



Health & Human Services Quality Subcommittee

Action Packet

Tuesday, March 29, 2011

9:00 AM

306 HOB

**Dean Cannon
Speaker**

**John Wood
Chair**

COMMITTEE MEETING REPORT
Health & Human Services Quality Subcommittee

3/29/2011 9:00:00AM

Location: 306 HOB

Summary:

Health & Human Services Quality Subcommittee

Tuesday March 29, 2011 09:00 am

HJR 1	Favorable With Committee Substitute Strike-All Amendment Adopted	Yeas: 10 Nays: 4
HB 321	Favorable With Committee Substitute Strike-All Amendment Adopted	Yeas: 11 Nays: 3
HB 1043	Favorable With Committee Substitute 3 Amendments Adopted without Objection	Yeas: 13 Nays: 1
HB 1085	Favorable With Committee Substitute Strike-All Amendment Adopted without Objection	Yeas: 14 Nays: 0

Committee meeting was reported out: Tuesday, March 29, 2011 2:48:53PM

COMMITTEE MEETING REPORT
Health & Human Services Quality Subcommittee

3/29/2011 9:00:00AM

Location: 306 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
John Wood (Chair)	X		
Jim Boyd	X		
Richard Corcoran	X		
Jose Diaz	X		
Matt Gaetz	X		
Eduardo Gonzalez	X		
Matt Hudson	X		
Larry Metz	X		
Mark Pafford	X		
Scott Randolph	X		
Betty Reed			X
Ronald Renuart	X		
Patrick Rooney, Jr.	X		
Elaine Schwartz	X		
Dwayne Taylor	X		
Totals:	14	0	1

Committee meeting was reported out: Tuesday, March 29, 2011 2:48:53PM

COMMITTEE MEETING REPORT
Health & Human Services Quality Subcommittee

3/29/2011 9:00:00AM

Location: 306 HOB

HJR 1 : Health Care Services

Favorable With Committee Substitute - Strike-All Amendment Adopted

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jim Boyd	X				
Richard Corcoran	X				
Jose Diaz	X				
Matt Gaetz	X				
Eduardo Gonzalez	X				
Matt Hudson	X				
Larry Metz	X				
Mark Pafford		X			
Scott Randolph		X			
Betty Reed			X		
Ronald Renuart	X				
Patrick Rooney, Jr.	X				
Elaine Schwartz		X			
Dwayne Taylor		X			
John Wood (Chair)	X				
Total Yeas: 10		Total Nays: 4			

Appearances:

Health Care Services

Jacquis, Michelle (Lobbyist) - Waive In Support
 Florida Medical Association
 PO Box 10269
 Tallahassee FL 32302
 Phone: (850)224-6496

HJR 1

Reeves, Teye (Lobbyist) - Waive In Support
 Florida Chamber of Commerce
 136 S. Bronough Street
 Tallahassee FL
 Phone: 850-521-1235

Health Care

Templin, Rich (Lobbyist) - Opponent
 Florida AFL-CIO
 135 S. Monroe
 Tallahassee FL 32301
 Phone: 850-224-6926

HJR 1

Latchford, Steve, Christina (General Public) - Waive In Support
 Tampa 912
 935 Birdie Way
 Apollo Beach FL 33572
 Phone: (813) 645-8042

Committee meeting was reported out: Tuesday, March 29, 2011 2:48:53PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HJR 1 (2011)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

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

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

5 **Amendment (with title amendment)**

6 Remove everything after the resolving clause and insert:
7 That the following creation of Section 28 of Article I of the
8 State Constitution is agreed to and shall be submitted to the
9 electors of this state for approval or rejection at the next
10 general election or at an earlier special election specifically
11 authorized by law for that purpose:

12 ARTICLE I

13 DECLARATION OF RIGHTS

14 SECTION 28. Health care freedom.-

15 (a) To preserve the freedom of all residents of the state
16 to provide for their own health care:

17 (1) A law or rule may not compel, directly or indirectly,
18 any person or employer to purchase, obtain, or otherwise provide
19 for health care coverage.

Amendment No.

20 (2) A person or an employer may pay directly for lawful
21 health care services and may not be required to pay penalties or
22 taxes for paying directly for lawful health care services. A
23 health care provider may accept direct payment for lawful health
24 care services and may not be required to pay penalties or taxes
25 for accepting direct payment from a person or an employer for
26 lawful health care services.

