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| <b>Tab 1</b> | <b>SB 100</b> by <b>Harrell (CO-INTRODUCERS) Cruz, Stewart;</b> (Compare to H 00057) Dispensing Medicinal Drugs |
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| <b>Tab 2</b> | <b>SB 136</b> by <b>Bean (CO-INTRODUCERS) Harrell;</b> (Similar to CS/H 00061) Adoption Benefits |
|--------------|--|

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The Florida Senate  
**COMMITTEE MEETING EXPANDED AGENDA**  
**APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES**  
**Senator Bean, Chair**  
**Senator Harrell, Vice Chair**

**MEETING DATE:** Wednesday, November 13, 2019  
**TIME:** 2:30—3:45 p.m.  
**PLACE:** Pat Thomas Committee Room, 412 Knott Building

**MEMBERS:** Senator Bean, Chair; Senator Harrell, Vice Chair; Senators Book, Diaz, Farmer, Flores, Hooper, Passidomo, Rader, and Rouson

| TAB | BILL NO. and INTRODUCER                                     | BILL DESCRIPTION and SENATE COMMITTEE ACTIONS   | COMMITTEE ACTION           |
|-----|---|---|----------------------------|
| 1   | <b>SB 100</b><br>Harrell<br>(Compare H 57)                  | Dispensing Medicinal Drugs; Authorizing individuals licensed to prescribe medicinal drugs to dispense a 48-hour supply, rather than a 24-hour supply, of such drugs to any patient, including a discharged patient, under certain circumstances; authorizing such individuals to dispense a 72-hour supply if a state of emergency has been declared in the area, etc.<br><br>HP 10/15/2019 Favorable<br>AHS 11/13/2019 Favorable<br>AP | Favorable<br>Yeas 9 Nays 0 |
| 2   | <b>SB 136</b><br>Bean<br>(Similar CS/H 61)                  | Adoption Benefits; Revising the definition of the term "qualifying adoptive employee"; providing that certain adoptive veterans and servicemembers are eligible to apply for certain monetary benefits; defining the terms "veteran" and "servicemember", etc.<br><br>CF 10/15/2019 Favorable<br>AHS 11/13/2019 Fav/CS<br>AP  | Fav/CS<br>Yeas 9 Nays 0    |
| 3   | Presentation on the Florida Department of Veterans' Affairs |   | Presented                  |

Other Related Meeting Documents

**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.)

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

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BILL: SB 100

INTRODUCER: Senators Harrell and Cruz

SUBJECT: Dispensing Medicinal Drugs

DATE: November 12, 2019

REVISED: \_\_\_\_\_

|    | ANALYST             | STAFF DIRECTOR | REFERENCE | ACTION                      |
|----|---------------------|----------------|-----------|-----------------------------|
| 1. | Rossitto-Van Winkle | Brown          | HP        | <b>Favorable</b>            |
| 2. | Gerbrandt           | Kidd           | AHS       | <b>Recommend: Favorable</b> |
| 3. |                     |                | AP        |                             |

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**I. Summary:**

SB 100 amends s. 465.019, F.S., to authorize individuals licensed to prescribe medicinal drugs to dispense a 48-hour supply, rather than a 24-hour supply, of medicinal drugs to any patient of, or a patient discharged from, a hospital emergency department that operates a Class II or Class III institutional pharmacy with a community pharmacy permit from the Department of Health (DOH), under certain conditions.

The bill authorizes individuals licensed to prescribe medicinal drugs to dispense a 72-hour supply, rather than a 48-hour supply, during a declared state of emergency in the area, under certain conditions.

The bill has no fiscal impact on state government.

The bill has an effective date of July 1, 2020.

**II. Present Situation:**

**Medicinal Prescribing and Dispensing Practitioners**

There are several professions in Florida that have prescriptive authority at various levels, including:

- Allopathic physicians;
- Osteopathic physicians;
- Podiatrists;
- Dentists;

- Advanced practice registered nurses;<sup>1</sup>
- Physician assistants;<sup>2</sup> and
- Pharmacists.<sup>3</sup>

A person may not dispense medicinal drugs unless licensed as a pharmacist, except that a practitioner authorized by law to prescribe drugs may dispense medicinal drugs to his or her patients in the regular course of her or his practice.<sup>4</sup> A practitioner, who dispenses medicinal drugs for human consumption for a fee or remuneration of any kind, whether directly or indirectly, must:

- Register with her or his professional licensing board as a dispensing practitioner and pay a board-established fee at the time of such registration and upon each renewal of his or her license;
- Comply with, and be subject to, all laws and rules applicable to pharmacists and pharmacies, including, but not limited to, chs. 456, 499 and 893, F.S., and all applicable federal laws and federal regulations; and
- Give each patient a written prescription and, orally or in writing, advise the patient that the prescription may be filled in the practitioner's office or at any pharmacy, before dispensing any drug.<sup>5</sup>

## Pharmacy

The practice of pharmacy and the licensure of pharmacies are regulated by ch. 465, F.S. The “practice of the profession of pharmacy” includes:

- Compounding, dispensing, and consulting the consumer concerning the contents, therapeutic values, and uses of any medicinal (prescription)<sup>6</sup> drug; and
- Other pharmaceutical services.<sup>7, 8</sup>

## The Board of Pharmacy

The Board of Pharmacy (board) is created within the DOH and is authorized to make rules to regulate the practice of professional pharmacy in pharmacies meeting minimum requirements for

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<sup>1</sup> Section 464.012(3)(a), F.S.

<sup>2</sup> See ss. 458.347(4)(e)4., and 459.022(4)(e)4., F.S.

<sup>3</sup> See s. 465.186, F.S., and Fla. Admin. Code R. 64B8-36.001 (2019).

<sup>4</sup> Section 465.0276, F.S.

<sup>5</sup> Section 465.0276(2), F.S.

<sup>6</sup> Under s. 465.003(8), F.S., “medicinal drugs” means substances commonly known as “prescription” or “legend” drugs required by law to be dispensed by prescription only.

<sup>7</sup> Section 465.003(13), F.S.

