

SB 394 by Gibson; (Similar to CS/H 0303) Licensing of Facilities that offer Health and Human Services

295446	A	S	RCS	AHS, Gibson	Delete L.30 - 57:	03/17 05:04 PM
946646	A	S	RCS	AHS, Gibson	Delete L.80 - 81:	03/17 05:04 PM

CS/SB 574 by CF, Sobel; (Similar to CS/CS/H 0159) Establishment of Mental Health First Aid Training Program

779658	A	S	RCS	AHS, Sobel	btw L.52 - 53:	03/17 05:04 PM
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COMMITTEE MEETING EXPANDED AGENDA**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**

Senator Grimsley, Chair
Senator Flores, Vice Chair

MEETING DATE: Monday, March 17, 2014
TIME: 2:45 —4:15 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Grimsley, Chair; Senator Flores, Vice Chair; Senators Bean, Benacquisto, Galvano, Garcia, Gibson, Lee, Montford, Richter, Smith, Sobel, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 394 Gibson (Similar CS/H 303, Compare H 7069)	Licensing of Facilities that offer Health and Human Services; Requiring a family day care home to conspicuously display its license or registration in the common area of the home, to provide proof of a written plan that identifies a designated substitute for the operator, and to provide proof of screening and background checks for certain individuals; prohibiting the advertising of a child care facility, family day care home, or large family day care home unless it is licensed or registered, etc. CF 02/04/2014 Favorable AHS 03/17/2014 Fav/CS AP	Fav/CS Yeas 13 Nays 0
2	CS/SB 574 Children, Families, and Elder Affairs / Sobel (Similar CS/CS/H 159)	Establishment of Mental Health First Aid Training Program; Requiring the Department of Children and Families to establish a mental health first aid training program; providing for a mental health first aid course to be offered by behavioral health managing entities or other community providers; requiring instructors to be certified; providing for expiration of the program, etc. CF 02/04/2014 Fav/CS AHS 03/05/2014 AHS 03/17/2014 Fav/CS AP	Fav/CS Yeas 13 Nays 0

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
State Surgeon General			
3	Armstrong, John H. (Ocala)	Pleasure of Governor	Recommend Confirm Yeas 12 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on Health and Human Services
Monday, March 17, 2014, 2:45 —4:15 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	Review and Discussion of Fiscal Year 2014-2015 Budget Issues relating to: Agency for Health Care Administration Agency for Persons with Disabilities Department of Children and Family Services Department of Elder Affairs Department of Health Department of Veterans' Affairs		Not Considered
Other Related Meeting Documents			



295446

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2014	.	
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	.	

Appropriations Subcommittee on Health and Human Services
(Gibson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 30 - 57

and insert:

Section 1. Subsections (1), (2), (5), and (8) of section
402.302, Florida Statutes, are amended to read:

402.302 Definitions.—As used in this chapter, the term:

(1) "Child care" means the care, protection, and
supervision of a child, for ~~a period of~~ less than 24 hours a day
on a regular basis, which supplements parental care, enrichment,



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11 and health supervision for the child, in accordance with his or
12 her individual needs, ~~and for which a payment, fee, or grant is~~
13 ~~made for care.~~

14 (2) "Child care facility" means ~~includes any~~ child care
15 center or child care arrangement that ~~which~~ provides child care
16 for more than four ~~five~~ children unrelated to the operator and
17 which receives a payment, fee, or grant for any of the children
18 receiving care, wherever operated, and whether or not operated
19 for profit. The following are not included:

20 (a) Public schools and nonpublic schools and their integral
21 programs, except as provided in s. 402.3025;

22 (b) Summer camps having children in full-time residence;

23 (c) Summer day camps;

24 (d) Bible schools normally conducted during vacation
25 periods; and

26 (e) Operators of transient establishments, ~~as defined in~~
27 ~~chapter 509,~~ which provide child care services solely for the
28 guests of their establishment or resort, if ~~provided that~~ all
29 child care personnel of the establishment or resort are screened
30 according to the level 2 screening requirements of chapter 435.

31 (5) "Department" means the Department of Children and
32 Families ~~Family Services.~~

33 (8) "Family day care home" means an occupied residence in
34 which child care is regularly provided for children from at
35 least two unrelated families ~~and which receives a payment, fee,~~
36 ~~or grant for any of the children receiving care, whether or not~~
37 ~~operated for profit.~~ Household children under 13 years of age,
38 when on the premises of the family day care home or on a field
39 trip with children enrolled in child care, are ~~shall be~~ included



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40 in the overall capacity of the licensed home. A family day care
41 home ~~may shall be allowed to~~ provide care for one of the
42 following groups of children, which includes ~~shall include~~
43 household children under 13 years of age:

44 (a) A maximum of four children from birth to 12 months of
45 age.

46 (b) A maximum of three children from birth to 12 months of
47 age, and other children, for a maximum total of six children.

48 (c) A maximum of six preschool children if all are older
49 than 12 months of age.

50 (d) A maximum of 10 children if no more than 5 are
51 preschool age and, of those 5, no more than 2 are under 12
52 months of age.

53
54 ===== T I T L E A M E N D M E N T =====

55 And the title is amended as follows:

56 Delete lines 4 - 10

57 and insert:

58 F.S.; redefining terms; conforming terminology;
59 amending ss.



946646

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2014	.	
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	.	

Appropriations Subcommittee on Health and Human Services
(Gibson) recommended the following:

Senate Amendment

Delete lines 80 - 81

and insert:

5. Proof of screening and background checks for the operator, child care personnel as defined in subsection (3), and the designated substitute.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Health and Human Services

BILL: CS/SB 394

INTRODUCER: Appropriations Subcommittee on Health and Human Services and Senator Gibson

SUBJECT: Licensing of Facilities that offer Health and Human Services

DATE: March 18, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Crosier	Hendon	CF	Favorable
2.	Brown	Pigott	AHS	Fav/CS
3.			AP	

I. Summary:

CS/SB 394 redefines the term “child care” to remove from statute the stipulation that child care is delivered only when payment is made for services rendered. The bill also removes the payment stipulation from the definition of “family day care home.” The bill redefines “child care facility” to provide that a child care center or child care arrangement meets the definition by providing child care for five or more children unrelated to the operator rather than for six or more.

The bill requires a family day care home to conspicuously display its license or registration in the common area of the home. The bill requires a large family child care home to permanently post its license in a conspicuous location visible to parents, guardians, and the Department of Children and Families (DCF).

The bill provides that family day care homes not subject to licensing must provide the DCF with the identity of the competent adult who has met the DCF’s screening and training requirements to serve as a designated substitute for the operator in an emergency. The bill provides that family day care homes not subject to licensing must provide proof of screening and background checks for the operator, child care personnel, and the designated substitute.

The bill repeals the \$100 cap on the licensure fee for child care facilities. Finally, the bill amends statutory provisions related to restrictions on the advertising of certain facilities and homes.

The bill is estimated to result in small increases in revenue for the state and certain local governments due to increased licensure fees and result in an insignificant increase in the DCF’s workload that can be absorbed within existing resources.

II. Present Situation:

Child care can be provided in many different settings in exchange for payment. There are also settings that allow for the provision of child care services without payment, such as public and nonpublic schools, summer camps with children as full-time residents, summer day camps, Bible schools, and care offered at a public lodging establishment solely for guests of the public lodging establishment. Statutory provisions governing child care and child care facilities are found in ss. 402.301-402.319, F.S.