27 (b) The private market for health care coverage of any
28 lawful health care service may not be abolished by law or rule.

29 (c) This section does not:

30 (1) Affect which health care services a health care
31 provider is required to perform or provide.

32 (2) Affect which health care services are permitted by
33 law.

34 (3) Prohibit care provided pursuant to general law
35 relating to workers' compensation.

36 (4) Affect laws or rules in effect as of March 1, 2010.

37 (5) Affect the terms or conditions of any health care
38 system to the extent that those terms and conditions do not have
39 the effect of punishing a person or an employer for paying
40 directly for lawful health care services or a health care
41 provider for accepting direct payment from a person or an
42 employer for lawful health care services, except that this
43 section may not be construed to prohibit any negotiated
44 provision in any insurance contract, network agreement, or other
45 provider agreement contractually limiting copayments,
46 coinsurance, deductibles, or other patient charges.

Amendment No.

47 (6) Affect any general law passed by a two-thirds vote of
48 the membership of each house of the legislature after the
49 effective date of this section, if the law states with
50 specificity the public necessity that justifies an exception
51 from this section.

52 (d) As used in this section, the term:

53 (1) "Compel" includes the imposition of penalties or
54 taxes.

55 (2) "Direct payment" or "pay directly" means payment for
56 lawful health care services without a public or private third
57 party, not including an employer, paying for any portion of the
58 service.

59 (3) "Health care system" means any public or private
60 entity whose function or purpose is the management of,
61 processing of, enrollment of individuals for, or payment, in
62 full or in part, for health care services, health care data, or
63 health care information for its participants.

64 (4) "Lawful health care services" means any health-related
65 service or treatment, to the extent that the service or
66 treatment is permitted or not prohibited by law or regulation at
67 the time the service or treatment is rendered, which may be
68 provided by persons or businesses otherwise permitted to offer
69 such services.

70 (5) "Penalties or taxes" means any civil or criminal
71 penalty or fine, tax, salary or wage withholding or surcharge,
72 or named fee with a similar effect established by law or rule by
73 an agency established, created, or controlled by the government
74 which is used to punish or discourage the exercise of rights

Amendment No.

75 protected under this section. For purposes of this section only,
76 the term "rule by an agency" may not be construed to mean any
77 negotiated provision in any insurance contract, network
78 agreement, or other provider agreement contractually limiting
79 copayments, coinsurance, deductibles, or other patient charges.

80 BE IT FURTHER RESOLVED that the following title and
81 statement be placed on the ballot:

82 CONSTITUTIONAL AMENDMENT

83 ARTICLE I, SECTION 28

84 HEALTH CARE FREEDOM.—Proposing an amendment to the State
85 Constitution to prohibit laws or rules from compelling any
86 person or employer to purchase, obtain, or otherwise provide for
87 health care coverage; permit a person or an employer to purchase
88 lawful health care services directly from a health care
89 provider; permit a health care provider to accept direct payment
90 from a person or an employer for lawful health care services;
91 exempt persons, employers, and health care providers from
92 penalties and taxes for paying directly or accepting direct
93 payment for lawful health care services; and prohibit laws or
94 rules from abolishing the private market for health care
95 coverage of any lawful health care service. Specifies that the
96 amendment does not affect which health care services a health
97 care provider is required to perform or provide; affect which
98 health care services are permitted by law; prohibit care
99 provided pursuant to general law relating to workers'
100 compensation; affect laws or rules in effect as of March 1,
101 2010; affect the terms or conditions of any health care system
102 to the extent that those terms and conditions do not have the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HJR 1 (2011)

Amendment No.

103 effect of punishing a person or an employer for paying directly
104 for lawful health care services or a health care provider for
105 accepting direct payment from a person or an employer for lawful
106 health care services; or affect any general law passed by two-
107 thirds vote of the membership of each house of the Legislature,
108 passed after the effective date of the amendment, provided such
109 law states with specificity the public necessity justifying the
110 exceptions from the provisions of the amendment. The amendment
111 expressly provides that it may not be construed to prohibit
112 negotiated provisions in insurance contracts, network
113 agreements, or other provider agreements contractually limiting
114 copayments, coinsurance, deductibles, or other patient charges.