<sup>8</sup> In the context of pharmacy practice, “other pharmaceutical services” means the monitoring of the patient’s drug therapy and assisting the patient in the management of his or her drug therapy, and includes review of the patient’s drug therapy and communication with the patient’s prescribing health care provider as licensed under chs. 458, 459, 461, or 466, F.S., or similar statutory provision in another jurisdiction, or such provider’s agent or such other persons as specifically authorized by the patient, regarding the drug therapy. The “practice of the profession of pharmacy” also includes any other act, service, operation, research, or transaction incidental to, or forming a part of, any of the foregoing acts, requiring, involving, or employing the science or art of any branch of the pharmaceutical profession, study, or training, expressly permits a pharmacist to transmit information from persons authorized to prescribe medicinal drugs to their patients, and includes the administration of vaccines to adults. See s. 465.003(13), F.S.

safe practice.<sup>9</sup> All pharmacies must obtain a permit before operating, unless exempt by law. This is true whether opening a new establishment or simply changing locations or owners.<sup>10</sup>

### **The Practice of Pharmacy**

There are seven types of pharmacies eligible for various operating permits issued by the DOH:

- Community pharmacy;<sup>11</sup>
- Institutional pharmacy;<sup>12</sup>
- Nuclear pharmacy;<sup>13</sup>
- Special pharmacy;<sup>14</sup>
- Internet pharmacy;<sup>15</sup>
- Non-resident sterile compounding pharmacy;<sup>16</sup> and
- Special sterile compounding pharmacy.<sup>17</sup>

### **Institutional Pharmacies**

An “institutional pharmacy” includes any pharmacy located in a health care institution, which includes a hospital, clinic, nursing home, dispensary, sanitarium, extended care facility, or other facility where medicinal drugs are compounded, dispensed, stored, or sold.<sup>18</sup> Institutional pharmacy permits are required for any pharmacy located in any health care institution.<sup>19</sup>

All institutional pharmacies must designate a consultant pharmacist<sup>20</sup> who is responsible for maintaining all drug records required by law, and for establishing drug handling procedures for the safe handling and storage of drugs. The consultant pharmacist may also be responsible for ordering and evaluating any laboratory or clinical tests when such tests are necessary for the proper performance of his or her responsibilities.<sup>21</sup> Such laboratory or clinical tests may be ordered only with regard to patients residing in a nursing home, and then only when authorized

<sup>9</sup> See ss. 465.002, and 465.0155, F.S.

<sup>10</sup> See Fla. Admin. Code R. 64B16-28.100(1) (2019).

<sup>11</sup> The term “community pharmacy” includes every location where medicinal drugs are compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an outpatient basis. See ss. 465.003(11)(a)1. and 465.018, F.S.

<sup>12</sup> See ss. 465.003(11)(a)2., and 465.019, F.S.

<sup>13</sup> The term “nuclear pharmacy” includes every location where radioactive drugs and chemicals within the classification of medicinal drugs are compounded, dispensed, stored, or sold, but does not include hospitals licensed under ch. 395, F.S., or the nuclear medicine facilities of such hospitals. See ss. 465.003(11)(a)3. and 465.0193, F.S.

<sup>14</sup> The term “special pharmacy” includes every location where medicinal drugs are compounded, dispensed, stored, or sold if such locations are not otherwise defined by law. See ss. 465.003(11)(a)4. and 465.0196, F.S.

<sup>15</sup> The term “internet pharmacy” includes locations not otherwise licensed or issued a permit under ch. 465, F.S., whether or not in Florida, which use the Internet to communicate with or obtain information from consumers in this state and use such communication or information to fill or refill prescriptions or to dispense, distribute, or otherwise engage in the practice of pharmacy in this state. See ss. 465.003(11)(a)5. and 465.0197, F.S.

<sup>16</sup> The term “nonresident sterile compounding pharmacy” includes a pharmacy that ships, mails, delivers, or dispenses, in any manner, a compounded sterile product into Florida, and a nonresident pharmacy registered under s. 465.0156, F.S., or an outsourcing facility, must hold a nonresident sterile compounding permit. See s. 465.0158, F.S.

<sup>17</sup> See Fla. Admin. Code R. 64B16-28.100 and 64B16-28.802 (2019). An outsourcing facility is considered a pharmacy and must hold a special sterile compounding permit if it engages in sterile compounding.

<sup>18</sup> Section 465.003(11)(a)2., F.S.

<sup>19</sup> See Fla. Admin. Code R. 64B16-28.100(3) (2019).

<sup>20</sup> See ss. 465.003(11), and 465.0125, F.S.

<sup>21</sup> *Id.*

by the facility's medical director. The consultant pharmacist must complete additional training and demonstrate additional qualifications in the practice of institutional pharmacy, as required by the board, and be licensed as a registered pharmacist.<sup>22, 23</sup>

Currently there are four types of institutional pharmacy permits issued by the board to institutional pharmacies: Institutional Class I, Class II, Modified Class II, and Class III.<sup>24</sup>

### ***Institutional Class I Pharmacy***

A Class I institutional pharmacy is an institutional pharmacy in which all medicinal drugs are administered from individual prescription containers to an individual patient and in which medicinal drugs are not dispensed on the premises, except licensed nursing homes<sup>25</sup> may purchase medical oxygen for administration to residents.<sup>26</sup>

### ***Institutional Class II Pharmacy***

A Class II institutional pharmacy is a pharmacy that employs the services of a registered pharmacist or pharmacists who, in practicing institutional pharmacy, provide dispensing and consulting services on the premises to patients of the institution, for use on the premises of the institution.<sup>27</sup> A Class II institutional pharmacy is required to be open sufficient hours to meet the needs of the hospital facility.<sup>28</sup> The consultant pharmacist of record is responsible for establishing a written policy and procedure manual.<sup>29</sup> An institutional Class II pharmacy may elect to participate in the Cancer Drug Donation Program within the Department of Business and Professional Regulation.<sup>30</sup>

### ***Modified Institutional Class II Pharmacy Permits***

Modified Institutional Class II pharmacies are those institutional pharmacies in short-term, primary care treatment centers that meet all the requirements for a Class II permit, except space and equipment requirements.<sup>31</sup> Modified Class II Institutional pharmacies are designated as Type A, Type B, and Type C according to the specialized type of the medicinal drug delivery

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<sup>22</sup> Section 465.0125, F.S.

<sup>23</sup> As required by Fla. Admin. Code R. 64B16-28.501(1), (2), and (3) (2019), the consultant pharmacist must also "conduct Drug Regimen Reviews required by Federal or State law, inspect the facility and prepare a written report to be filed at the permitted facility at least monthly, . . . monitor the facility system for providing medication administration records and physician order sheets to ensure that the most current record of medications is available for the monthly drug regimen review, and may utilize additional consultant pharmacists to assist in this review and in the monthly facility inspection." A licensed consultant pharmacist may "remotely access a facility or pharmacy's electronic database from outside the facility or pharmacy to conduct any services additional or supplemental to regular drug regimen reviews, subject to the pharmacy or facility establishing policies and procedures to ensure the security and privacy of confidential patient records, including compliance with applicable Federal HIPAA regulations." The board must be notified in writing within ten days of any change in the consultant pharmacist of record, pursuant to Fla. Admin. Code R. 64B16-28.100(3)(b) (2019).

<sup>24</sup> Section 465.019, F.S.

<sup>25</sup> See part II, ch. 400, F.S., relating to nursing homes.

<sup>26</sup> Section 465.019(2)(a), F.S.

<sup>27</sup> See s. 565.019(2)(b), F.S. Exceptions apply when there is a state of emergency and for single doses of a drug ordered by physicians under limited circumstances.

<sup>28</sup> See Fla. Admin. Code R. 64B16-28.603 (2019).

<sup>29</sup> Section 465.019(5), F.S.

<sup>30</sup> See s. 499.029, F.S., relating to the Cancer Drug Donation Program Act.

