reduced benefit package to these  
115 children in order to limit program costs for such families.

116        ~~(8)-(7)~~ Once a child is enrolled in the Florida Kidcare  
117 program, the child is eligible for coverage ~~under the program~~  
118 for 12 months without a redetermination or reverification of  
119 eligibility, if the family continues to pay the applicable  
120 premium. Eligibility for program components funded through Title  
121 XXI of the Social Security Act terminates ~~shall terminate~~ when a  
122 child attains the age of 19. A child who has not attained the  
123 age of 5 and who has been determined eligible for the Medicaid  
124 program is eligible for coverage for 12 months without a  
125 redetermination or reverification of eligibility.

126        ~~(9)-(8)~~ When determining or reviewing a child's eligibility  
127 under the Florida Kidcare program, the applicant shall be  
128 provided with reasonable notice of changes in eligibility which  
129 may affect enrollment in one or more of the program components.  
130 ~~If~~ When a transition from one program component to another is  
131 authorized, there shall be cooperation between the program

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132 components and the affected family which promotes continuity of  
133 health care coverage. Any authorized transfers must be managed  
134 within the program's overall appropriated or authorized levels  
135 of funding. Each component of the program shall establish a  
136 reserve to ensure that transfers between components will be  
137 accomplished within current year appropriations. These reserves  
138 shall be reviewed by each convening of the Social Services  
139 Estimating Conference to determine the adequacy of such reserves  
140 to meet actual experience.

141 ~~(10)(9)~~ In determining the eligibility of a child, an  
142 assets test is not required. Each applicant shall provide  
143 documentation during the application process and the  
144 redetermination process, including, but not limited to, the  
145 following:

146 (a) ~~Each applicant's~~ Proof of family income, which must  
147 ~~shall~~ be verified electronically to determine financial  
148 eligibility for the Florida Kidcare program. Written  
149 documentation, which may include wages and earnings statements  
150 or pay stubs, W-2 forms, or a copy of the applicant's most  
151 recent federal income tax return, is ~~shall be~~ required only if  
152 ~~the~~ electronic verification is not available or does not  
153 substantiate the applicant's income.

154 (b) ~~Each applicant shall provide~~ A statement from all  
155 applicable, employed family members that:

156 1. Their employers do not sponsor health benefit plans for  
157 employees;

158 2. The potential enrollee is not covered by an employer-  
159 sponsored health benefit plan; or



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160 3. The potential enrollee is covered by an employer-  
161 sponsored health benefit plan and the cost of the employer-  
162 sponsored health benefit plan is more than 5 percent of the  
163 family's income.

164 ~~(11)(10)~~ Subject to paragraph (5)(a) ~~(4)(b)~~, the Florida  
165 Kidcare program shall withhold benefits from an enrollee if the  
166 program obtains evidence that the enrollee is no longer  
167 eligible, submitted incorrect or fraudulent information in order  
168 to establish eligibility, or failed to provide verification of  
169 eligibility. The applicant or enrollee shall be notified that  
170 because of such evidence program benefits will be withheld  
171 unless the applicant or enrollee contacts a designated  
172 representative of the program by a specified date, which must be  
173 within 10 working days after the date of notice, to discuss and  
174 resolve the matter. The program shall make every effort to  
175 resolve the matter within a timeframe that will not cause  
176 benefits to be withheld from an eligible enrollee.

177 ~~(12)(11)~~ The following individuals may be subject to  
178 prosecution in accordance with s. 414.39:

179 (a) An applicant obtaining or attempting to obtain  
180 benefits for a potential enrollee under the Florida Kidcare  
181 program if ~~when~~ the applicant knows or should have known that  
182 the potential enrollee does not qualify for the ~~Florida Kidcare~~  
183 program.

184 (b) An individual who assists an applicant in obtaining or  
185 attempting to obtain benefits for a potential enrollee under the  
186 Florida Kidcare program if ~~when~~ the individual knows or should  
187 have known that the potential enrollee does not qualify for the

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188 ~~Florida Kidcare~~ program.

189 Section 5. Subsection (3) of section 409.816, Florida  
190 Statutes, is amended to read:

191 409.816 Limitations on premiums and cost-sharing.—The  
192 following limitations on premiums and cost-sharing are  
193 established for the program.

194 (3) Enrollees in families with a family income above 150  
195 percent of the federal poverty level who are not receiving  
196 coverage under the Medicaid program or who are not eligible  
197 under s. 409.814(7) ~~409.814(6)~~ may be required to pay enrollment  
198 fees, premiums, copayments, deductibles, coinsurance, or similar  
199 charges on a sliding scale related to income, except that the  
200 total annual aggregate cost-sharing with respect to all children  
201 in a family may not exceed 5 percent of the family's income.  
202 However, copayments, deductibles, coinsurance, or similar  
203 charges may not be imposed for preventive services, including  
204 well-baby and well-child care, age-appropriate immunizations,  
205 and routine hearing and vision screenings.

206

207

208

209

210

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211

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

212

Remove line 20 and insert:

213

program; An act relating to the Florida Kidcare program;

214

amending s. 409.8132, F.S.; conforming cross-references;

215

amending s. 409.814, F.S.; providing that children who are

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COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB HHSC 12-02 (2012)

Amendment No. 1

216 eligible for a state-sponsored health benefit plan and the  
217 subsidized Kidcare program may enroll in the program; conforming  
218 provisions to changes made by the act; amending s. 409.816,  
219 F.S.; conforming a cross-reference.  
220

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