According to the U.S. Department of Health & Human Services, in 2011, licenses were issued to approximately 6,750 child care facilities, 3,327 family child care homes, and 412 group child care homes in Florida.¹ The definition of “child care” is the care, protection, and supervision of a child for a period of less than 24 hours a day on a regular basis that supplements parental care, enrichment, and health supervision for the child, in accordance with the child’s needs, in exchange for a payment, fee, or grant.²

Types of Facilities

“Child care facility” is defined as a child care center or child care arrangement for providing child care for more than five children unrelated to the operator in exchange for a payment, fee, or grant for any of the children receiving care, regardless of where the facility is operated and whether or not it is operated for profit.³ The terms “child care center” and “child care arrangement” are not defined, and the statutory definition of “child care facility” does not specify whether a home or residence may qualify as a child care facility. Child care facilities are required to be licensed, subject to annual renewal.⁴

The bill deals with child care facilities and the following types of “homes:”

- Family day care homes: A family day care home is an occupied residence in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, regardless of whether or not it is operated for profit. A family day care home is restricted to providing care for a specified capacity of children depending on their ages.⁵ A family day care home is required to obtain a license from the Department of Children and Families (DCF) only if the home is required to be licensed by the county in which the home is situated. Homes that are not required to be licensed are required to register annually with the DCF and provide certain information, including proof of screening and background checks.⁶ However, the statute does not identify who is subject to the screenings or background checks.
- Large family child care homes: A large family child care home is an occupied residence in which child care is regularly provided for children from at least two unrelated families,

¹ U.S. Department of Health & Human Services, *Administration for Children*, available at <https://childcare.gov/resource/number-licensed-child-care-facilities-2011> (follow attachment Number of Child Care Facilities in 2011) (last visited Jan. 24, 2014).

² Section 402.302(1), F.S.

³ Section 402.302(2), F.S.

⁴ Section 402.308(1), F.S.

⁵ Section 402.302(8), F.S.

⁶ Section 402.313(1), F.S.

which receives a payment, fee, or grant for any of the children receiving care, regardless of whether or not it is operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation, one of whom must be the owner or an occupant of the residence. In order to become a large family child care home, a home must first have operated as a licensed family day care home for two years, with an operator who has had a child development associate credential or its equivalent for one year. A large family child care home is restricted to providing care for a specified capacity of children depending on their ages,⁷ and is required to obtain licensure from the DCF.⁸

Licensure and Registration Fees

The DCF must collect a fee for any license it issues for a child care facility, family day care home, or large family child care home.⁹ The fee for a child care facility licensed under s. 402.305, F.S., is \$1 per child based on the licensed capacity of the facility, with a minimum fee of \$25 per facility and a maximum fee of \$100 per facility.¹⁰ The fee is \$25 for a family day care home subject to registration,¹¹ and the fee is \$50 for a family day care home subject to licensure.¹² The fee is \$60 for a licensed large family child care home.¹³

Restrictions on Advertising

Section 402.318, F.S., provides that a person¹⁴ may not advertise a child care facility, a family day care home, or a large family child care home without including within the advertisement the state or local agency license number or registration number of the facility or home. A violation of this prohibition is a misdemeanor of the first degree.¹⁵

Exemptions

Section 402.316, F.S., provides that certain child care facilities are exempt from ss. 402.301-402.319, F.S., except for the requirements regarding screening of child care personnel.¹⁶ An exempt facility is a child care facility that is an integral part of a church school or parochial school conducting regularly scheduled classes, courses of study, or educational programs accredited by, or by a member of, an organization that publishes and requires compliance with its standards for health, safety, and sanitation.

⁷ Section 402.302(11), F.S.

⁸ Section 402.3131(1), F.S.

⁹ Section 402.315(3), F.S.

¹⁰ Section 402.315(3)(a), F.S.

¹¹ Section 402.315(3)(b), F.S.

¹² Section 402.315(3)(c), F.S.

¹³ Section 402.315(3)(d), F.S.

¹⁴ Section 402.318, F.S., specifies that “person” is defined in s. 1.01(3), F.S., which provides that “person” includes individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

¹⁵ Section 402.318, F.S.

¹⁶ Section 402.305(2)(a), F.S., provides minimum standards regarding child care personnel for licensed child care facilities, including good moral character based upon screening. The required screening must be conducted using level 2 standards as provided in ch. 435, F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 402.302, F.S., to remove from statute the stipulation that “child care” is delivered only when payment is made for services rendered. The bill also amends the definition of “child care facility” to provide that a child care center or child care arrangement qualifies as a child care facility by providing child care to five or more children, instead of six or more, among other stipulations in current law.

The bill also removes from the definition of “family day care home” the stipulation that a payment, fee, or grant must be provided in exchange for child care services. The Department of Children and Families reports that this statutory amendment will address the problem of a small number of providers and parents in family day care home settings who accept payment for child care services but fail to report the payment, thereby circumventing the statutory requirements to be regulated either by licensure or registration.¹⁷

Section 2 amends s. 402.313(1), F.S., to require that each licensed or registered family day care home must conspicuously display its license or registration in the common area of the home. Under the bill, a family day care home required to register must provide – in addition to the currently required information – proof of a written plan to identify a competent adult who has met DCF’s screening and training requirements to serve as a designated substitute for the operator of the home in an emergency. The bill also specifies that the proof of screening and background checks required of homes in the registration process must pertain to the operator, child care personnel as defined in s. 402.313(3), F.S.,¹⁸ and the designated substitute.

Section 3 amends s. 402.3131, F.S., to require a large family child care home to permanently post its license in a conspicuous location that is visible by all parents and guardians and the DCF.

Section 4 amends s. 402.315(3), F.S. to remove the \$100 cap on licensure fees for child care facilities, which will result in the fee being limited only by a facility’s licensed capacity, at a fee of \$1 per child.

Section 5 amends s. 402.318, F.S., to provide that a person advertising a child care facility that is exempt from licensing requirements under s. 402.316, F.S., is subject to the advertising restrictions contained in s. 402.318, F.S. The bill also specifies that the term “advertisement” includes, but is not limited to, the marketing of child care services to the public on vehicles, printed materials, and electronic media such as Internet sites, radio, and television.

Section 6 of the bill provides an effective date of July 1, 2014.

¹⁷ The Department of Children and Families, *2014 Agency Legislative Bill Analysis of SB 394*, January 2, 2014, on file with the Senate Appropriations Subcommittee on Health and Human Services.

¹⁸ Section 402.313(3), F.S., provides that child care personnel in family day care homes are subject to specified screening provisions. For those screening purposes, “child care personnel” includes any member over the age of 12 years of a family day care home operator’s family, or persons over the age of 12 years residing with the operator in the family day care home. Members of the operator’s family, or persons residing with the operator, who are between the ages of 12 years and 18 years are not required to be fingerprinted but must be screened for delinquency records.

IV. Fiscal Impact Statement:**A. Tax/Fee Issues:**

CS/SB 394 will require some family day care homes that are currently unregulated to pursue licensure or registration and pay fees identical to those currently paid by homes already required to register or be licensed.

The elimination of the \$100 cap on licensure fees paid by child care facilities will impact facilities with a capacity of more than 100 children when seeking or renewing licensure. The DCF reports that it regulates 1,674 facilities with a capacity greater than 100.

B. Private Sector Impact:

New costs will be imposed on some currently unregulated family day care homes as those homes will be required to meet applicable state child care standards.

C. Government Sector Impact:***State Government***

The DCF estimates that additional state revenue collected due to the elimination of the \$100 cap on child care facility licensure fees will be \$115,603 annually.¹⁹

The DCF estimates that the number of child care arrangements that are providing child care services in a family day care home setting but are avoiding licensure or registration by failing to report compensation, is small.²⁰ Therefore, the administrative functions required of the DCF under CS/SB 394 are expected to be absorbed within existing resources.

Local Government

The DCF reports that five counties function as local licensing agencies for child care facilities, and the DCF estimates that the additional local revenue collected due to the elimination of the \$100 cap on child care facility licensure fees will be \$72,725 annually.²¹

V. Technical Deficiencies:

None.

VI. Related Issues:

Section 5 of the bill provides that a person may not advertise a child care facility that is exempt from licensing requirements under s. 402.316, F.S., without including within the advertisement the facility's "exemption number." However, there is no provision in statute or the bill for an

¹⁹ Supra, note 17.