115

116

117

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

118

119 Remove the entire title and insert:

119

120

A joint resolution proposing the creation of Section 28 of
121 Article I of the State Constitution, relating to health care
122 freedom.

121

122

COMMITTEE MEETING REPORT
Health & Human Services Quality Subcommittee

3/29/2011 9:00:00AM

Location: 306 HOB

HB 321 : Abortion

Favorable With Committee Substitute - Strike-All Amendment Adopted

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jim Boyd	X				
Richard Corcoran	X				
Jose Diaz	X				
Matt Gaetz	X				
Eduardo Gonzalez	X				
Matt Hudson	X				
Larry Metz	X				
Mark Pafford		X			
Scott Randolph		X			
Betty Reed			X		
Ronald Renuart	X				
Patrick Rooney, Jr.	X				
Elaine Schwartz		X			
Dwayne Taylor	X				
John Wood (Chair)	X				
Total Yeas: 11		Total Nays: 3			

Appearances:

Abortion

Kunkel, Stephanie (Lobbyist) - Opponent
 Florida Alliance of Planned Parenthood Affiliates
 522 E Park Ave Ste 100
 Tallahassee FL 32301

Abortion Ban

Kimmel, Ellen - Opponent
 Presidential Women's Center
 100 Northpoint Pkwy
 West Palm Bch FL 33407
 Phone: (561) 686-3859

Abortion 20 wk Ban

Kayanan, Maria (Lobbyist) - Opponent
 ACLU of Florida
 4500 Biscayne Blvd Suite 340
 Miami FL 33137
 Phone: (786) 363-2700

Abortion

Ahern, Maureen - Proponent
 3201 70th Way N
 St Petersburg FL
 Phone: (727) 381-2166

Committee meeting was reported out: Tuesday, March 29, 2011 2:48:53PM

COMMITTEE MEETING REPORT
Health & Human Services Quality Subcommittee

3/29/2011 9:00:00AM

Location: 306 HOB

Abortion

DeVane, Barbara (Lobbyist) - Waive In Opposition

Florida National Organization for Women, Inc

625 E Brevard St

Tallahassee FL 32608

Phone: (850) 222-3969

Inform Consent - fetal pain

Olsen, Pam - Proponent

Myself

2756 Whitmore Ct

Tallahassee FL 32312

Phone: (850) 339-6190

Committee meeting was reported out: Tuesday, March 29, 2011 2:48:53PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

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

4
 5 **Amendment**

6 Remove everything after the enacting clause and insert:
 7 Section 1. Subsection (3) of section 390.0111, Florida Statutes,
 8 is amended to read:

9 390.0111 Termination of pregnancies.—

10 (3) CONSENTS REQUIRED.—A termination of pregnancy may not
 11 be performed or induced except with the voluntary and informed
 12 written consent of the pregnant woman or, in the case of a
 13 mental incompetent, the voluntary and informed written consent
 14 of her court-appointed guardian.

15 (a) Except in the case of a medical emergency, consent to
 16 a termination of pregnancy is voluntary and informed only if:

17 1. The physician who is to perform the procedure, or the
 18 referring physician, has, at a minimum, orally, in person,
 19 informed the woman of:

Amendment No. 1

20 a. The nature and risks of undergoing or not undergoing
21 the proposed procedure that a reasonable patient would consider
22 material to making a knowing and willful decision of whether to
23 terminate a pregnancy.

24 b. The probable gestational age of the fetus at the time
25 the termination of pregnancy is to be performed.

26 c. If the gestational age of the fetus is determined to be
27 22 weeks or more, the ability of the fetus to feel pain. This
28 information shall include, but need not be limited to, the
29 following:

30 (I) By 22 weeks gestational age, a fetus possesses all the
31 anatomical structures, including pain receptors, spinal cord,
32 nerve tracts, thalamus, and cortex, that are necessary in order
33 to feel pain;

34 (II) A description of the actual steps in the abortion
35 procedure to be performed or induced, and at which steps the
36 abortion procedure could be painful to the fetus;

37 (III) There is evidence that by 22 weeks of gestational
38 age, fetuses seek to evade certain stimuli in a manner that in
39 an infant or adult would be interpreted as a response to pain;

40 (IV) Anesthesia is given to fetuses who are 22 weeks or
41 more gestational age who undergo prenatal surgery;

42 (V) Anesthesia is given to premature children who are 22
43 weeks or more gestational age who undergo surgery;

44 (VI) Anesthesia or analgesics are available in order to
45 minimize or alleviate the pain to the fetus.