<sup>31</sup> Section 465.019(2)(c), F.S.

system utilized at the facility, either a patient-specific or bulk drug system, and the quantity of the medicinal drug formulary at the facility.<sup>32</sup>

All Modified Class II institutional pharmacies must be under the control and supervision of a certified consultant pharmacist. The consultant pharmacist of record is responsible for developing and maintaining a current policy and procedure manual. The permittee must make available the policy and procedure manual to the appropriate state or federal agencies upon inspection.<sup>33</sup>

### ***Institutional Class III Pharmacies***

Class III institutional pharmacies are those pharmacies, including central distribution facilities, affiliated with a hospital that provide the same services that are authorized by a Class II institutional pharmacy permit. Class III institutional pharmacies may also:

- Dispense, distribute, compound, and fill prescriptions for medicinal drugs;
- Prepare prepackaged drug products;
- Conduct other pharmaceutical services for the affiliated hospital and for entities under common control that are each permitted under ch. 465, F.S., to possess medicinal drugs; and
- Provide the services in Class I institutional pharmacies, Class II institutional pharmacies, and Modified Class II institutional pharmacies which hold an active health care clinic establishment permit.<sup>34,35</sup>

A Class III institutional pharmacy must also maintain policies and procedures addressing the following:

- The consultant pharmacist responsible for pharmaceutical services;
- Safe practices for the preparation, dispensing, prepackaging, distribution, and transportation of medicinal drugs and prepackaged drug products;
- Recordkeeping to monitor the movement, distribution, and transportation of medicinal drugs and prepackaged drug products;
- Recordkeeping of pharmacy staff responsible for each step in the preparation, dispensing, prepackaging, transportation, and distribution of medicinal drugs and prepackaged drug products; and

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<sup>32</sup> See Fla. Admin. Code R. 64B16-28.702(2) (2019). Modified Class II Institutional Pharmacies provide the following pharmacy services: (1) Type “A” Modified Class II Institutional Pharmacies provide pharmacy services in a facility which has a formulary of not more than 15 medicinal drugs, excluding those medicinal drugs contained in an emergency box, and in which the medicinal drugs are stored in bulk and in which the consultant pharmacist provides on-site consultations not less than once every month, unless otherwise directed by the board after review of the policy and procedure manual; (2) Type “B” Modified Class II Institutional Pharmacies provide pharmacy services in a facility in which medicinal drugs are stored in the facility in patient specific form and in bulk form and which has an expanded drug formulary, and in which the consultant pharmacist provides on-site consultations not less than once per month, unless otherwise directed by the board after review of the policy and procedure manual; and (3) Type “C” Modified Class II Institutional Pharmacies provide pharmacy services in a facility in which medicinal drugs are stored in the facility in patient specific form and which has an expanded drug formulary, and in which the consultant pharmacist provides onsite consultations not less than once per month, unless otherwise directed by the board after review of the policy and procedure manual.

<sup>33</sup> See Florida Board of Pharmacy, *Institutional Pharmacy Permit* <http://floridaspharmacy.gov/licensing/institutional-pharmacy-permit/> (last visited Oct. 3, 2019).

<sup>34</sup> Section 465.019(2)(d)1., F.S.

<sup>35</sup> See s. 499.01(2)(r), F.S.

- Medicinal drugs and prepackaged drug products that may not be safely distributed among Class III institutional pharmacies.<sup>36</sup>

### **Institutional Pharmacies – Dispensing Medicinal Drugs**

Class II and Class III institutional pharmacies are permitted to dispense medicinal drugs to outpatients only when that institution has been issued a community pharmacy permit from the DOH.<sup>37</sup> An individual licensed to prescribe medicinal drugs may dispense up to a 24-hour supply of a medicinal drug to any patient of an emergency department of a hospital that operates a Class II or Class III institutional pharmacy, provided the physician treating the patient in such hospital's emergency department determines the following:

- The medicinal drug is warranted; and
- Community pharmacy services are not readily accessible, geographically or otherwise, to the patient.<sup>38</sup>

Such dispensing from the emergency department must be in accordance with the procedures of the hospital. For any patient for whom a medicinal drug is determined to be warranted by the treating emergency department physician for a period to exceed 24 hours, an individual licensed to prescribe such drug must dispense a 24-hour supply of such drug to the patient and must provide the patient with a prescription for the drug for use after the initial 24-hour period.<sup>39</sup> The board is authorized to adopt rules necessary to carry out these provisions.

### **III. Effect of Proposed Changes:**

The bill permits an individual licensed to prescribe medicinal drugs to dispense up to a 48-hour supply, rather than 24-hour supply, of medicinal drugs to any patient of, or patient discharged from, a hospital emergency department that operates a Class II or Class III institutional pharmacy with a community pharmacy permit from the DOH, provided that the emergency department physician treating the patient, or a physician treating a discharged patient, determines that:

- The medicinal drug is warranted; and
- Community pharmacy services are not readily accessible to the patient, geographically or otherwise.

If the dispensing of a medicinal drug to a patient is determined to be warranted by the treating emergency department physician, or a physician treating a discharged patient, for a period of longer than 48 hours, the individual licensed to prescribe the drug must dispense a 48-hour supply to the patient and must provide the patient with a prescription for the drug for use after the initial 48 hours.

The bill also authorizes individuals licensed to prescribe medicinal drugs, under the conditions described above, to dispense a 72-hour supply, rather than a 48-hour supply, during a declared state of emergency in the area. The dispensing of a 72-hour supply is subject to the same

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<sup>36</sup> Section 465.019(2)(d)2., F.S.

<sup>37</sup> See s. 465.019, F.S., which prohibits a Class I institutional pharmacy from dispensing medicinal drugs.

<sup>38</sup> Section 465.019(4), F.S.

<sup>39</sup> *Id.*



conditions provided in the bill for dispensing a 48-hour supply to any patient of, or patient discharged from, a hospital emergency department that operates a Class II or Class III institutional pharmacy with a community pharmacy permit from the DOH.

The board may adopt rules necessary to implement the new provisions of the bill.

The bill has an effective date of July 1, 2020.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no fiscal impact on state government.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 465.019 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

None.

**B. Amendments:**

None.

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

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By Senator Harrell

25-00202-20

2020100\_\_

A bill to be entitled

An act relating to dispensing medicinal drugs; amending s. 465.019, F.S.; authorizing individuals licensed to prescribe medicinal drugs to dispense a 48-hour supply, rather than a 24-hour supply, of such drugs to any patient, including a discharged patient, under certain circumstances; authorizing such individuals to dispense a 72-hour supply if a state of emergency has been declared in the area; authorizing such individuals to provide prescriptions for an additional supply of such drugs; providing an effective date.