²⁰ Supra, note 17.

²¹ Supra, note 17.

exempt facility to be issued an “exemption number.” Section 402.316(3), F.S., provides that an exempt facility wishing to be included under ss. 402.301-402.319, F.S., may do so by submitting notification to the DCF, but there is no statutory requirement for an exempt facility to notify the DCF for any reason, including notification that the facility is operating under the exemption. The DCF reports that exempt facilities routinely provide notification on a voluntary basis that they are operating under the exemption. Under those conditions, the DCF will provide an exemption number, but exempt facilities are not statutorily required to provide notification. The provisions in Section 5 of the bill could be interpreted to require that before an exempt facility may legally advertise, it must notify the DCF that it is operating under the exemption and be granted an exemption number, which the facility is not required to obtain under current law.

VII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 402.302, 402.313, 402.3131, 402.315, and 402.318.

VIII. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on Health and Human Services on March 17, 2014:

- The CS removes from the bill a change to the definition of “child care facility” that would eliminate the stipulation that payment must be exchanged for the provision of child care services in order for a child care center or child care arrangement to qualify as a child care facility.
- The CS redefines “family day care home” to eliminate the stipulation that payment must be exchanged for the provision of child care services in order for an occupied residence to qualify as a family day care home.
- The CS removes “each household member” from the list of persons for whom a registered family day care home must provide proof of screening and background checks. The CS replaces “each household member” with certain “child care personnel” in the list.

B. Amendments:

None.

By Senator Gibson

9-00225D-14

2014394__

A bill to be entitled

An act relating to the licensing of facilities that offer health and human services; amending s. 402.302, F.S.; redefining the term "child care" to include a person or facility that does not receive compensation; redefining the term "child care facility" to include a child care center or child care arrangement that does not receive compensation and provides child care for more than four, rather than five, children unrelated to the operator; conforming terminology; amending ss. 402.313, F.S.; requiring a family day care home to conspicuously display its license or registration in the common area of the home, to provide proof of a written plan that identifies a designated substitute for the operator, and to provide proof of screening and background checks for certain individuals; amending s. 402.3131, F.S.; requiring a large family child care home to permanently post its license in a conspicuous location that is visible by all parents and guardians and the department; amending s. 402.315, F.S.; revising the licensing fee for a child care facility that has certain licensed capacity; amending s. 402.318, F.S.; prohibiting the advertising of a child care facility, family day care home, or large family day care home unless it is licensed or registered; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

9-00225D-14

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Section 1. Subsections (1), (2), and (5) of section 402.302, Florida Statutes, are amended to read:

402.302 Definitions.—As used in this chapter, the term:

(1) "Child care" means the care, protection, and supervision of a child, for ~~a period of~~ less than 24 hours a day on a regular basis, which supplements parental care, enrichment, and health supervision for the child, in accordance with his or her individual needs, ~~and for which a payment, fee, or grant is made for care.~~

(2) "Child care facility" means a ~~includes any~~ child care center or child care arrangement that ~~which~~ provides child care for more than four ~~five~~ children unrelated to the operator ~~and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.~~ The following are not included:

(a) Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025;

(b) Summer camps having children in full-time residence;

(c) Summer day camps;

(d) Bible schools normally conducted during vacation periods; and

(e) Operators of transient establishments, ~~as defined in chapter 509,~~ which provide child care services solely for the guests of their establishment or resort, ~~if provided that~~ all child care personnel of the establishment or resort are screened according to the level 2 screening requirements of chapter 435.

(5) "Department" means the Department of Children and Families ~~Family Services.~~

Section 2. Subsection (1) of section 402.313, Florida

Page 2 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 Statutes, is amended to read:

60 402.313 Family day care homes.-

61 (1) A family day care home must ~~homes shall~~ be licensed
62 under this ~~section act~~ if it is ~~they are~~ presently being
63 licensed under an existing county licensing ordinance or if the
64 board of county commissioners passes a resolution that family
65 day care homes be licensed. Each licensed or registered family
66 day care home must conspicuously display its license or
67 registration in the common area of the home.

68 (a) If not subject to license, a family day care home must
69 ~~homes shall~~ register annually with the department and provide,
70 ~~providing~~ the following information:

71 1. The name and address of the home.

72 2. The name of the operator.

73 3. The number of children served.

74 4. Proof of a written plan to identify a provide at least
75 ~~one other~~ competent adult who has met the screening and training
76 requirements of the department to serve as a designated
77 substitute to be available to substitute for the operator in an
78 emergency. This plan must shall include the name, address, and
79 telephone number of the designated substitute.

80 5. Proof of screening and background checks for the
81 operator, each household member, and the designated substitute.

82 6. Proof of successful completion of the 30-hour training
83 course, as evidenced by passage of a competency examination,
84 which must shall include:

85 a. State and local rules and regulations that govern child
86 care.

87 b. Health, safety, and nutrition.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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88 c. Identifying and reporting child abuse and neglect.

89 d. Child development, including typical and atypical
90 language development; and cognitive, motor, social, and self-
91 help skills development.

92 e. Observation of developmental behaviors, including using
93 a checklist or other similar observation tools and techniques to
94 determine a child's developmental level.

95 f. Specialized areas, including early literacy and language
96 development of children from birth to 5 years of age, as
97 determined by the department, for owner-operators of family day
98 care homes.

99 7. Proof that immunization records are kept current.

100 8. Proof of completion of the required continuing education
101 units or clock hours.

102 (b) A family day care home may volunteer to be licensed
103 ~~under this act.~~

104 (c) The department may provide technical assistance to
105 counties and family day care home providers to enable counties
106 and family day care providers to achieve compliance with family
107 day care homes standards.

108 Section 3. Subsection (1) of section 402.3131, Florida
109 Statutes, is amended to read:

110 402.3131 Large family child care homes.-

111 (1) A large family child care home must ~~homes shall~~ be
112 licensed under this section and permanently post its license in
113 a conspicuous location that is visible by all parents and
114 guardians and the department.

115 (a) A licensed family day care home must first have
116 operated for a minimum of 2 consecutive years, with an operator

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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117 who has had a child development associate credential or its
118 equivalent for 1 year, before seeking licensure as a large
119 family child care home.

120 (b) The department may provide technical assistance to
121 counties and family day care home providers to enable the
122 counties and providers to achieve compliance with minimum
123 standards for large family child care homes.

124 Section 4. Subsection (3) of section 402.315, Florida
125 Statutes, is amended to read:

126 402.315 Funding; license fees.—

127 (3) The department shall collect a fee for a any license it
128 issues for a child care facility, family day care home, or large
129 family child care home under ~~pursuant to~~ ss. 402.305, 402.313,
130 and 402.3131.

131 (a) For a child care facility licensed under ~~pursuant to~~ s.
132 402.305, the such fee is shall be \$1 per child, based on the
133 licensed capacity of the facility. However, if a facility has a
134 licensed capacity of 25 children or fewer, except that the
135 minimum fee is shall be \$25 per facility and the maximum fee
136 shall be \$100 per facility.

137 (b) For a family day care home registered under ~~pursuant to~~
138 s. 402.313, the such fee is shall be \$25.

139 (c) For a family day care home licensed under ~~pursuant to~~
140 s. 402.313, the such fee is shall be \$50.

141 (d) For a large family child care home licensed under
142 ~~pursuant to~~ s. 402.3131, the such fee is shall be \$60.

143 Section 5. Section 402.318, Florida Statutes, is amended to
144 read:

145 402.318 Advertisement.—A person, as defined in s. 1.01 ~~s.~~

9-00225D-14

2014394__

146 ~~1.01(3)~~, may not advertise a child care facility as defined in
147 s. 402.302, a child care facility that is exempt from licensing
148 requirements pursuant to s. 402.316, a family day care home as
149 defined in s. 402.302, or a large family child care home as
150 defined in s. 402.302 without including within such
151 advertisement the state or local agency license number,
152 exemption number, or registration number of the such facility or
153 home. As used in this section, the term "advertisement"
154 includes, but is not limited to, the marketing of child care
155 services to the public on vehicles; print materials; electronic
156 media, including Internet sites; and radio and television
157 announcements. A person who violates ~~Violation of~~ this section
158 commits is a misdemeanor of the first degree, punishable as
159 provided in s. 775.082 or s. 775.083.