46 (VII) The medical risks associated with the particular
47 anesthetic or analgesic.

Amendment No. 1

48 ~~d.e.~~ The medical risks to the woman and fetus of carrying
49 the pregnancy to term.

50 2. Printed materials prepared and provided by the
51 department have been provided to the pregnant woman, if she
52 chooses to view these materials, including:

53 a. A description of the fetus.

54 b. A list of agencies that offer alternatives to
55 terminating the pregnancy.

56 c. Detailed information on the availability of medical
57 assistance benefits for prenatal care, childbirth, and neonatal
58 care.

59 3. The woman acknowledges in writing, before the
60 termination of pregnancy, that the information required to be
61 provided under this subsection has been provided.

62

63 Nothing in this paragraph is intended to prohibit a physician
64 from providing any additional information which the physician
65 deems material to the woman's informed decision to terminate her
66 pregnancy.

67 (b) In the event a medical emergency exists and a
68 physician cannot comply with the requirements for informed
69 consent, a physician may terminate a pregnancy if he or she has
70 obtained at least one corroborative medical opinion attesting to
71 the medical necessity for emergency medical procedures and to
72 the fact that to a reasonable degree of medical certainty the
73 continuation of the pregnancy would threaten the life of the
74 pregnant woman. In the event no second physician is available
75 for a corroborating opinion, the physician may proceed but shall

Amendment No. 1

76 document reasons for the medical necessity in the patient's
77 medical records.

78 (c) Violation of this subsection by a physician
79 constitutes grounds for disciplinary action under s. 458.331 or
80 s. 459.015. Substantial compliance or reasonable belief that
81 complying with the requirements of informed consent would
82 threaten the life or health of the patient is a defense to any
83 action brought under this paragraph.

84 (9) FETAL ANESTHESIA.—Except in the case of a medical
85 emergency, as defined in s. 390.01114(2) (d), before an abortion
86 is performed on a fetus whose gestational age is 22 weeks or
87 more, the physician performing the abortion shall offer to
88 administer an anesthetic or analgesic to the fetus. The
89 physician shall document in the patient's medical history file
90 whether the patient has accepted or declined fetal anesthetic or
91 analgesic.

92 ~~(10)~~(9) EXCEPTION.—The provisions of this section shall
93 not apply to the performance of a procedure which terminates a
94 pregnancy in order to deliver a live child.

95 ~~(11)~~(10) PENALTIES FOR VIOLATION.—Except as provided in
96 subsections (3) and (7):

97 (a) Any person who willfully performs, or actively
98 participates in, a termination of pregnancy procedure in
99 violation of the requirements of this section commits a felony
100 of the third degree, punishable as provided in s. 775.082, s.
101 775.083, or s. 775.084.

102 (b) Any person who performs, or actively participates in,
103 a termination of pregnancy procedure in violation of the

Amendment No. 1

104 provisions of this section which results in the death of the
105 woman commits a felony of the second degree, punishable as
106 provided in s. 775.082, s. 775.083, or s. 775.084.

107 (12)~~(11)~~ CIVIL ACTION PURSUANT TO PARTIAL-BIRTH ABORTION;
108 RELIEF.—

109 (a) The father, if married to the mother at the time she
110 receives a partial-birth abortion, and, if the mother has not
111 attained the age of 18 years at the time she receives a partial-
112 birth abortion, the maternal grandparents of the fetus may, in a
113 civil action, obtain appropriate relief, unless the pregnancy
114 resulted from the plaintiff's criminal conduct or the plaintiff
115 consented to the abortion.

116 (b) In a civil action under this section, appropriate
117 relief includes:

118 1. Monetary damages for all injuries, psychological and
119 physical, occasioned by the violation of subsection (5).

120 2. Damages equal to three times the cost of the partial-
121 birth abortion.