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

Section 1. Subsection (4) of section 465.019, Florida Statutes, is amended to read:

465.019 Institutional pharmacies; permits.—

(4) (a) Medicinal drugs shall be dispensed in an institutional pharmacy to outpatients only when that institution has secured a community pharmacy permit from the department. However, an individual licensed to prescribe medicinal drugs in this state may dispense up to a 48-hour 24-hour supply of a medicinal drug to any patient of, or patient discharged from, an emergency department of a hospital that operates a Class II or Class III institutional pharmacy, provided that the physician who is treating the patient in such hospital's emergency department, or who is treating the discharged patient, determines that the medicinal drug is warranted and that

Page 1 of 3

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

25-00202-20

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community pharmacy services are not readily accessible, geographically or otherwise, to the patient. Such dispensing from the emergency department to any patient, including a discharged patient, must be in accordance with the procedures of the hospital. For any such patient for whom a medicinal drug is warranted for a period to exceed 48 24 hours, an individual licensed to prescribe such drug must dispense a 48-hour 24-hour supply of such drug to the patient and must provide the patient with a prescription for such drug for use after the initial 48-hour 24-hour period.

(b) Notwithstanding paragraph (a), if a state of emergency has been declared for an area of the state pursuant to s. 252.36, an individual licensed to prescribe medicinal drugs in this state may dispense up to a 72-hour supply of a medicinal drug to any patient of, or patient discharged from, an emergency department of a hospital located in that area which operates a Class II or Class III institutional pharmacy, provided that the physician who is treating the patient in such hospital's emergency department, or who is treating the discharged patient, determines that the medicinal drug is warranted and that community pharmacy services are not readily accessible, geographically or otherwise, to the patient. Such dispensing from the emergency department to any patient, including a discharged patient, must be in accordance with the procedures of the hospital. For any such patient for whom a medicinal drug is warranted for a period to exceed 72 hours, an individual licensed to prescribe such drug shall dispense a 72-hour supply of such drug to the patient and shall provide the patient with a prescription for such drug for use after the initial 72-hour

Page 2 of 3

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period.

(c) The board may adopt rules ~~necessary~~ to implement ~~carry~~  
~~out the provisions of~~ this subsection.

Section 2. This act shall take effect July 1, 2020.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR GAYLE HARRELL**  
25th District

**COMMITTEES:**  
Health Policy, *Chair*  
Appropriations Subcommittee on Health  
and Human Services, *Vice Chair*  
Appropriations Subcommittee on Criminal  
and Civil Justice  
Children, Families, and Elder Affairs  
Military and Veterans Affairs and Space

**JOINT COMMITTEE:**  
Joint Committee on Public Counsel Oversight

October 15, 2019

Senator Aaron Bean  
405 Senate Building  
404 South Monroe Street  
Tallahassee, FL 32399

Chair Bean,

I respectfully request that **SB 100 – Dispensing Medicinal Drugs** be placed on the next available agenda for the Appropriations Subcommittee on Health and Human Services Meeting. SB 100 passed Health Policy unanimously.

Should you have any questions or concerns, please feel free to contact my office. Thank you in advance for your consideration.

Thank you,

A handwritten signature in blue ink that reads "Gayle".

Senator Gayle Harrell  
Senate District 25

Cc: Tonya Kidd, Staff Director  
Robin Jackson, Committee Administrative Assistant

REPLY TO:

- 215 SW Federal Highway, Suite 203, Stuart, Florida 34994 (772) 221-4019
- 310 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5025

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BILL GALVANO**  
President of the Senate

**DAVID SIMMONS**  
President Pro Tempore

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

11/13/19

Meeting Date

100

Bill Number (if applicable)

Topic Dispensing Medicinal Drugs

Amendment Barcode (if applicable)

Name Phillip Swerman

Job Title Policy Director

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street

Email \_\_\_\_\_

City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Americans for Prosperity

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 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

11/  
Meeting Date

SBD100  
Bill Number (if applicable)

Topic Dispensing Medicinal Drugs

Amendment Barcode (if applicable)

Name Ivonne Fernandez

Job Title Associate State Director

Address 200 College Av Tallah.

Phone 954-850-7262

Street Tallahassee FL  
City State Zip

Email ifernandez@zarp.org

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing AARP

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

11/13/2019

Meeting Date

SB 100

Bill Number (if applicable)

Topic Dispensing medicinal drugs

Amendment Barcode (if applicable)

Name Paul Lowell

Job Title \_\_\_\_\_

Address 307. W. Park Ave #214

Phone 850-728-0861

Street

Tallahassee

City

FL

State

32301

Zip

Email paul@convergegov.com

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Palm Beach County

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

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

11 / 13 / 19

Meeting Date

SB100

Bill Number (if applicable)

Topic Dispensing Medicinal Drugs

Amendment Barcode (if applicable)

Name Jared Willis

Job Title Director of Government Relations

Address 2544 Blirstone Pines Drive

Phone 8502841996

Street

Tallahassee

FL

32301

Email govaffairs@foma.org

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information

Waive Speaking: [X] In Support [ ] Against (The Chair will read this information into the record.)

Representing Florida Osteopathic Medical Association

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] 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 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

11/13/19

Meeting Date

SB 100

Bill Number (if applicable)

Topic Dispensing Medicinal Drugs

Amendment Barcode (if applicable)

Name Jared Willis

Job Title Director of Government Relations

Address 2544 Blairstone Pines Drive

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FL

32301

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City

State

Zip

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Osteopathic Medical Association

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**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

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BILL: PCS/SB 136 (253994)

INTRODUCER: Appropriations Subcommittee on Health and Human Services; Senators Bean and Harrell

SUBJECT: Adoption Benefits

DATE: November 15, 2019 REVISED: \_\_\_\_\_

|    | ANALYST                     | STAFF DIRECTOR              | REFERENCE  | ACTION                      |
|----|-----------------------------|-----------------------------|------------|-----------------------------|
| 1. | <u>Delia</u>                | <u>Hendon</u>               | <u>CF</u>  | <b>Favorable</b>            |
| 2. | <u>Gerbrandt</u>            | <u>Kidd</u>                 | <u>AHS</u> | <b>Recommend: Fav/CS</b>    |
| 3. | <u>                    </u> | <u>                    </u> | <u>AP</u>  | <u>                    </u> |

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**I. Summary:**

PCS/SB 136 allows certain military veterans and service members who adopt a child through the state's child welfare system to receive a monetary benefit through the State Employee Adoption Benefit Program. Currently, such monetary benefits are available to employees of state agencies, charter schools and the Florida Virtual School. The bill also clarifies, for purposes of qualifying for the benefit, that an employee of a state agency may include other-personal-services employees who have been employed full-time or part-time by a state agency for at least one year.

The adoption benefit program is subject to Legislative appropriation.

The bill takes effect on July 1, 2020.

**II. Present Situation:**

In Florida, child welfare services, including adoption services, are delivered through community-based care (CBC) lead agencies contracted by the Department of Children and Families (DCF).<sup>1</sup> Community-based care lead agencies provide pre- and post-adoption services and administer maintenance adoption subsidies that provide ongoing financial support for children adopted from the child welfare system.<sup>2</sup>

**The State Employee Adoption Benefit Program**

The State Employee Adoption Benefit Program (Program) was created to increase the number of adoptions in Florida by offering an incentive to certain state employees and other applicants.<sup>3</sup>

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<sup>1</sup> See ss. 20.19(4)(a)3., F.S., and 409.986(1), F.S.