160 Section 6. This act shall take effect July 1, 2014.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Military and Veterans Affairs, Space, and Domestic Security, *Vice Chair*
Appropriations Subcommittee on Health and Human Services
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Communications, Energy, and Public Utilities
Criminal Justice
Regulated Industries

SELECT COMMITTEE:
Select Committee on Patient Protection and Affordable Care Act

SENATOR AUDREY GIBSON
9th District

February 4, 2014

Senator Denise Grimsley, Chair
Appropriations Subcommittee on Health and Human Services
201 The Capitol
404 South Monroe Street
Tallahassee, Florida 32399-1100

Chair Grimsley: *Denise*

I respectfully request that SB 394, relating to licensing of facilities that offer Health and Human Services, be placed on the next committee agenda.

SB 394, prohibits a child care facility or family day care home from advertising unless it is licensed or registered. SB 394 passed out of the Children, Families, and Elder Affairs Committee unanimously.

Thank you for your time and consideration.

Sincerely,

Audrey
Audrey Gibson
State Senator

District 9

REPLY TO:

- 101 E. Union Street, Suite 104, Jacksonville, Florida 32202 (904) 359-2553 FAX: (904) 359-2532
- 205 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5009

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR AUDREY GIBSON
9th District

COMMITTEES:
Military and Veterans Affairs, Space, and Domestic Security, *Vice Chair*
Appropriations Subcommittee on Health and Human Services
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Communications, Energy, and Public Utilities
Criminal Justice
Regulated Industries

SELECT COMMITTEE:
Select Committee on Patient Protection and Affordable Care Act

February 13, 2014

Senator Denise Grimsley, Chair
Appropriations Subcommittee on Health and Human Services
201 The Capitol
404 South Monroe Street
Tallahassee, Florida 32399-1100

Chair Grimsley: *Denise*

I respectfully request that SB 394, relating to licensing of facilities that offer Health and Human Services, be placed on the next committee agenda.

I intend to file an amendment at the Appropriations Subcommittee on Health and Human Services stop to ensure national organizations and community type programs that provide "childcare" to assuage places like Boys and Girls Club, Parents Night Out, Mothers Morning Out, Fitness Gyms, etc. will not require registration or licensure.

SB 394, prohibits a child care facility or family day care home from advertising unless it is licensed or registered. SB 394 passed out of the Children, Families, and Elder Affairs Committee unanimously.

Thank you for your time and consideration.

Sincerely,

Audrey
Audrey Gibson
State Senator

District 9

REPLY TO:

- 101 E. Union Street, Suite 104, Jacksonville, Florida 32202 (904) 359-2553 FAX: (904) 359-2532
- 205 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5009

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore



779658

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/17/2014	.	
	.	
	.	
	.	

Appropriations Subcommittee on Health and Human Services (Sobel)
recommended the following:

Senate Amendment (with title amendment)

Between lines 52 and 53
insert:

Section 2. For the 2014-2015 fiscal year, the nonrecurring sum of \$300,000 from the Federal Grants Trust Fund is appropriated to the Department of Children and Families to implement the provisions of this act.

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



779658

11 And the title is amended as follows:
12 Between lines 11 and 12
13 insert:
14 providing an appropriation;

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Health and Human Services

BILL: CS/CS/SB 574

INTRODUCER: Appropriations Subcommittee on Health and Human Services; Children, Families, and Elder Affairs Committee; and Senator Sobel

SUBJECT: Establishment of Mental Health First Aid Training Program

DATE: March 18, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Crosier</u>	<u>Hendon</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Brown</u>	<u>Pigott</u>	<u>AHS</u>	<u>Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 574 requires the Department of Children and Families (DCF) to establish a mental health first aid training program. The program is intended to help members of the public identify and understand the signs of mental illness and substance use disorders and provide skills for individuals to help a person who is developing or experiencing a mental health or substance use problem.

The bill directs the DCF to establish the program through contracts with behavioral health managing entities¹ or other appropriate community providers, with first priority for the training to be given to school staff.

The bill requires the DCF to submit a report on the program to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2015.

The bill appropriates \$300,000 from the DCF's Federal Grants Trust Fund for the program's implementation.

¹ See s. 394.9082, F.S. A managing entity is a not-for-profit corporation organized in Florida and is under contract with the DCF on a regional basis to manage the day-to-day operational delivery of behavioral health services through an organized system of care and a network of providers who are contracted with the managing entity to provide a comprehensive array of emergency, acute care, residential, outpatient, recovery support, and consumer support services related to behavioral health.

II. Present Situation:

The Mental Health First Aid program (MHFA) is an education program brought to the U.S. through a collaborative effort between the National Council for Community Behavioral Healthcare, the Maryland State Department of Health and Mental Hygiene, and the Missouri Department of Mental Health.² In the U.S., the program is managed, operated and disseminated by these same entities under the name of Mental Health First Aid USA. Florida's Department of Children and Families (DCF) makes reference to MHFA on the department's web page entitled, "Other Disaster Behavioral Health Response Resources"³ and provides a link to the MHFA USA website.

Coursework

MHFA is an eight-hour course for members of the general public that presents an overview of mental illness and substance use disorders. The course is designed to introduce participants to risk factors and warning signs of mental health problems, build understanding of their impact, and teach participants how to assist someone experiencing a mental health related crisis.⁴

Specifically, the coursework includes:

- Potential risk factors and warning signs for a range of mental health problems, including: depression, anxiety/trauma, psychosis, eating disorders, substance use disorders and self-injury;
- An understanding of the prevalence of various mental health disorders in the U.S. and the need for reduced stigma in their communities;
- A five-step action plan encompassing skills, resources, and knowledge to assess a potential crisis situation, to select and implement appropriate interventions, and to help an individual in crisis connect with appropriate professional care; and
- Professional, peer, social, and self-help resources available to help someone with a mental health problem.⁵

There are separate MHFA courses focused on adults and youth. Between the dates of March 17, 2014, and October 16, 2014, MHFA courses are scheduled to be provided to the general public on 13 occasions by seven private-sector organizations and one public school district in six Florida cities.⁶

Becoming Certified Instructor

The MHFA coursework must be taught by an instructor certified by MHFA USA. Instructors are required to complete a five-day instructor training program and pass a written exam for certification. The MHFA instructor training is taught by two authorized MHFA trainers. Tuition

² Florida Council for Community Mental Health, *Other States' Mental Health First Aid Initiatives* (Feb. 15, 2013) available at <http://www.fccmh.org/resources/docs/OtherStatesMHFAInitiatives2-15-13.pdf> (last visited Jan. 27, 2014).

³ See <http://www.myflfamilies.com/service-programs/mental-health/disaster-other-resources> (last visited February 27, 2014).

⁴ See <http://www.mentalhealthfirstaid.org/cs/take-a-course/what-you-learn/> (last visited February 27, 2014).

⁵ *Id.*

⁶ See <http://www.mentalhealthfirstaid.org/cs/take-a-course/find-a-course/> (last visited March 10, 2014).

for the instructor course is \$2,000 per person. Once certified, instructors must teach the course at least three times per year to maintain certification.⁷

MHFA instructor training is provided at various sites throughout the country. According to the MHFA USA website, 20 instructor training sessions will be held in the U.S. between the dates of March 17, 2014, and August 25, 2014. None of these instructor training sessions are scheduled within the state of Florida.⁸

MHFA Programs in Other States

Arizona, Colorado, Georgia, Maryland, and Missouri have statewide programs requiring some individuals to complete MHFA coursework as part of their jobs.⁹ Mental Health First Aid Colorado is implemented through a statewide private-public partnership of local mental health centers, the Colorado Department of Public Safety, the Colorado Sheriff's Association, the Colorado Division of Behavioral Health, Mental Health America of Colorado, and the Western Interstate Commission for Higher Education.