122 (13) CIVIL ACTION; REMEDIES.—

123 Any woman upon whom an abortion was performed in violation
124 of subsection (9) or s.390.0111(3)(a) 1. c., or the father of a
125 fetus who was the subject of such an abortion, shall have a
126 cause of action for negligence. The action may be brought in any
127 court of competent jurisdiction. Any plaintiff who prevails in
128 any such action for any amount is entitled to recover reasonable
129 attorney's fees, costs of the action, and damages, unless the
130 court finds that the plaintiff has acted in bad faith or with
131 malicious purpose or that there was a complete absence of a

Amendment No. 1

132 justiciable issue of either law or fact. A prevailing defendant
133 is entitled to recover reasonable attorney's fees under s.
134 57.105 only if the court determines that the plaintiff's claim
135 involved a complete absence of justiciable law or fact. The
136 remedies provided in this section are in addition to other legal
137 and administrative remedies available to the woman or the
138 father. Any action brought pursuant to this subsection is not a
139 claim for medical malpractice, and chapter 766 does not apply.
140 The statute of limitations in s. 95.11(3) applies to an action
141 under this subsection.
142

143 Section 2. Subsection 3. of section 390.012, Florida Statutes,
144 is amended to read:

145 390.012 Powers of agency; rules; disposal of fetal
146 remains.-

147 (3) For clinics that perform or claim to perform abortions
148 after the first trimester of pregnancy, the agency shall adopt
149 rules pursuant to ss. 120.536(1) and 120.54 to implement the
150 provisions of this chapter, including the following:

151
152 (e) Rules relating to the abortion procedure. At a
153 minimum, these rules shall require:

154 1. That a physician, registered nurse, licensed practical
155 nurse, advanced registered nurse practitioner, or physician
156 assistant is available to all patients throughout the abortion
157 procedure.

158 2. Standards for the safe conduct of abortion procedures
159 that conform to obstetric standards in keeping with established

Amendment No. 1

160 standards of care regarding the estimation of fetal age as
161 defined in rule.

162 3. Appropriate use of general and local anesthesia,
163 analgesia, and sedation if ordered by the physician, for the
164 pregnant woman and for the fetus.

165 4. Appropriate precautions, such as the establishment of
166 intravenous access at least for patients undergoing post-first
167 trimester abortions.

168 5. Appropriate monitoring of the vital signs and other
169 defined signs and markers of the patient's status throughout the
170 abortion procedure and during the recovery period until the
171 patient's condition is deemed to be stable in the recovery room.

172

173 Section 3. This act shall take effect July 1, 2011.

COMMITTEE MEETING REPORT
Health & Human Services Quality Subcommittee

3/29/2011 9:00:00AM

Location: 306 HOB

HB 1043 : Citrus County

Favorable With Committee Substitute - 3 Amendments Adopted without Objection

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jim Boyd	X				
Richard Corcoran	X				
Jose Diaz	X				
Matt Gaetz	X				
Eduardo Gonzalez	X				
Matt Hudson	X				
Larry Metz	X				
Mark Pafford	X				
Scott Randolph	X				
Betty Reed			X		
Ronald Renuart	X				
Patrick Rooney, Jr.	X				
Elaine Schwartz		X			
Dwayne Taylor	X				
John Wood (Chair)	X				
Total Yeas: 13		Total Nays: 1			

Appearances:

Citrus County Hospital
 England Jr, Arthur (Lobbyist) - Proponent
 Citrus County Hospital Board
 333 Avenue of Americas
 Miami FL 33131
 Phone: (305) 579-0605

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

Citrus County Hospital
 Grant, Bill - Waive In Support
 Citrus County Hospital Board
 123 North Apopka Ave
 Inverness FL 34450
 Phone: (352) 726-5111

Citrus County Local Bill
 Gorrie, Jan (Lobbyist) - Opponent
 Citrus Memorial Health System
 4221 Boy Scout Blvd
 Tampa FL 33607
 Phone: (813)

Committee meeting was reported out: Tuesday, March 29, 2011 2:48:53PM

COMMITTEE MEETING REPORT
Health & Human Services Quality Subcommittee

3/29/2011 9:00:00AM

Location: 306 HOB

HB 1043

Stillwell, Clark A. - Opponent

Citrus Memorial Health Foundation

P.O. Box 250

Inverness FL 34451

Phone: (352) 726-6767

Committee meeting was reported out: Tuesday, March 29, 2011 2:48:53PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1043 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

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

4
5 **Amendment**

6 Remove lines 129-132 and insert:
7 immunity, and
8

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1043 (2011)

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 Quality Subcommittee
3 Representative(s) Smith offered the following:

4
5 **Amendment**

6 Remove lines 314-316 and insert:
7 of the hospital board's public purpose and the necessity for the
8 preservation of the public health and welfare of the residents
9 of the county by the hospital board.