<sup>2</sup> Section 409.166(4), F.S.

<sup>3</sup> Chapter 2015-130, L.O.F., codified as s. 409.1664, F.S.

The incentive is a lump-sum benefit payment for the adoption of a child within the child welfare system (\$5,000), and a higher benefit payment for the adoption of a child with special needs within the child welfare system (\$10,000).<sup>4</sup> The original Program was enacted in 2000,<sup>5</sup> repealed in 2010<sup>6</sup> and reenacted in 2015.<sup>7</sup>

The Program is currently available to both full and part-time employees of a state agency, a charter school, or the Florida Virtual School.<sup>8</sup> A “qualifying adoptive employee” includes individuals who are regular, and not temporary, employees of:<sup>9</sup>

- A branch, department, or agency of state government for which the Chief Financial Officer processes payroll requisitions;
- A state university or Florida College System institution as defined in law;
- A school district unit as defined in law;
- A water management district as defined in law;
- The Florida School for the Deaf and Blind (limited to instructional personnel as defined in law);
- A charter school as defined in law; or
- The Florida Virtual School.

The receipt of a benefit payment through the Program does not preclude the employee from receiving adoption assistance under any other state program.<sup>10</sup> The Program’s capacity to provide benefit payments is limited by the amount of funds appropriated by the Legislature for the Program.<sup>11</sup>

### **Vendor Registration**

To register as a vendor in the State of Florida a vendor must create an account in the My Florida Marketplace Vendor Information Portal and provide the following information: company name, federal tax identification number, tax filing name, business location, commodities and service offered, and certified business enterprise status.<sup>12</sup> There is no initial registration or ongoing subscription fee charged to vendors.<sup>13</sup> To receive a payment from the State of Florida vendors

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<sup>4</sup> A special needs child is defined as a child whose permanent custody has been awarded to the DCF or to a licensed child-placing agency; a child who has established significant emotional ties with his or her foster parents or is not likely to be adopted because he or she is eight years of age or older, developmentally disabled, physically or emotionally handicapped, of black or racially mixed parentage or is a member of a sibling group, provided two or more members of a sibling group remain together for the purposes of adoption; or a child for whom a reasonable but unsuccessful effort has been made to place the child without providing a maintenance subsidy. *See* s. 409.166(2)(a), F.S.

<sup>5</sup> Section 1, ch. 2000-241, L.O.F.

<sup>6</sup> Chapter 2010-158, L.O.F.

<sup>7</sup> Section 6, ch. 2015-130, L.O.F.

<sup>8</sup> Section 409.1664(1)(b), F.S.

<sup>9</sup> Section 409.1664(1)(c), F.S.

<sup>10</sup> Section 409.1664(4), F.S.

<sup>11</sup> Section 409.1664(2)(c), F.S.

<sup>12</sup> Florida Department of Management Services, *Requirements for Vendor Registration*, available at [https://www.dms.myflorida.com/business\\_operations/state\\_purchasing/myfloridamarketplace/mfmp\\_vendors/requirements\\_for\\_vendor\\_registration](https://www.dms.myflorida.com/business_operations/state_purchasing/myfloridamarketplace/mfmp_vendors/requirements_for_vendor_registration) (last visited November 13, 2019).

<sup>13</sup> Florida Department of Management Services, *MFMP Overview FAQ*, available at [https://www.dms.myflorida.com/business\\_operations/state\\_purchasing/myfloridamarketplace/mfmp\\_vendors/vendor\\_frequently\\_asked\\_questions\\_faqs/mfmp\\_overview\\_faq](https://www.dms.myflorida.com/business_operations/state_purchasing/myfloridamarketplace/mfmp_vendors/vendor_frequently_asked_questions_faqs/mfmp_overview_faq) (last visited November 13, 2019).

are also required to submit a Substitute Form W-9 to the Department of Financial Services (DFS).<sup>14</sup> The DFS must have the correct taxpayer identification number and other related information in order to report accurate tax information to the Internal Revenue Service and determine if a vendor should receive a Form 1099.

### III. Effect of Proposed Changes:

**Section 1** amends s. 409.1664, F.S., to allow veterans and service members living in the state of Florida who adopt a child from the child welfare system on or after July 1, 2020, to apply to the DCF for the monetary benefit paid to qualifying adoptive employees. The bill requires veterans and servicemembers to register as vendors with the state in order to receive a monetary benefit under the Program.

The bill also clarifies, for the purposes of qualifying for the benefit, that an employee of a state agency may include other-personal-services (OPS) employees who have been employed full-time or part-time by a state agency for at least one year and does not include independent contractors.

**Section 2** provides that the bill takes effect on July 1, 2020.

### IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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<sup>14</sup> Florida Department of Financial Services, *Vendors*, available at <https://www.myfloridacfo.com/Division/AA/Vendors/default.htm> (last visited November 13, 2019).

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The table below includes the amount of funds appropriated and the total payments issued under the program to adoptive families, as well as the number of applicants for the awards and the number of awards actually distributed. The data ranges from FY 2015-2016 through FY 2018-2019.

| <b>State Employee Adoption Benefit Program</b> |                      |                  |                               |                              |
|--|----------------------|------------------|-------------------------------|------------------------------|
| Fiscal Year                                    | Number of Applicants | Number of Awards | General Revenue Appropriation | Total Amount of Expenditures |
| 2015-16  | 104                  | 139              | \$3.0 million                 | \$1.39 million               |
| 2016-17  | 151                  | 219              | \$2.75 million                | \$2.19 million               |
| 2017-18  | 259                  | 166              | \$2.75 million                | \$2.56 million               |
| 2018-19  | 314                  | 233              | \$4.88 million                | \$3.13 million               |

Adoption benefit payments are disbursed to qualified applicants on a first-come, first-served basis. If sufficient funding is not available to pay an eligible applicant, the applicant may reapply for the adoption benefit the following year.

At this time, the fiscal impact of extending the adoption benefits to veterans and service members is indeterminate. No fiscal analysis has been received from the Department of Children and Families.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

**VIII. Statutes Affected:**

This bill substantially amends section 409.1664 of the Florida Statutes.

**IX. 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 November 13, 2019:**

The committee substitute clarifies the administrative processes for the application and receipt of monetary benefits under the State Employee Adoption Benefit Program for veterans and servicemembers and the definition of a “qualified adoptive employee” does not include independent contractors. Specifically the committee substitute:

- Clarifies that veterans and servicemember must apply to the Department of Children and Families to obtain the monetary benefit.
- Requires veterans and servicemembers to register as a vendor with the state in order to receive an approved monetary benefit.
- Clarifies that veterans and servicemembers may receive other state adoption assistance or incentives for the adoption of a child from the child welfare system.