MHFA at the National Level

The federal Mental Health First Aid Act of 2013 (S. 153 / H.R. 274) was introduced in the U.S. House of Representatives by Rep. Ron Barber of Arizona and in the U.S. Senate by Senators Mark Begich of Alaska and Kelly Ayotte of New Hampshire, to authorize \$20 million in grants to fund MHFA programs across the country.

President Barack Obama has also supported MHFA. In his report, *Now Is the Time: The President's Plan to Protect our Children and our Communities by Reducing Gun Violence*, published January 16, 2013, the President called for \$15 million of federal spending to fund MHFA coursework for teachers and other adults who interact with youth to detect and respond to mental illness in children and young adults, including how to encourage adolescents and families experiencing these problems to seek treatment.¹⁰

Similar Programs Currently in Florida

Starting in March 2013, the Miami-Dade school district began training each of its middle school and high school teachers to identify early warning signs of mental illness through a program called "Typical or Troubled?" The program was created by the American Psychiatric Foundation and is provided at no cost to the district.¹¹

⁷ See <http://www.mentalhealthfirstaid.org/cs/become-an-instructor/certification-process/> (last visited February 27, 2014). The tuition cost is reduced to \$1,850 for members of the National Council for Behavioral Health.

⁸ Mental Health First Aid: *Become an Instructor*, available at <http://www.mentalhealthfirstaid.org/cs/become-an-instructor/find-upcoming-instructor-training-courses> (last visited March 10, 2014).

⁹ Florida Council for Community Mental Health, *Other States' Mental Health Aid Initiatives* (Feb. 15, 2013) available at <http://www.fccmh.org/resources/docs/OtherStatesMHFAInitiatives2-15-13.pdf> (last visited Jan. 29, 2014).

¹⁰ See <http://www.whitehouse.gov/issues/preventing-gun-violence> (last visited Feb. 27, 2014).

¹¹ The Miami Herald, *Miami-Dade Teachers to Receive Mental Illness Training*, (Jan. 27, 2013), <http://www.miamiherald.com/2013/01/27/3204016/miami-dade-teachers-to-receive.html> (last visited Jan. 29, 2014).

The Mental Health Association of Palm Beach has created a new training for primary care providers that will integrate primary and behavioral health services in the community. The program helps pediatric primary care providers to proactively identify respond to potential and current mental health issues that exist in infants, children and adolescents.¹²

The National Alliance on Mental Illness (NAMI) is the nation's largest grassroots mental health organization dedicated to building better lives for the millions of Americans affected by mental illness. NAMI/Florida is an affiliate of this organization.¹³ NAMI/Florida offers a program called "Parents & Teachers as Allies," which is a two-hour mental health education program for school professionals. This program focuses on helping school professionals and families within the school community better understand the early warning signs of mental illness in children and adolescents and how best to intervene so youth with mental health treatment needs are linked with services.¹⁴

III. Effect of Proposed Changes:

Section 1 of the bill requires the Department of Children and Families (DCF) to establish a mental health first aid training program. The DCF is directed to ensure that instructors in the training program have been certified by a national authority on mental health first aid programs.

The program is intended to help the public identify and understand the signs of mental illnesses and substance use disorders and provide the public with skills to help a person who is developing or experiencing a mental health or substance use problem.

The program must provide an interactive mental health first aid training course through contracts with behavioral health managing entities or other appropriate community providers. The bill requires the contracting entity to work cooperatively with local school districts to give first priority for training to the staff in schools, when appropriate.

The bill requires the mental health first aid training program to include, but not be limited to:

- An overview of mental illnesses and substance use disorders and the need to reduce the stigma of mental illness;
- Information on the potential risk factors and warning signs of mental illnesses or substance use disorders, including depression, anxiety, psychosis, eating disorders, and self-injury, as well as common treatments for those conditions; and
- An action plan that encompasses the skills, resources, and knowledge to assess a potential crisis situation, implement appropriate interventions, and help an individual with appropriate professional, peer, social, or self-help care.

The bill requires the DCF to submit a report, no later than December 31, 2016, to the Governor, the President of the Senate, and the Speaker of the House of Representatives, on the

¹² Be Merge: Behavioral and Primary Care Integration Project, available at <http://www.mhapbc.org/Programs> (last visited Jan. 29, 2014).

¹³ About NAMI, available at <http://www.nami.org> (last visited Jan. 29, 2014).

¹⁴ NAMI.org/parents and teachers: *NAMI Parents and Teachers as Allies: An In-Service Mental Health Education Program for School Professionals*, available at <http://www.nami.org/parentsandteachers> (last visited Jan. 29, 2014).

effectiveness of the program with recommendations regarding continued implementation. Section 1 of the bill expires on June 30, 2017.

Section 2 of the bill appropriates \$300,000 from the DCF's Federal Grants Trust Fund for the training program's implementation.

Section 3 of the bill provides an effective date of July 1, 2014.

IV. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There may be a cost of approximately \$16 for a person to enroll in the coursework.¹⁵ For an individual who seeks to become certified as an MHFA instructor, MHFA USA charges either \$2,000 or \$1,850 for instructor training.¹⁶ MHFA USA could experience an increased demand from individuals seeking to become certified MHFA instructors in Florida. Certified MHFA instructors in Florida could experience an increased demand for their services in teaching the course.

C. Government Sector Impact:

CS/CS/SB 574 appropriates \$300,000 in nonrecurring federal funds to DCF for the training program's implementation. The bill requires the DCF to create a mental health first aid training program through contracts with managing entities or other providers and to prioritize school personnel for participation, and the DCF's contracting entities will likely be expected to make MHFA courses available to school personnel and perhaps the general public. However, the bill does not specify how the contracts will be procured, how the funds should be spent, or what measurable outcomes the program is expected to produce. It is unclear whether the program will increase the supply of certified instructors in Florida who are available to teach MHFA courses to a greater extent than those currently available in the private sector. The bill does not specify who is responsible for paying the costs of the training, i.e. the individuals who participate or the program itself.

V. Technical Deficiencies:

None.

VI. Related Issues:

The bill requires the DCF to ensure that "instructors in the training program have been certified by a national authority on mental health first aid programs." At present, there is only one such

¹⁵ The Department of Children and Families, *2014 Agency Legislative Bill Analysis of SB 574*, on file with staff of the Appropriations Subcommittee on Health and Human Services.

¹⁶ *Supra*, note 7.

national authority – Mental Health First Aid USA – which owns the trademarked MHFA program.¹⁷

The bill requires the DCF to contract with behavioral health managing entities or “other appropriate community providers” in establishing the program. The bill gives no indication as to what would qualify an organization as an “appropriate community provider.”

The bill requires the DCF’s contracting entity to “work cooperatively with local schools to provide training to the staff in schools as a first priority, when appropriate.” Because the term “schools” is very broad, it is unclear what types of schools are being targeted with the term “local schools.” It is also unclear which conditions would render the prioritization of school personnel appropriate or inappropriate.

VII. Statutes Affected:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on Health and Human Services on March 17, 2014:

- The CS adds a new section to the bill that provides for an appropriation of \$300,000 in nonrecurring federal funds to the Department of Children and Families to implement the training program.

CS by Children, Families, and Elder Affairs on February 3, 2014:

- The CS removes from the bill the requirement for the Department of Children and Families to ensure that instructors in the training program have been certified by a national authority representing Mental Health First Aid USA. Instead, the CS requires that instructors be certified by a national authority on mental health first aid programs.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

¹⁷ *Supra*, note 15.

