

Tab 1	SB 242 by Baxley ; (Similar to H 00969) Developmental Disabilities					
351530	A	S	RCS	CF, Baxley	Delete L.11	01/16 03:10 PM

Tab 2	SM 882 by Campbell (CO-INTRODUCERS) Garcia, Taddeo ; (Similar to H 00475) Deferred Action for Childhood Arrivals Program					
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Tab 3	SB 1212 by Book ; (Similar to CS/H 00417) Public Records/Child Advocacy Centers					
955928	A	S	RCS	CF, Book	Delete L.275 - 334:	01/16 03:10 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

CHILDREN, FAMILIES, AND ELDER AFFAIRS

Senator Garcia, Chair
Senator Torres, Vice Chair

MEETING DATE: Tuesday, January 16, 2018

TIME: 1:30—3:30 p.m.

PLACE: James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

MEMBERS: Senator Garcia, Chair; Senator Torres, Vice Chair; Senators Broxson, Campbell, and Steube

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 242 Baxley (Similar H 969)	Developmental Disabilities; Citing this act as the "Gabe's Act"; revising the term "developmental disability" to include the disorder and symptoms attributable to Duchenne muscular dystrophy, etc. CF 01/16/2018 Fav/CS BI AP RC	Fav/CS Yeas 5 Nays 0
2	SM 882 Campbell (Similar HM 475)	Deferred Action for Childhood Arrivals Program; Urging Congress to preserve the Deferred Action for Childhood Arrivals Program, etc. CF 01/16/2018 Favorable JU RC	Favorable Yeas 3 Nays 2
3	SB 1212 Book (Similar CS/H 417)	Public Records/Child Advocacy Centers; Providing an exemption from public records requirements to certain identifying and location information of current or former directors, managers, supervisors, and clinical employees of child advocacy centers that meet certain standards and requirements, members of a child protection team, and the spouses and children thereof; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. CF 01/16/2018 Fav/CS GO RC	Fav/CS Yeas 5 Nays 0
4	The Future of Substance Abuse Treatment by Dr. Ahmed Howeedy, Florida House Institute for Addiction Medicine and NeuroRehabilitation		Discussed

Other Related Meeting Documents

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 Committee on Children, Families, and Elder Affairs

BILL: CS/SB 242

INTRODUCER: Senator Baxley

SUBJECT: Developmental Disabilities

DATE: January 17, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Delia	Hendon	CF	Fav/CS
2.			BI	
3.			AP	
4.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 242 expands the definition of “developmental disability” in statute to include any disorder or syndrome attributable to Duchenne Muscular Dystrophy (DMD).

DMD is the most commonly diagnosed type of muscular dystrophy, and is considered to be among the most common fatal genetic diseases discovered in childhood. DMD often occurs in people without a known family history of the condition. Symptoms progress at a faster rate than other forms of muscular dystrophy; DMD patients lose muscular tissue and function rapidly as they age, and most patients are unable to walk by age 12. There is no known cure for DMD, and the average life expectancy of a DMD patient is 26, although some patients live into their 30s.

The bill will potentially give DMD patients access to various services, such as residential habilitation, behavioral services, adult day training, employment services, physical therapy, and other services provided by the Agency for Persons with Disabilities (APD) by making DMD patients eligible for the Medicaid iBudget waiver.

The bill has an effective date of July 1, 2018, and the fiscal impact is indeterminate.

II. Present Situation:

Duchenne Muscular Dystrophy

DMD is a genetic disease that primarily affects males and is considered the most common fatal inherent disorder that is diagnosed in childhood.¹ A progressive form of muscular dystrophy, DMD is caused by an alteration (mutation) in the DMD gene.² The DMD gene codes for a protein called dystrophin, which is crucial for muscles to work properly. Without dystrophin, muscle fibers degenerate and are gradually replaced by fat and connective tissue until voluntary movement becomes impossible.³

While many women are asymptomatic carriers, some may also have health effects.⁴ DMD often occurs in people whose families have no known family history of the disease.⁵ Although symptoms may start earlier, the average age at the time of diagnosis is four to six years of age, when families may already have, or are planning, more children. For this reason, parents are often unaware that they may be at high risk of having another child who could inherit this genetic disorder.⁶

Each year, between 400 and 600 boys in the United States are born with DMD or Becker muscular dystrophy (BMD), a related genetic disorder.⁷ This means DMD occurs in about 1 in every 3,500 male births in the U.S.⁸ According to APD, there are an estimated 286 individuals with DMD in Florida based upon a census of 2,859,433 males between the ages of 5 and 30.⁹