**B. Amendments:**

None.



716126

LEGISLATIVE ACTION

| Senate     | . | House |
|------------|---|-------|
| Comm: RCS  | . |       |
| 11/13/2019 | . |       |
|            | . |       |
|            | . |       |
|            | . |       |

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 409.1664, Florida Statutes, is amended  
to read:

409.1664 Adoption benefits for qualifying adoptive  
employees of state agencies, veterans, and servicemembers.—

(1) As used in this section, the term:

(a) "Child within the child welfare system" has the same





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11 meaning as provided in s. 409.166.

12 (b) "Qualifying adoptive employee" means a full-time or  
13 part-time employee of a state agency, a charter school  
14 established under s. 1002.33, or the Florida Virtual School  
15 established under s. 1002.37, who is not an independent  
16 contractor paid from regular salary appropriations, or otherwise  
17 meets his or her employer's definition of a regular rather than  
18 temporary employee, and who adopts a child within the child  
19 welfare system pursuant to chapter 63 on or after July 1, 2015.  
20 The term includes instructional personnel, as defined in s.  
21 1012.01, who are employed by the Florida School for the Deaf and  
22 the Blind, and includes other-personal-services employees who  
23 have been continuously employed full time or part time by a  
24 state agency for at least 1 year.

25 (c) "Servicemember" has the same meaning as in s.  
26 250.01(19).

27 (d) "State agency" means a branch, department, or agency of  
28 state government for which the Chief Financial Officer processes  
29 payroll requisitions, a state university or Florida College  
30 System institution as defined in s. 1000.21, a school district  
31 unit as defined in s. 1001.30, or a water management district as  
32 defined in s. 373.019.

33 (e) "Veteran" has the same meaning as in s. 1.01(14).

34 (2) A qualifying adoptive employee, veteran, or  
35 servicemember who adopts a child within the child welfare system  
36 who has special needs described in s. 409.166(2)(a)2. is  
37 eligible to receive a lump-sum monetary benefit in the amount of  
38 \$10,000 per such child, subject to applicable taxes. A  
39 qualifying adoptive employee, veteran, or servicemember who



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40 adopts a child within the child welfare system who does not have  
41 special needs described in s. 409.166(2)(a)2. is eligible to  
42 receive a lump-sum monetary benefit in the amount of \$5,000 per  
43 such child, subject to applicable taxes. A qualifying adoptive  
44 employee of a charter school or the Florida Virtual School may  
45 retroactively apply for the monetary benefit provided in this  
46 subsection if such employee was employed by a charter school or  
47 the Florida Virtual School when he or she adopted a child within  
48 the child welfare system pursuant to chapter 63 on or after July  
49 1, 2015. A veteran or servicemember may apply for the monetary  
50 benefit provided in this subsection if he or she is domiciled in  
51 this state and adopts a child within the child welfare system  
52 pursuant to chapter 63 on or after July 1, 2020.

53 (a) Benefits paid to a qualifying adoptive employee who is  
54 a part-time employee must be prorated based on the qualifying  
55 adoptive employee's full-time equivalency at the time of  
56 applying for the benefits.

57 (b) Monetary benefits awarded under this subsection are  
58 limited to one award per adopted child within the child welfare  
59 system.

60 (c) The payment of a lump-sum monetary benefit for adopting  
61 a child within the child welfare system under this section is  
62 subject to a specific appropriation to the department for such  
63 purpose.

64 (3) A qualifying adoptive employee must apply to his or her  
65 agency head, or to his or her school director in the case of a  
66 qualifying adoptive employee of a charter school or the Florida  
67 Virtual School, to obtain the monetary benefit provided in  
68 subsection (2). A veteran or servicemember must apply to the



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69 department to obtain the benefit. Applications must be on forms  
70 approved by the department and must include a certified copy of  
71 the final order of adoption naming the applicant as the adoptive  
72 parent. Monetary benefits shall be approved on a first-come,  
73 first-served basis based upon the date that each fully completed  
74 application is received by the department.

75 (4) This section does not preclude a qualifying adoptive  
76 employee, veteran, or servicemember from receiving adoption  
77 assistance for which he or she may qualify under s. 409.166 or  
78 any other statute that provides financial incentives for the  
79 adoption of children.

80 (5) Parental leave for a qualifying adoptive employee must  
81 be provided in accordance with the personnel policies and  
82 procedures of his or her employer.

83 (6) The department may adopt rules to administer this  
84 section. The rules may provide for an application process such  
85 as, but not limited to, an open enrollment period during which  
86 qualifying adoptive employees, veterans, or servicemembers may  
87 apply for monetary benefits under this section.

88 (7) The Chief Financial Officer shall disburse a monetary  
89 benefit to a qualifying adoptive employee upon the department's  
90 submission of a payroll requisition. The Chief Financial Officer  
91 shall transfer funds from the department to a state university,  
92 a Florida College System institution, a school district unit, a  
93 charter school, the Florida Virtual School, or a water  
94 management district, as appropriate, to enable payment to the  
95 qualifying adoptive employee through the payroll systems as long  
96 as funds are available for such purpose.

97 (8) To receive an approved monetary benefit under this



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98 section, a veteran or servicemember must be registered as a  
99 vendor with the state.

100 (9) Each state agency shall develop a uniform procedure for  
101 informing employees about this benefit and for assisting the  
102 department in making eligibility determinations and processing  
103 applications. Any procedure adopted by a state agency is valid  
104 and enforceable if the procedure does not conflict with the  
105 express terms of this section.

106 Section 2. This act shall take effect July 1, 2020.

107  
108 ===== T I T L E A M E N D M E N T =====

109 And the title is amended as follows:

110 Delete everything before the enacting clause  
111 and insert:

112 A bill to be entitled  
113 An act relating to adoption benefits; amending s.  
114 409.1664, F.S.; revising the definition of the term  
115 "qualifying adoptive employee" with retroactive  
116 applicability; defining the terms "servicemember" and  
117 "veteran"; providing that adoptive servicemembers and  
118 veterans are eligible to receive certain monetary  
119 benefits; specifying eligibility criteria; requiring  
120 servicemembers and veterans seeking a benefit to apply  
121 to the Department of Children and Families; revising  
122 construction; providing applicability of  
123 servicemembers and veterans under certain department  
124 rules; requiring servicemembers and veterans seeking a  
125 benefit to be registered as a vendor with the state;  
126 providing an effective date.

By Senator Bean

4-00153B-20

2020136\_\_

A bill to be entitled

An act relating to adoption benefits; amending s. 409.1664, F.S.; revising the definition of the term "qualifying adoptive employee"; providing that certain adoptive veterans and servicemembers are eligible to apply for certain monetary benefits; defining the terms "veteran" and "servicemember"; authorizing the Department of Children and Families to adopt rules; providing an effective date.

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

Section 1. Section 409.1664, Florida Statutes, is amended to read:

409.1664 Adoption benefits for qualifying adoptive employees of state agencies, veterans, and servicemembers.—

(1) As used in this section, the term:

(a) "Child within the child welfare system" has the same meaning as provided in s. 409.166.