By the Committee on Children, Families, and Elder Affairs; and
Senator Sobel

586-01610-14

2014574c1

1 A bill to be entitled
2 An act relating to the establishment of a mental
3 health first aid training program; requiring the
4 Department of Children and Families to establish a
5 mental health first aid training program; providing
6 for a mental health first aid course to be offered by
7 behavioral health managing entities or other community
8 providers; providing program requirements; requiring
9 instructors to be certified; requiring the department
10 to submit a report to the Governor and the
11 Legislature; providing for expiration of the program;
12 providing an effective date.

13
14 Be It Enacted by the Legislature of the State of Florida:

15
16 Section 1. Mental health first aid training program.—

17 (1) The Department of Children and Families shall establish
18 a mental health first aid training program to help the public
19 identify and understand the signs of mental illness and
20 substance use disorders and to provide the public with skills to
21 help a person who is developing or experiencing a mental health
22 or substance use problem.

23 (2) The training program shall provide an interactive
24 mental health first aid training course through contracts with
25 behavioral health managing entities or other appropriate
26 community providers. The contracting entity shall work
27 cooperatively with local schools to provide training to the
28 staff in schools as a first priority, when appropriate.

29 (3) The training program must include, but is not limited

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

586-01610-14

2014574c1

30 to:
31 (a) An overview of mental illness and substance use
32 disorders and the need to reduce the stigma of mental illness.
33 (b) Information on the potential risk factors and warning
34 signs of mental illness or substance use disorders, including
35 depression, anxiety, psychosis, eating disorders, and self-
36 injury, and common treatments for those conditions.
37 (c) An action plan that encompasses the skills, resources,
38 and knowledge required to assess the situation, select and
39 implement appropriate interventions, and help an individual by
40 providing appropriate professional, peer, social, or self-help
41 care.
42 (4) The Department of Children and Families shall ensure
43 that instructors in the training program have been certified by
44 a national authority on mental health first aid programs.
45 (5) The Department of Children and Families shall submit a
46 report on the effectiveness of the mental health first aid
47 training program provided pursuant to this section, with
48 recommendations regarding continued implementation of the
49 program. The report shall be submitted to the Governor, the
50 President of the Senate, and the Speaker of the House of
51 Representatives by December 31, 2016.
52 (6) This section expires June 30, 2017.
53 Section 2. This act shall take effect July 1, 2014.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Children, Families, and Elder Affairs, *Chair*
Ethics and Elections, *Vice Chair*
Health Policy, *Vice Chair*
Appropriations
Appropriations Subcommittee on Health and Human Services
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Regulated Industries
Rules

SELECT COMMITTEE:
Select Committee on Patient Protection and Affordable Care Act, *Vice Chair*

SENATOR ELEANOR SOBEL
33rd District

February 6, 2014

Chair Denise Grimsley
Appropriations Subcommittee on Health and Human Services
306 Senate Office Building
404 South Monroe St.
Tallahassee, Florida 32399

Dear Chair Grimsley

This letter is to request that **SB 574** relating to the Establishment of a **Mental Health First Aid Training Program** be placed on the agenda of the next scheduled meeting of the Appropriations Subcommittee on Health and Human Services.

This proposed legislation would require the Department of Children and Families to establish a **Mental Health First Aid training program**. This would provide a mental health first aid course to be offered by behavioral health managing entities and other community providers. Additionally, this bill would require instructors of this program to be nationally certified. In the establishment of this program, community leaders such as teachers, youth service leaders, police and fire personnel would be able to identify such warning signs of depression, anxiety, eating disorders and self-harm and would be able to take action to help those suffering.

Thank you for your consideration of this request.

Respectfully

Eleanor Sobel
State Senator, 33rd District

SENATE APPROPRIATIONS RECEIVED
10 FEB -7 AM 9:50
SENT TO CHAIRMAN
STAFF DIR. STAFF

REPLY TO:
 The "Old" Library, First Floor, 2600 Hollywood Blvd., Hollywood, Florida 33020 (954) 924-3693 FAX: (954) 924-3695
 410 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR ELEANOR SOBEL

33rd District

COMMITTEES:

Children, Families, and Elder Affairs, *Chair*
Ethics and Elections, *Vice Chair*
Health Policy, *Vice Chair*
Appropriations
Appropriations Subcommittee on Health
and Human Services
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Regulated Industries
Rules

SELECT COMMITTEE:

Select Committee on Patient Protection
and Affordable Care Act, *Vice Chair*

February 27, 2014

Senator Denise Grimsley
Chair, Appropriations Subcommittee on
Health and Human Services
306 Senate Office Building
Tallahassee, Florida 32399

Dear Chair Grimsley,

This letter is to request that CS/SB 574 relating to "Mental Health First Aid" be placed on the agenda of the next scheduled meeting of your subcommittee.

This bill establishes a "Mental Health First Aid" treatment program to introduce participants to risk factors and warning signs of mental illnesses, builds understanding of their impact, and overviews community support systems. Certified program trainers complete a weeklong training program with a specific national curriculum that is currently operating in at least twelve states. Florida currently has 822 nationally certified counselors in "Mental Health First Aid."

Once trained, these certified trainers can offer an 8-hour course that uses role-playing and simulations to demonstrate how to identify the common risk factors and warning signs of specific types of illnesses, such as anxiety, depression, substance abuse, bipolar disorder, eating disorders, and schizophrenia. This bill also prepares people to give initial help in a mental health crisis. The program teaches participants how to connect persons to the appropriate professional, peer, social, and self-help care.

This bill will help to build parity with greater understanding between the physical health of the body and the mental health of the mind and could potentially save lives as well by preventing the kind of tragedies that occurred in Newtown, Massachusetts and Aurora, Colorado.

Thank you for your consideration of this request.

Respectfully,

A handwritten signature in black ink that reads "Eleanor Sobel".

Eleanor Sobel
Senator, 33rd District

REPLY TO:

- The "Old" Library, First Floor, 2600 Hollywood Blvd., Hollywood, Florida 33020 (954) 924-3693 FAX: (954) 924-3695
- 410 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

Senator Denise Grimsley
February 27, 2014
Page 2

Cc: Robin Auber, Committee Administrative Assistant

1030

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

John H. Armstrong

is duly appointed

**State Surgeon General,
Department of Health**

for a term beginning on the
Sixteenth day of May, A.D., 2013,
to serve at the pleasure of the Governor
and is subject to be confirmed by the Senate
during the next regular session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Nineteenth day of June, A.D., 2013.*

Ken Detzner

Secretary of State



If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA

2013 JUN 14 AM 9:17

County of Leon County

OFFICE OF NOTARIES
TALLAHASSEE, FL

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

State Surgeon General & Secretary of Health

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

John H. Armstrong
Signature
Sworn to and subscribed before me this 5th day of June, 2013.

Richard Hall
Signature of Officer Administering Oath or of Notary Public

Margaret Medina
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

688 SE 47th Loop
Street or Post Office Box
Ocala, FL 34480
City, State, Zip Code

John H. Armstrong, MD, FACS
Print name as you desire commission issued
John H. Armstrong
Signature



RICK SCOTT
GOVERNOR

RECEIVED
13 MAY 22 AM 10:09
DIVISION OF ELECTIONS
SECRETARY OF STATE

May 17, 2013

The Honorable Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have made the following reappointment under the provisions of Section 1001.71, Florida Statutes:

Dr. John H. Armstrong
688 Southeast 47th Loop
Ocala, Florida 34480

as State Surgeon General of the Department of Health, subject to confirmation by the Senate. This appointment is effective May 16, 2013, for a term ending at the pleasure of the Governor.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/vh

QUESTIONNAIRE FOR SENATE CONFIRMATION

The information from this questionnaire will be used by the Florida Senate in considering action on your confirmation. The questionnaire **MUST BE COMPLETED IN FULL**. Answer "none" or "not applicable" where appropriate. Please type or print in blue or black ink.