The most common symptoms of DMD are delayed motor skills, such as not sitting, standing, or walking, as well as speech delay.¹⁰ Symptoms typically appear before age 6, though symptoms can sometimes begin to be seen as early as infancy.¹¹ Muscle weakness tends to appear in early childhood, and worsens progressively, usually resulting in wheelchair dependence by adolescence.¹²

Both DMD and BMD are associated with a heart condition called cardiomyopathy, in which cardiac muscle is weakened by a lack of dystrophin, preventing the heart from pumping blood

¹ Parent Project Muscular Dystrophy; <http://www.parentprojectmd.org> (last visited January 10, 2018).

² National Human Genome Research Institute; <https://www.genome.gov/19518854/learning-about-duchenne-muscular-dystrophy/> (last visited January 10, 2018).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ Genetic Home Reference; Duchenne and Becker Muscular Dystrophy; <https://ghr.nlm.nih.gov/condition/duchenne-and-becker-muscular-dystrophy#statistics> (last visited January 10, 2018).

⁸ *Id.*

⁹ Agency for Persons with Disabilities, Agency Bill Analysis for 2018 Senate Bill 242, *available at* <http://abar.laspsb.state.fl.us/ABAR/Document.aspx?id=20951&yr=2018> (last visited January 16, 2018).

¹⁰ *Supra*, note 7.

¹¹ *Id.*

¹² *Id.*

efficiently.¹³ Heart failure due to Duchenne cardiomyopathy typically begins in adolescence, progressively worsens, and results in death.¹⁴ Few individuals with DMD live beyond their 30s.¹⁵

Because DMD is an X-linked condition, and a characteristic of X-linked inheritance is that fathers cannot pass X-linked traits to their sons, only mothers can pass on the mutated DMD gene.¹⁶ Approximately two-thirds of males with DMD have inherited the disease from their mothers; the other one-third developed mutations in the womb that were not inherited.¹⁷

Agency for Persons with Disabilities

APD provides services to persons in Florida with developmental disabilities. A developmental disability is defined as a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome or Prader-Willi syndrome, that manifests before the age of 18 and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely.¹⁸

Individuals who meet Medicaid eligibility requirements, including individuals with developmental disabilities¹⁹, may choose to receive services in the community through the state's Medicaid HCBS waiver for individuals with developmental disabilities administered by APD or in an Intermediate Care Facility for the Developmentally Disabled.

The Medicaid Home and Community-Based Services (HCBS) waiver, known as iBudget Florida, offers 27 supports and services delivered by contracted service providers to assist individuals to live in their community.²⁰ Such services are not covered under the regular Medicaid program. Examples of waiver services enabling children and adults to live in their own home, a family home, or in a licensed residential setting are residential habilitation, behavioral services, adult day training, employment services, and physical therapy.²¹

DMD is not currently included in the statutory definition of “developmental disabilities,” and is therefore not currently considered a qualifying disability for purposes of HCBS waiver eligibility.²²

¹³ Kazuhiko Segawa, Hirofumi Komaki, Madoka Mori-Yoshimura, Yasushi Oya, Koichi Kimura, Hisateru Tachimori, Naohiro Kato, Masayuki Sasaki, and Yuji Takahashi, *Cardiac Conduction Disturbances and Aging in Patients with Duchenne Muscular Dystrophy*, MEDICINE (BALTIMORE), (Oct. 2017), available at, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5662415/> (last visited January 10, 2018).

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Supra*, note 7.

¹⁷ *Id.*

¹⁸ Section 393.063(12), F.S.

¹⁹ S. 393.0662(1), F.S., provides eligibility criteria for the iBudget waiver.

²⁰ Agency for Persons with Disabilities, Quarterly Report on Agency Services to Floridians with Developmental Disabilities and Their Costs: Third Quarter Fiscal Year 2016-17, May 2017.

²¹ *Id.*

²² *Supra*, note 18.

III. Effect of Proposed Changes:

Section 1 states this act shall be known as “Gabe’s Act.”

Section 2 amends s. 393.063, F.S., by modifying the definition of “developmental disability” to include a disorder or syndrome attributable to DMD. The bill would likely make individuals diagnosed with DMD eligible for some APD services, such as those available through the iBudget waiver.