(b) "Qualifying adoptive employee" means a full-time or part-time employee of a state agency, a charter school established under s. 1002.33, or the Florida Virtual School established under s. 1002.37 who is paid from regular salary appropriations, or otherwise meets his or her employer's definition of a regular rather than temporary employee, and who adopts a child within the child welfare system pursuant to chapter 63 on or after July 1, 2015. The term includes instructional personnel, as defined in s. 1012.01, who are employed by the Florida School for the Deaf and the Blind. For

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

4-00153B-20

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purposes of this paragraph, an employer's definition of a regular employee may include an other-personal-services employee who has been continuously employed full-time or part-time by the state agency for at least 1 year.

(c) "State agency" means a branch, department, or agency of state government for which the Chief Financial Officer processes payroll requisitions, a state university or Florida College System institution as defined in s. 1000.21, a school district unit as defined in s. 1001.30, or a water management district as defined in s. 373.019.

(2) A qualifying adoptive employee who adopts a child within the child welfare system who has special needs described in s. 409.166(2)(a)2. is eligible to receive a lump-sum monetary benefit in the amount of \$10,000 per such child, subject to applicable taxes. A qualifying adoptive employee who adopts a child within the child welfare system who does not have special needs described in s. 409.166(2)(a)2. is eligible to receive a lump-sum monetary benefit in the amount of \$5,000 per such child, subject to applicable taxes. A qualifying adoptive employee of a charter school or the Florida Virtual School may retroactively apply for the monetary benefit provided in this subsection if such employee was employed by a charter school or the Florida Virtual School when he or she adopted a child within the child welfare system pursuant to chapter 63 on or after July 1, 2015.

(a) Benefits paid to a qualifying adoptive employee who is a part-time employee must be prorated based on the qualifying adoptive employee's full-time equivalency at the time of applying for the benefits.

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

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59 (b) Monetary benefits awarded under this subsection are  
60 limited to one award per adopted child within the child welfare  
61 system.

62 (c) The payment of a lump-sum monetary benefit for adopting  
63 a child within the child welfare system under this section is  
64 subject to a specific appropriation to the department for such  
65 purpose.

66 (3) A qualifying adoptive employee must apply to his or her  
67 agency head, or to his or her school director in the case of a  
68 qualifying adoptive employee of a charter school or the Florida  
69 Virtual School, to obtain the monetary benefit provided in  
70 subsection (2). Applications must be on forms approved by the  
71 department and must include a certified copy of the final order  
72 of adoption naming the applicant as the adoptive parent.  
73 Monetary benefits shall be approved on a first-come, first-  
74 served basis based upon the date that each fully completed  
75 application is received by the department.

76 (4) This section does not preclude a qualifying adoptive  
77 employee from receiving adoption assistance for which he or she  
78 may qualify under s. 409.166 or any other statute that provides  
79 financial incentives for the adoption of children.

80 (5) Parental leave for a qualifying adoptive employee must  
81 be provided in accordance with the personnel policies and  
82 procedures of his or her employer.

83 (6) The department may adopt rules to administer this  
84 section. The rules may provide for an application process such  
85 as, but not limited to, an open enrollment period during which  
86 qualifying adoptive employees may apply for monetary benefits  
87 under this section.

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

4-00153B-20

2020136\_\_

88 (7) The Chief Financial Officer shall disburse a monetary  
89 benefit to a qualifying adoptive employee upon the department's  
90 submission of a payroll requisition. The Chief Financial Officer  
91 shall transfer funds from the department to a state university,  
92 a Florida College System institution, a school district unit, a  
93 charter school, the Florida Virtual School, or a water  
94 management district, as appropriate, to enable payment to the  
95 qualifying adoptive employee through the payroll systems as long  
96 as funds are available for such purpose.

97 (8) Each state agency shall develop a uniform procedure for  
98 informing employees about this benefit and for assisting the  
99 department in making eligibility determinations and processing  
100 applications. Any procedure adopted by a state agency is valid  
101 and enforceable if the procedure does not conflict with the  
102 express terms of this section.

103 (9) A veteran or servicemember who is domiciled in this  
104 state and who adopts a child within the child welfare system  
105 pursuant to chapter 63 on or after July 1, 2020, is eligible to  
106 apply for the monetary benefits awarded under subsection (2),  
107 regardless of whether the veteran or servicemember is a  
108 qualifying adoptive employee. As used in this subsection, the  
109 term "veteran" has the same meaning as provided in s. 1.01(14)  
110 and the term "servicemember" has the same meaning as provided in  
111 s. 250.01(19). The department may adopt rules to administer this  
112 subsection.

113 Section 2. This act shall take effect July 1, 2020.

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

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

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

11/13/19  
Meeting Date

SB 136  
Bill Number (if applicable)  
716126  
Amendment Barcode (if applicable)

Topic ADOPTION Benefits

Name ALAN ABRAMOWITZ

Job Title Executive Director

Address 600 S. CALHOUN

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Tallahassee, FL

City

State

32399

Zip

Phone 850-241-3222

Email alan.abramowitz@gettr.gov

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing GUARDIAN AD LITEM Program

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.**



FLORIDA DEPARTMENT OF VETERANS' AFFAIRS

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*Honoring those who served U.S.*

***Executive Director Daniel W. "Danny" Burgess  
Captain, U.S. Army Reserve***

**Veterans' Homes Update  
November 2019**



# Florida Veterans' Homes

- FDVA operates six skilled-nursing facilities and one assisted living facility.
- According to the U.S. Department of Veterans' Affairs, Florida has the need for 4,049 beds.
- The state ranks third in unmet needs behind California (4,363) and Texas (4,119).



# Florida Veterans' Homes

- With the completion of Ardie R. Copas (Port St. Lucie) and Lake Baldwin (Orlando), we will have 1,102 beds, including six bariatric rooms at our nine veterans' homes.
- Each veterans' home has beds for 120 veterans, except Lake City, which has 150.
- Our homes' work list/wait list currently has 130 veterans.

