

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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WITHDRAWN (Y/N)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

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

3 Representative Gregory offered the following:

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

6 Between lines 89 and 90, insert:

7 Section 1. Paragraph (b) of subsection (11) of section
8 381.0041, Florida Statutes, is amended to read:

9 381.0041 Donation and transfer of human tissue; testing
10 requirements.—

11 (11)

12 (b) Any person who is living with ~~has~~ human
13 immunodeficiency virus infection, who knows he or she is living
14 ~~infected~~ with human immunodeficiency virus, and who has been
15 informed that he or she may communicate this disease by donating
16 blood, plasma, organs, skin, or other human tissue who donates

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17 blood, plasma, organs, skin, or other human tissue for use in
18 another person commits ~~is guilty of~~ a felony of the third
19 degree, punishable as provided in s. 775.082, s. 775.083, or s.
20 775.084. This paragraph does not apply if the donation is made
21 for a recipient who is living with human immunodeficiency virus
22 and who knows that the donor is living with human
23 immunodeficiency virus.

24 Section 2. Paragraph (f) of subsection (2) of section
25 394.463, Florida Statutes, is amended to read:

26 394.463 Involuntary examination.—

27 (2) INVOLUNTARY EXAMINATION.—

28 (f) A patient shall be examined by a physician or a
29 clinical psychologist, or by a psychiatric nurse performing
30 within the framework of an established protocol with a
31 psychiatrist at a facility without unnecessary delay to
32 determine if the criteria for involuntary services are met.
33 Emergency treatment may be provided upon the order of a
34 physician if the physician determines that such treatment is
35 necessary for the safety of the patient or others. The patient
36 may not be released by the receiving facility or its contractor
37 without the documented approval of a psychiatrist or a clinical
38 psychologist or, if the receiving facility is owned or operated
39 by a hospital, ~~or~~ health system, or a nationally accredited not-
40 for-profit community mental health center, the release may also
41 be approved by a psychiatric nurse performing within the

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42 framework of an established protocol with a psychiatrist, or an
43 attending emergency department physician with experience in the
44 diagnosis and treatment of mental illness after completion of an
45 involuntary examination pursuant to this subsection. A
46 psychiatric nurse may not approve the release of a patient if
47 the involuntary examination was initiated by a psychiatrist
48 unless the release is approved by the initiating psychiatrist.

49 Section 3. Paragraphs (g), (h), (i), (j), (k), (l), (m),
50 (n), (o), (p), (q), (r), (s), (t), (u), and (v) of subsection
51 (4) of section 408.809, Florida Statutes, are redesignated as
52 paragraphs (h), (i), (j), (k), (l), (m), (n), (o), (p), (q),
53 (r), (s), (t), (u), (v), and (w), respectively, and paragraph
54 (g) is added to that subsection, to read:

55 408.809 Background screening; prohibited offenses.—

56 (4) In addition to the offenses listed in s. 435.04, all
57 persons required to undergo background screening pursuant to
58 this part or authorizing statutes must not have an arrest
59 awaiting final disposition for, must not have been found guilty
60 of, regardless of adjudication, or entered a plea of nolo
61 contendere or guilty to, and must not have been adjudicated
62 delinquent and the record not have been sealed or expunged for
63 any of the following offenses or any similar offense of another
64 jurisdiction:

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65 (g) Section 784.03, relating to battery, if the victim is
66 a vulnerable adult as defined in 415.102 or a patient or
67 resident of a facility licensed under chapter 395, 400, or 429.

68
69 If, upon rescreening, a person who is currently employed or
70 contracted with a licensee as of June 30, 2014, and was screened
71 and qualified under ss. 435.03 and 435.04, has a disqualifying
72 offense that was not a disqualifying offense at the time of the
73 last screening, but is a current disqualifying offense and was
74 committed before the last screening, he or she may apply for an
75 exemption from the appropriate licensing agency and, if agreed
76 to by the employer, may continue to perform his or her duties
77 until the licensing agency renders a decision on the application
78 for exemption if the person is eligible to apply for an
79 exemption and the exemption request is received by the agency no
80 later than 30 days after receipt of the rescreening results by
81 the person.

82 Section 4. Subsection (5) is added to section 456.0135,
83 Florida Statutes, to read:

84 456.0135 General background screening provisions.—

85 (5) In addition to the offenses listed in s. 435.04,
86 persons required to undergo background screening under this
87 section, other than those licensed under s. 465.022, must not
88 have an arrest awaiting final disposition for, been found guilty
89 of, regardless of adjudication, or entered a please of nolo

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90 contendere or guilty to, and must not have been adjudicated
91 delinquent and the record not have been sealed or expunged for
92 an offense or any similar offense of another jurisdiction under
93 s. 784.03, relating to battery, if the victim is a vulnerable
94 adult as defined in 415.102 or a patient or resident of a
95 facility licensed under chapter 395, 400, or 429.

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

99 Remove line 2 and insert:

100 An act relating to the Department of Health; amending s.
101 381.0041, F.S.; providing that it is a felony for certain
102 persons living with human immunodeficiency virus to donate human
103 tissue to persons who are not living with such virus; providing
104 an exception; amending s. 394.463, F.S.; authorizing a
105 psychiatric nurse performing within the framework of a protocol
106 with a psychiatrist to approve the release of a patient from
107 certain community health centers; amending s. 408.809, F.S.;
108 adding a prohibited offense; amending s. 456.0135, F.S.;
109 providing that certain offenses are prohibited by certain health
110 care practitioners; creating