June 5, 2013

			Date Completed
1. Name:	Dr. Armstrong	John	Hulse
	Mr./Mrs./Ms.	Last	Middle/Maiden
2. Business Address:	4052 Bald Cypress Way, Bin-A00		Tallahassee
	Street	Office #	City
	FL	32399	850-245-4210
	Post Office Box	State	Zip Code
		FL	Area Code/Phone Number
3. Residence Address:	688 SE 47th Loop		Marion
	Street	City	County
	FL	34480	786-255-4820
	Post Office Box	State	Zip Code
		FL	Area Code/Phone Number
Specify the preferred mailing address: Business <input checked="" type="checkbox"/> Residence <input type="checkbox"/> Fax # _____ (optional)			

4. A. List all your places of residence for the last five (5) years.

Address	City & State	From	To
688 SE 47th Loop	Ocala, FL	8/06	Present

B. (continued from below)

5070 Likini St, #1609	Honolulu, HI	7/89	6/90
1539 Epukane St	Honolulu, HI	7/88	7/89

B. List all your former and current residences outside of Florida that you have maintained at any time during adulthood.

Address	City & State	From	To
115 E. Hermosa Drive	San Antonio, TX	7/01	7/04
2108 Sabrina Drive	Vienna, VA	7/98	7/01
6229 N. London Ave, Apt G	Kansas City, MO	7/97	7/98
920 Neal Drive	Alexandria, VA	6/93	6/95
418 C Halawa View Loop	Honolulu, HI	7/90	6/93

5. Date of Birth: May 10, 1963 Place of Birth: Malta, MT

6. Social Security Number: _____

7. Driver License Number: _____ Issuing State: FL

8. Have you ever used or been known by any other legal name? Yes No If "Yes" Explain

9. Are you a United States citizen? Yes No If "No" explain:

If you are a naturalized citizen, date of naturalization: _____

10. Since what year have you been a continuous resident of Florida? 2003

11. Are you a registered Florida voter? Yes No If "Yes" list:

A. County of Registration: Marion

B. Current Party Affiliation: Republican

12. Education

A. High School: West Springfield High School, Springfield, VA
(Name and Location)

Year Graduated: 1980

B. List all postsecondary educational institutions attended:

<u>Name & Location</u>	<u>Dates Attended</u>	<u>Certificates/Degrees Received</u>
Princeton University, Princeton, NJ	9/5/1980 to 6/6/1984	BA, Economics
University of Virginia School of Medicine, Charlottesville, VA	8/22/1984 to 5/22/1988	MD
US Army Command & General Staff College, Fort Leavenworth, KS	7/11/1997 to 6/6/1998	Graduate

13. Are you or have you ever been a member of the armed forces of the United States? Yes No If "Yes" list:

A. Dates of Service: 6/17/1988 to 11/22/2005

B. Branch or Component: US Army

C. Date & type of discharge: Honorable, 11/22/2005

14. Have you ever been arrested, charged, or indicted for violation of any federal, state, county, or municipal law, regulation, or ordinance? (Exclude traffic violations for which a fine or civil penalty of \$150 or less was paid.) Yes No If "Yes" give details:

<u>Date</u>	<u>Place</u>	<u>Nature</u>	<u>Disposition</u>

15. Concerning your current employer and for all of your employment during the last five years, list your employer's name, business address, type of business, occupation or job title, and period(s) of employment.

<u>Employer's Name & Address</u>	<u>Type of Business</u>	<u>Occupation/Job Title</u>	<u>Period of Employment</u>
Florida Department of Health, 4052 Bald Cypress Way, Bin-A00, Tallahassee, FL 32399-1708	State Surgeon General	State Surgeon General	5/23/2012 to present
USF Morsani College of Medicine, Dept of Surgery, 2 Tampa General Cir, Tampa, FL	Associate Professor of Surgery, Chief Medical Officer CAMLS	Associate Professor of Surgery, Chief Medical Officer CAMLS	12/1/2010 to 5/22/2012
John H. Armstrong, MD, FACS, 688 SE 47th Loop, Ocala, FL 34480	Consultant	Consultant	10/30/2010 to 11/30/2010
Univ of Florida College of Medicine, UF HSC, Box 100108, 1600 SW Archer Road, Gainesville, FL 32610-0286	Assistant Professor of Surgery, TMD	Assistant Professor of Surgery, TMD	4/24/2006 to 10/29/2012

16. Have you ever been employed by any state, district, or local governmental agency in Florida? Yes No
If "Yes", identify the position(s), the name(s) of the employing agency, and the period(s) of employment:

<u>Position</u>	<u>Employing Agency</u>	<u>Period of Employment</u>
State Surgeon General	Florida Department of Health	5/23/2012 to present

17. A. State your experiences and interests or elements of your personal history that qualify you for this appointment.

For 21 years (13 in Florida), I have been a caring surgeon, surgical educator, and patient advocate. I have managed a diversity of personnel, clinics, services, centers, and systems across health care delivery in military and civilian sectors, and have served on Florida Department of Health Trauma System committees and Centers for Disease Control panels. Particular areas of interest include public health preparedness, team performance, health system development, and health policy. Communication skills have been honed in media (print, radio, and television), audiovisual presentations, speeches, and legislative testimony.

B. Have you received any degree(s), professional certification(s), or designations(s) related to the subject matter of this appointment? Yes No If "Yes", list:

MD; US Army Command & General Staff College; University of Florida College of Medicine Master Educator in Medical Education; Certified, American Board of Surgery in Surgery and Surgical Critical Care; Fellow, American College of Surgeons; Fellow, American College of Chest Physicians.

C. Have you received any awards or recognitions relating to the subject matter of this appointment? Yes No If "Yes", list:

2013: Ray Alexander Award, Florida Chapter, American College of Surgeons; 2011, Senior Visiting Trauma Surgeon, Landstuhl Regional Medical Center, Germany; American Association for the Surgery of Trauma/American College of Surgeons Health Policy Scholarship; Exemplary Teacher, University of Florida College of Medicine; 2008 & 2009: Award of Excellence, Florida Department of Health; 2005: US Army Meritorious Service Medal, 4th Oak Leaf Cluster; US Navy Commendation Medal; 2003: US Army Surgeon General's Physician Recognition Award for Lieutenant Colonel; Surgeon General's A-designator for General Surgery.

D. Identify all association memberships and association offices held by you that relate to this appointment:

Florida Medical Association; American Medical Association (former Young Physician Trustee, Secretary); American College of Surgeons (Governor from Florida; AMA Delegation Chair; former ACSPA-Surgeons PAC Chair); American College of Physician Executives; American College of Chest Physicians; Association of Military Surgeons of the United States; American Association for the Surgery of Trauma.

18. Do you currently hold an office or position (appointive, civil service, or other) with the federal or any foreign government? Yes No If "Yes", list:

19. A. Have you ever been elected or appointed to any public office in this state? Yes No If "Yes", state the office title, date of election or appointment, term of office, and level of government (city, county, district, state, federal):

<u>Office Title</u>	<u>Date of Election or Appointment</u>	<u>Term of Office</u>	<u>Level of Government</u>
State Surgeon General	5/23/2012	One year	State

B. If your service was on an appointed board(s), committee(s), or council(s):

(1) How frequently were meetings scheduled: _____

(2) If you missed any of the regularly scheduled meetings, state the number of meetings you attended, the number you missed, and the reasons(s) for your absence(s).