# 2019 FDVA Veterans' Home Ratings

| Facility                                    | *CMS Star Overall Rating | ** Governor's Gold Seal Award | *** Bronze Award | ****Silver Award |
|---|--------------------------|-------------------------------|------------------|------------------|
| Emory L. Bennett, Daytona                   | 5                        |                               | Yes              | Yes              |
| Baldomero Lopez, Land O' Lakes              | 5                        | Yes                           | Yes              | Yes              |
| Alexander Nininger, Pembroke Pines          | 4                        |                               | Yes              | Yes              |
| Clifford C. Sims, Panama City               | 4                        | Yes                           | Yes              |                  |
| Douglas T. Jacobson, Port Charlotte         | 4                        |                               | Yes              |                  |
| Clyde E. Lassen, St. Augustine              | 5                        |                               |                  |                  |
| Robert H Jenkins Jr. Domiciliary, Lake City | N/A                      | N/A                           | Yes              | Yes              |

# Homes Under Construction

## New State Veterans' Nursing Homes Update





# Ardie R. Copas State Veterans' Nursing Home



- 120-bed Skilled Nursing Facility in Port St. Lucie
- Groundbreaking on March 20, 2018
- 60% Completed
- Initial hiring – January
- Open Mid-2020

# Lake Baldwin (Orlando)

## State Veterans' Nursing Home



- **112-bed former VA Community Living Center on VA Campus at Lake Baldwin (Orange County)**
- **Nine-month refurbishment started August 2019**
- **Open Mid-2020**
- **Will rename facility for Florida Medal of Honor recipient early Spring**

# Clifford Sims Veterans' Home



- **Veterans' home in Panama City received new metal roof in July 2019, repairing damage from 2018's Hurricane Michael.**
- **There are 109 residents and 11 open beds due to staffing shortages.**



# 2020-2021 Budget Request

- **Initial Staffing and Start-up Operations for Ardie R. Copas and Lake Baldwin Veterans' Homes**
  - **40 FTE**
  - **48 FTE**
- **Increase in Mission Essential Skilled-Nursing Staff**
  - **16 FTE**
- **Increase in Base Budget for Contractual Services**



# Agency Budget/Trust Funds

**Agency budget/Trust Funds have been impacted over the past 4 fiscal years by the following:**

- **Hurricanes recovery – six major hurricanes**
- **Funding shifts to pay non-clinical personnel out of Trust Funds**
- **Lake Baldwin Facility donated to FDVA – Congressman Mica**
- **New requirements for generators (96-hour) operations capability**
- **Ardie R. Copas/Lake Baldwin SVNH near simultaneous openings**
- **Nursing staff recruitment challenges**
- **Aging existing State Veterans' Nursing Homes**

# Nurse Retention

- In 2018, our nurse (CNAs and RNs) retention rate was 46% due to competitive wages in the private sector
- Research from the *American Journal of Medical Quality* estimates that by 2030, Florida will be one of the hardest hit states when it comes to nursing shortages:
  - State with the second largest shortage in the country (128,364 jobs), second only to California

# Nursing Staff Recruitment Efforts

- CNA Training
- Movie Theatre Ads
- Billboards
- Door to Door
- Job Fairs



HEALTH CARE PROFESSIONALS - APPLY TODAY!



Emory L. Bennett  
State Veterans' Nursing Home  
**NEEDS YOU!**

1920 Mason Avenue, Daytona Beach, 386-274-3460

**FDVA** ★ FLORIDA DEPARTMENT  
OF VETERANS' AFFAIRS

A recruitment advertisement for the State Veterans' Nursing Home. It features a group photo of diverse healthcare professionals. The text includes the name Emory L. Bennett, the facility name, and a call to action "NEEDS YOU!". Contact information for 1920 Mason Avenue, Daytona Beach, and phone number 386-274-3460 is provided. The FDVA logo is also present.

Honor veterans by joining  
our team in Daytona Beach



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FLORIDA DEPARTMENT OF VETERANS' AFFAIRS

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

11/13/2019

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

Meeting Date

Bill Number (if applicable)

Topic Veterans' Nursing Homes

Amendment Barcode (if applicable)

Name Danny Burgess

Job Title Executive Director

Address 400 S. Monroe Street

Phone 487-1533

Street

Tallahassee

FL

32399

City

State

Zip

Email Exdir@fdva.state.fl.us

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)

Representing Florida Dept. of Veterans' Affairs

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

Tallahassee, Florida 32399-1100

**COMMITTEES:**

Governmental Oversight and Accountability, *Vice Chair*  
Agriculture  
Appropriations Subcommittee on Health  
and Human Services  
Children, Families, and Elder Affairs

**JOINT COMMITTEE:**

Joint Legislative Auditing Committee

**SENATOR KEVIN J. RADER**

29th District

November 7, 2019

Chairman Aaron Bean  
Appropriations Subcommittee on Health and Human Services  
201 The Capitol  
404 S. Monroe Street  
Tallahassee, FL 32399

Dear Chairman Bean:

I am writing to you to be excused from the Appropriations Subcommittee on Health and Human Services meeting that will be held Wednesday, November 13, 2019, at 2:30 p.m., due to an urgent matter that needs my attention. I sincerely apologize for any inconvenience this may cause.

Thank you for your consideration. Please feel free to contact me at (850) 487-5029 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kevin Rader".

Kevin Rader  
State Senator  
District 29

cc: Tonya Kidd, Staff Director  
Robin Jackson, Committee Administrative Assistant

REPLY TO:

- 5301 North Federal Hwy, Suite 135, Boca Raton, Florida 33487 (561) 443-8170
- 222 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BILL GALVANO**  
President of the Senate

**DAVID SIMMONS**  
President Pro Tempore

# CourtSmart Tag Report

**Room:** KN 412

**Case No.:**

**Type:**

**Caption:** Senate Appropriations Subcommittee on Health and Human Services

**Judge:**

**Started:** 11/13/2019 2:32:56 PM

**Ends:** 11/13/2019 2:59:29 PM

**Length:** 00:26:34

**2:32:56 PM** Sen. Bean (Chair)  
**2:34:30 PM** S 100  
**2:34:57 PM** Jared Willis, Director of Government Relations, Florida Osteopathic Medical Association (waives in support)  
**2:35:04 PM** Paul Lowell, Lobbyist, Palm Beach County (waives in support)  
**2:35:09 PM** Ivonne Fernandez, Associate State Director, AARP (waives in support)  
**2:35:13 PM** Phillip Suderman, Policy Director, Americans for Prosperity (waives in support)  
**2:35:59 PM** Sen. Harrell (Chair)  
**2:36:12 PM** S 136  
**2:36:14 PM** Sen. Bean  
**2:37:29 PM** Am. 716126  
**2:38:39 PM** Alan Abramowitz, Executive Director, Guardian Ad Litem Program (waives in support)  
**2:39:00 PM** S 136 (cont.)  
**2:39:14 PM** Sen. Farmer  
**2:39:55 PM** Sen. Bean  
**2:40:42 PM** Sen. Bean (Chair)  
**2:40:54 PM** TAB 3 - Presentation on the Florida Dept. of Veterans' Affairs  
**2:41:30 PM** Danny Burgess, Executive Director, Florida Dept. of Veterans' Affairs  
**2:51:26 PM** Sen. Book  
**2:51:38 PM** D. Burgess  
**2:52:30 PM** Sen. Harrell  
**2:53:24 PM** D. Burgess  
**2:54:50 PM** Sen. Harrell  
**2:55:03 PM** D. Burgess  
**2:55:13 PM** Sen. Passidomo  
**2:57:04 PM** D. Burgess  
**2:58:12 PM** Sen. Passidomo  
**2:58:17 PM** D. Burgess  
**2:58:37 PM** Sen. Bean  
**2:58:44 PM** D. Burgess  
**2:59:02 PM** Sen. Flores  
**2:59:11 PM**