Section 3 provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate impact on private sector insurance companies who currently cover some services for DMD patients because APD may provide these individuals access to some of the same or similar services covered by private insurance carriers.

C. Government Sector Impact:

Some DMD patients may be currently served under Medicaid, the Medically Needy Program, or Children’s Medical Services (CMS). To the extent these individuals are not being served, the bill may create a fiscal impact on APD by increasing the number of individuals eligible to receive services through the iBudget waiver, as well as other services available through the agency. These costs are indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 393.063 of the Florida Statutes.

IX. Additional Information:

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

CS by Children, Families, and Elder Affairs on January 16, 2018:**The Committee Substitute:**

- Removes Section 1, containing the short title of the bill.

- B. Amendments:

None.



351530

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2018	.	
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	.	
	.	

The Committee on Children, Families, and Elder Affairs (Baxley)
recommended the following:

Senate Amendment (with title amendment)

Delete line 11

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

And the title is amended as follows:

Delete line 3

and insert:

amending s. 393.063, F.S.;

By Senator Baxley

12-00375A-18

2018242__

A bill to be entitled

An act relating to developmental disabilities;
providing a short title; amending s. 393.063, F.S.;
revising the term "developmental disability" to
include the disorder and symptoms attributable to
Duchenne muscular dystrophy; providing an effective
date.

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

Section 1. This act shall be known as "Gabe's Act."

Section 2. Subsection (12) of section 393.063, Florida
Statutes, is amended to read:

393.063 Definitions.—For the purposes of this chapter, the
term:

(12) "Developmental disability" means a disorder or
syndrome that is attributable to intellectual disability,
cerebral palsy, autism, spina bifida, Down syndrome, Phelan-
McDermid syndrome, ~~or~~ Prader-Willi syndrome, or Duchenne
muscular dystrophy; that manifests before the age of 18; and
that constitutes a substantial handicap that can reasonably be
expected to continue indefinitely.

Section 3. This act shall take effect July 1, 2018.

COMMITTEE: Children, Families, and Elder Affairs
ITEM: SB 242
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, January 16, 2018
TIME: 1:30—3:30 p.m.
PLACE: 401 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
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RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
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AV=Abstain from Voting

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 Committee on Children, Families, and Elder Affairs

BILL: SM 882

INTRODUCER: Senators Campbell and Garcia

SUBJECT: Deferred Action for Childhood Arrivals Program

DATE: January 12, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Hendon	CF	Favorable
2.			JU	
3.			RC	

I. Summary:

SM 882 urges the U.S. Congress to preserve the Deferred Action for Childhood Arrivals Program (DACA). DACA is a program that defers the deportation of illegal aliens who came to the U.S. as children. The program is currently being litigated in federal court and Executive Order No. 13,768 orders federal agencies to end the program by March 5, 2018.

II. Present Situation:

Memorials

Memorials have no force of law and instead allow the Legislature to express a desire for the federal government to take an action. Senate rule 4.13 requires that memorials be read by title on two separate days before a voice vote on adoption, unless decided otherwise by a two-thirds vote of those Senators present.

Deferred Action for Childhood Arrivals Program

On June 15, 2012, the Secretary of U.S. Department of Homeland Security (DHS) announced that certain people who came to the United States as children and meet several guidelines may request consideration of deferred action for a period of two years, subject to renewal.¹ This new initiative is called the Deferred Action for Childhood Arrivals Program (DACA). They are also eligible for work authorization. Deferred action is when the government defers a removal action against an individual for a certain period of time. Deferred action does not provide lawful status.

¹ U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services website. See <https://www.uscis.gov/archive/consideration-deferred-action-childhood-arrivals-daca>, (last visited 1/10/18).

On November 20, 2014, the DHS issued a new memorandum, expanding the parameters of DACA and creating a new policy called Deferred Action for Parents of Americans and Lawful Permanent Residents (DAPA). Among other things—such as the expansion of the coverage criteria under the 2012 DACA policy to encompass aliens with a wider range of ages and arrival dates, and lengthening the period of deferred action and work authorization from two years to three—the November 20, 2014 memorandum directed agencies “to establish a process, similar to DACA, for exercising prosecutorial discretion through the use of deferred action, on a case-by-case basis,” to certain aliens who have “a son or daughter who is a U.S. citizen or lawful permanent resident.”²