10

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1043 (2011)

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

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

4
5 **Amendment**

6 Remove line 680 and insert:
7 Act and the Florida Indigent Certification Standards and shall
8 take into account funds available from other sources, including
9 other governmental funding sources.

COMMITTEE MEETING REPORT
Health & Human Services Quality Subcommittee

3/29/2011 9:00:00AM

Location: 306 HOB

HB 1085 : Women's Health

Favorable With Committee Substitute - Strike-All Amendment Adopted without Objection

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jim Boyd	X				
Richard Corcoran	X				
Jose Diaz	X				
Matt Gaetz	X				
Eduardo Gonzalez	X				
Matt Hudson	X				
Larry Metz	X				
Mark Pafford	X				
Scott Randolph	X				
Betty Reed			X		
Ronald Renuart	X				
Patrick Rooney, Jr.	X				
Elaine Schwartz	X				
Dwayne Taylor	X				
John Wood (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Appearances:

HB 1085

Brantley, Bobby (Lobbyist) - Proponent

FL Ovarian Cancer Alliance

215 S. Monroe St

Tallahassee FL 32301

Phone: (850) 521-0600

Ovarian & Gyn Health

Smith, Kelly - Proponent

OCA-NFL

P.O. Box 14553

Tallahassee FL 32317

Phone: (850) 445-9398

Committee meeting was reported out: Tuesday, March 29, 2011 2:48:53PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1085 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

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

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 381.9315, Florida Statutes, is created
8 to read:

9 381.9315 Gynecological and Ovarian Cancer Awareness
10 Program.- This section may be cited as the "Kelly Smith
11 Gynecological and Ovarian Cancer Education and Awareness Act."

12 (1) The department shall encourage health care providers,
13 including, but not limited to, hospitals, birthing facilities,
14 county health departments, physicians, midwives, and nurses, to
15 disseminate and display information about gynecological cancers,
16 including the signs and symptoms, risk factors, benefits of
17 early detection through appropriate diagnostic testing, and
18 treatment options.

Amendment No. 1

19 (2) The department shall encourage women to discuss the
20 risks of gynecological cancers with their health care providers.

21 (3) The State Surgeon General shall make publicly
22 available, by posting on the Internet website of the Department
23 of Health, resources and an Internet website link to the federal
24 Centers for Disease Control and Prevention website for
25 gynecological cancer information.

26 (4) The department is encouraged to seek any available
27 grants from private or federal sources to promote gynecological
28 cancer awareness, including, but not limited to, early warning
29 signs and risk factors associated with gynecological cancers.

30 (5) The department is encouraged to collaborate with other
31 agencies, organizations, and institutions to create a systematic
32 approach to increasing public awareness regarding gynecologic
33 cancers.

34 Section 2. Paragraph (a) of subsection (4) of section
35 1004.435, Florida Statutes, is amended to read:

36 1004.435 Cancer control and research.—

37 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
38 CREATION; COMPOSITION.—

39 (a) There is created within the H. Lee Moffitt Cancer
40 Center and Research Institute, Inc., the Florida Cancer Control
41 and Research Advisory Council. The council shall consist of ~~34~~
42 35 members, which includes the chairperson, all of whom must be
43 residents of this state. All members, except those appointed by
44 the Speaker of the House of Representatives and the President of
45 the Senate, must be appointed by the Governor. At least one of
46 the members appointed by the Governor must be 60 years of age or

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1085 (2011)

Amendment No. 1

47 older. One member must be a representative of the American
48 Cancer Society; one member must be a representative of the
49 Florida Tumor Registrars Association; one member must be a
50 representative of the Sylvester Comprehensive Cancer Center of
51 the University of Miami; one member must be a representative of
52 the Department of Health; one member must be a representative of
53 the University of Florida Shands Cancer Center; one member must
54 be a representative of the Agency for Health Care
55 Administration; one member must be a representative of the
56 Florida Nurses Association; one member must be a representative
57 of the Florida Osteopathic Medical Association; one member must
58 be a representative of the American College of Surgeons; one
59 member must be a representative of the School of Medicine of the
60 University of Miami; one member must be a representative of the
61 College of Medicine of the University of Florida; one member
62 must be a representative of NOVA Southeastern College of
63 Osteopathic Medicine; one member must be a representative of the
64 College of Medicine of the University of South Florida; one
65 member must be a representative of the College of Public Health
66 of the University of South Florida; one member must be a
67 representative of the Florida Society of Clinical Oncology; one
68 member must be a representative of the Florida Obstetric and
69 Gynecologic Society who has had training in the specialty of
70 gynecologic oncology; one member must be from the Florida
71 Ovarian Cancer Alliance Speaks (FOCAS) organization; one member
72 must be a representative of the Florida Medical Association; one
73 member must be a member of the Florida Pediatric Society; one
74 member must be a representative of the Florida Radiological