<u>Meetings Attended</u>	<u>Meetings Missed</u>	<u>Reason for Absence</u>
_____	_____	_____
_____	_____	_____

20. Has probable cause ever been found that you were in violation of Part III, Chapter 112, F.S., the Code of Ethics for Public Officers and Employees? Yes No If "Yes", give details:

<u>Date</u>	<u>Nature of Violation</u>	<u>Disposition</u>
_____	_____	_____
_____	_____	_____

21. Have you ever been suspended from any office by the Governor of the State of Florida? Yes No If "Yes", list:

A. Title of office: _____ C. Reason for suspension: _____
B. Date of suspension: _____ D. Result: Reinstated Removed Resigned

22. Have you previously been appointed to any office that required confirmation by the Florida Senate? Yes No
If "Yes", list:

A. Title of Office: State Surgeon General
B. Term of Appointment: One year
C. Confirmation results: Recommended for confirmation by Senate Health Policy Committee

23. Have you ever been refused a fidelity, surety, performance, or other bond? Yes No If "Yes", explain:

24. Have you held or do you hold an occupational or professional license or certificate in the State of Florida? Yes No
If "Yes", provide the title and number, original issue date, and issuing authority. If any disciplinary action (fine, probation, suspension, revocation, disbarment) has ever been taken against you by the issuing authority, state the type and date of the action taken:

<u>License/Certificate Title & Number</u>	<u>Original Issue Date</u>	<u>Issuing Authority</u>	<u>Disciplinary Action/Date</u>
ME69442	10/12/1995	DOH MQA	N/A
_____	_____	_____	_____
_____	_____	_____	_____

25. A. Have you, or businesses of which you have been and owner, officer, or employee, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Your Relationship to Business</u>	<u>Business' Relationship to Agency</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

B. Have members of your immediate family (spouse, child, parents(s), siblings(s)), or businesses of which members of your immediate family have been owners, officers, or employees, held any contractual or other direct dealings during the last four (4) years with any state or local governmental agency in Florida, including the office or agency to which you have been appointed or are seeking appointment? Yes No If "Yes", explain:

<u>Name of Business</u>	<u>Family Member's Relationship to You</u>	<u>Family Member's Relationship to Business</u>	<u>Business' Relationship to Agency</u>

26. Have you ever been a registered lobbyist or have you lobbied at any level of government at any time during the past five (5) years? Yes No

A. Did you receive any compensation other than reimbursement for expenses? Yes No

B. Name of agency or entity you lobbied and the principal(s) you represented:

<u>Agency Lobbied</u>	<u>Principal Represented</u>
Florida Legislature	Florida Department of Health
US Congress	American College of Surgeons

27. List three persons who have known you well within the past five (5) years. Include a current, complete address and telephone number. Exclude your relatives and members of the Florida Senate.

<u>Name</u>	<u>Mailing Address</u>	<u>Zip Code</u>	<u>Area Code/Phone Number</u>
Mary E. Maniscalco-Theberge, MD			
Richard B. Reiling, MD			
Cecil B. Wilson, MD			

AMSUS, 9320 Old Georgetown Road, Bethesda, MD 20184, 1993 to present; AAST, 633 N. St. Clair St, Chicago, IL 60611, 2010 to present

28. Name any business, professional, occupational, civic, or fraternal organizations(s) of which you are now a member, or of which you have been a member during the past five (5) years, the organization address(es), and date(s) of your membership(s).

<u>Name</u>	<u>Mailing Address</u>	<u>Office(s) Held & Term</u>	<u>Date(s) of Membership</u>
Florida Medical Association	1430 Piedmont Dr E, Tallahassee, FL 32308		2003 to present
American Medical Association	515 N. State St, Chicago, IL 60610	Young Physician Trustee, Secretary, 2002-6	1988 to present
American College of Surgeons	633 N. St. Clair St, Chicago, IL 60611	Governor (current), AMA Delegation Chair (current), ACSPA SurgeonsPAC Chair, 2009-12)	2000 to present
American College of Physician Executives	400 N. Ashley Drive, Suite 400, Tampa, FL 33602		1995 to present
American College of Chest Physicians	3300 Dundee Rd, Northbrook, IL 60062-2348		2000 to present

29. Do you know of any reason why you will not be able to attend fully to the duties of the office or position to which you have been or will be appointed? Yes No If "Yes", explain:

30. If required by law or administrative rule, will you file financial disclosure statements? Yes No

CERTIFICATION

STATE OF FLORIDA

COUNTY OF Leon

Before me, the undersigned Notary Public of Florida, personally appeared John Hulse Armstrong, who, after being duty sworn, say: (1) that he/she has carefully and personally prepared or read the answers to the foregoing questions; (2) that the information contained in said answers is complete and true; and (3) that he/she will, as an appointee, fully support the Constitutions of the United States and of the State of Florida.

John H. Anty
Signature of Applicant-Affiant

Sworn to and subscribed before me this 12 day of June, 2013.

Margaret H. Medina
Signature of Notary Public-State of Florida

Margaret H. Medina
(Print, Type, or Stamp Commissioned Name of Notary Public)

My commission expires: _____

Personally Known OR Produced Identification

Type of Identification Produced _____

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2013 JUN 14 AM 9:17
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TALLAHASSEE, FL



(seal)

No material available

CourtSmart Tag Report

Room: KN 412

Case:

Type:

Caption: Appropriations Subcommittee on Health and Human Services

Judge:

Started: 3/17/2014 2:49:50 PM

Ends: 3/17/2014 3:29:02 PM

Length: 00:39:13

2:49:54 PM Meeting Called to Order
2:50:01 PM Roll Call
2:50:25 PM Opening Remarks by Chair Grimsley
2:50:30 PM Tab 3: Senate Confirmation Hearing
2:51:30 PM Dr. John H. Armstrong, State Surgeon General
2:56:50 PM Public Testimony
2:56:55 PM Brian Pitts, Trustee
3:08:46 PM Roll Call - Confirmation
3:09:47 PM Tab 2 CS/SB 574 by Sen Sobel/FAV
3:09:56 PM Mental Health First Aid Training Program
3:13:06 PM Amendment 779658/FAV
3:13:07 PM Public Testimony
3:14:30 PM Brian Pitts, Trustee
3:21:04 PM Tab 1 SB 394 by Sen Gibson/FAV
3:21:58 PM Amendment 295446/FAV
3:22:57 PM Amendment 946646/FAV
3:23:23 PM Public testimony
3:23:36 PM Brian Pitts, Trustee
3:27:30 PM Public Testimony
3:27:56 PM Michele Barnes, Chief Financial Officer
3:28:55 PM Meeting Adjourned

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/17/2014
Meeting Date

Topic _____

Bill Number Surgeon General
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title Trustee

Address 1119 Newton Ave S.

Phone 727/897-9291

Street

St Petersburg

FL

33705

City

State

Zip

E-mail justice2jesus@yahoo.com

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting

S-001 (10/20/11)

(W)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/17/14

Meeting Date

Topic mental health first aid

Bill Number SB 574
(if applicable)

Name Karen Koen

Amendment Barcode _____
(if applicable)

Job Title V.P. FL Council Community Mental Health

Address 311 E Park Ave

Phone 888-224-6048

Tallahassee, FL 32301
City State Zip

E-mail Karen@fcomh.org

Speaking: For Against Information

Representing FL Council Community Mental Health

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/17/2014

Meeting Date

Topic _____

Bill Number 574
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title Trustee

Address 1119 Newton Ave S.

Phone 727/897-9291

Street

St Petersburg FL 33705

City

State

Zip

E-mail justree2jesus@yahoo.com

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/17/2014

Meeting Date

Topic _____

Bill Number 394
(if applicable)

Name Brian Pitts

Amendment Barcode _____
(if applicable)

Job Title Trustee

Address 1119 Newton Ave B.

Phone 727/897-9291

Street

St Petersburg FL 33705

City

State

Zip

E-mail justice2jesus@yahoo.com

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3-17-14
Meeting Date

Topic APD Budget

Bill Number DCF Budget
(if applicable)

Name Michele Barnes

Amendment Barcode _____
(if applicable)

Job Title Chief Financial officer

Address 9502 N. Florida Ave

Phone 813-933-1476

TAMPA FL 33612
City State Zip

E-mail mbarnes@suncoastnew
options.com

Speaking: For Against Information

Representing Individuals SERVED THROUGH MEDICARE WAIVER

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)