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1085 (2011)

Amendment No. 1

75 Society; one member must be a representative of the Florida
76 Society of Pathologists; one member must be a representative of
77 the H. Lee Moffitt Cancer Center and Research Institute, Inc.;
78 three members must be representatives of the general public
79 acting as consumer advocates; one member must be a member of the
80 House of Representatives appointed by the Speaker of the House
81 of Representatives; one member must be a member of the Senate
82 appointed by the President of the Senate; one member must be a
83 representative of the Florida Dental Association; one member
84 must be a representative of the Florida Hospital Association;
85 one member must be a representative of the Association of
86 Community Cancer Centers; one member shall be a representative
87 from a statutory teaching hospital affiliated with a community-
88 based cancer center; one member must be a representative of the
89 Florida Association of Pediatric Tumor Programs, Inc.; one
90 member must be a representative of the Cancer Information
91 Service; one member must be a representative of the Florida
92 Agricultural and Mechanical University Institute of Public
93 Health; and one member must be a representative of the Florida
94 Society of Oncology Social Workers. Of the members of the
95 council appointed by the Governor, at least 10 must be
96 individuals who are minority persons as defined by s.
97 288.703(3).

98 Section 3. This act shall take effect July 1, 2011.
99

100 -----
101 **T I T L E A M E N D M E N T**

102 Remove the entire title and insert:

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1085 (2011)

Amendment No. 1

103 An act relating to women's health; creating s. 381.9315,
104 F.S.; creating the Kelly Smith Gynecological and Ovarian Cancer
105 Education Awareness Act; establishing the Gynecological and
106 Ovarian Awareness Program in the Department of Health; requiring
107 the Department of Health to encourage health care providers and
108 organizations to disseminate and display information about
109 gynecological cancers; requiring the department to encourage
110 women to discuss risks of gynecologic cancers with their health
111 care providers; requiring the State Surgeon General to post on
112 the internet a link to the Centers for Disease Control and
113 Prevention's website; encouraging the Department of Health to
114 seek any available funds to promote gynecological cancer
115 awareness; encouraging the Department of Health to collaborate
116 with other entities to create a systematic approach to
117 increasing public awareness regarding gynecologic cancers;
118 providing an effective date.

119 WHEREAS, it is in the interest of the State of Florida to
120 reduce the number of women dying prematurely from cancer and
121 other deadly diseases through education, research, better health
122 care, and other means, and

123 WHEREAS, a coordinated education and awareness program
124 developed by the department is needed to reduce the number of
125 women in the state who die from gynecologic cancers, and

126 WHEREAS, each year in Florida more than 4,500 women are
127 diagnosed with and 1,700 women die from gynecologic cancers, and

128 WHEREAS, ovarian cancer causes more deaths than any other
129 gynecologic cancer and ranks fourth as a cause of cancer deaths
130 among women in the state, and

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1085 (2011)

Amendment No. 1

131 WHEREAS, when ovarian cancer is found and treated in its
132 earliest stages, the 5-year survival rate is 95 percent, and

133 WHEREAS, most women who suffer from ovarian cancer are not
134 diagnosed until the later stages when the disease has spread and
135 the 5-year survival rate is decreased to 46 percent, and

136 WHEREAS, approximately half of deaths from ovarian cancer
137 occur in women over the age of 55 and approximately one-quarter
138 of deaths from ovarian cancer occur in women between 35 and 54
139 years of age, and

140 WHEREAS, because early detection and treatment often mean
141 the difference between life and death, it is important to
142 increase awareness of the factors that put women at a higher
143 risk for gynecologic cancers and educate women regarding the
144 symptoms of ovarian and other forms of gynecologic cancers and
145 the range of treatment options available to them, NOW,
146 THEREFORE,