Prior to the implementation of DAPA, twenty-six states—led by Texas—challenged the policies announced in the November 20, 2014 memorandum in the U.S. District Court for the Southern District of Texas. In an order issued on February 16, 2015, the district court preliminarily enjoined the policies nationwide. The district court held that the plaintiff states were likely to succeed on their claim that the DAPA program did not comply with relevant authorities.³

The United States Court of Appeals for the Fifth Circuit affirmed, holding that Texas and the other states had demonstrated a substantial likelihood of success on the merits and satisfied the other requirements for a preliminary injunction. The Fifth Circuit concluded that the Department’s DAPA policy conflicted with the discretion authorized by Congress. In considering the DAPA program, the court noted that the Immigration and Nationality Act “flatly does not permit the reclassification of millions of illegal aliens as lawfully present and thereby make them newly eligible for a host of federal and state benefits, including work authorization.” According to the court, “DAPA is foreclosed by Congress’s careful plan; the program is ‘manifestly contrary to the statute’ and therefore was properly enjoined.”⁴

Although the original DACA policy was not challenged in the lawsuit, both the district and appellate court decisions relied on factual findings about the implementation of the 2012 DACA memorandum. The Fifth Circuit agreed with the lower court that DACA decisions were not truly discretionary, and that DAPA and expanded DACA would be substantially similar in execution. Both the district court and the Fifth Circuit concluded that implementation of the program did not comply with the Administrative Procedure Act because the Department did not implement it through notice-and-comment rulemaking.⁵

The Supreme Court affirmed the Fifth Circuit’s ruling by a 4-4 vote. The preliminary injunction therefore remains in place today. In October 2016, the Supreme Court denied a request from DHS to rehear the case upon the appointment of a new Justice. After the 2016 election, both parties agreed to a stay in litigation to allow the new administration to review these issues.

On January 25, 2017, President Trump issued Executive Order No. 13,768, “Enhancing Public Safety in the Interior of the United States.” In that Order, the President directed federal agencies to “[e]nsure the faithful execution of the immigration laws . . . against all removable aliens,” and

² Memorandum on Rescission Of Deferred Action For Childhood Arrivals (DACA), U.S. Department of Homeland Security, September 5, 2017. Available at <https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca>, (last visited 1/10/18).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

established new immigration enforcement priorities. On February 20, 2017, then Secretary of Homeland Security John F. Kelly issued an implementing memorandum, stating “the Department no longer will exempt classes or categories of removable aliens from potential enforcement,” except as provided in the Department’s June 15, 2012 memorandum establishing DACA, and the November 20, 2014 memorandum establishing DAPA and expanding DACA.⁶

On January 9, 2018, Judge William Alsup of the Federal District Court in California issued a nationwide injunction ordering the Trump administration to start the program back up again.⁷ The judge found that the decision to end the program was improper, and the administration must “maintain the DACA program on a nationwide basis” as the legal challenge to the president’s decision goes forward. The judge required that beneficiaries of DACA be allowed to renew their status in the program. The government will not however, be required to accept new applications from immigrants. The judge also said the administration could continue to prevent DACA recipients from returning to the United States if they leave the country.

III. Effect of Proposed Changes:

The memorial contains whereas clauses to explain the rationale behind the memorial. The memorial states that the DACA program created the opportunity for such children to apply for temporary residence and eligibility for a work permit in the United States. Eligible applicants have arrived in the United States when they were under 16 years of age and have lived here continuously since June 15, 2007. The memorial states that 787,580 individuals, including 50,216 in Florida have qualified for DACA. The memorial states that President Donald Trump’s administration rescinded the DACA program, but delayed full implementation of the rescission for 6 months so that the Congress of the United States may reach a legislative resolution on the program. Finally, the memorial states that ending the DACA program will uproot hundreds of thousands of DACA recipients and separate them from their family, friends, and support networks.

The memorial urges the Congress of the United States to preserve the DACA Program.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁶ *Id.*

⁷ “Trump Must Keep DACA Protections for Now, Judge Says”, New York Times, 1/10/18.

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

None.

B. Private Sector Impact:

A legislative authorization of the deferred removal of DACA participants would allow children to remain in the U.S. to pursue education and work activities.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

None.

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.

By Senator Campbell

38-00877-18

2018882__

Senate Memorial

A memorial to the Congress of the United States,
urging Congress to preserve the Deferred Action for
Childhood Arrivals Program.

WHEREAS, in June 2012, President Barack Obama's
administration established the Deferred Action for Childhood
Arrivals (DACA) program for immigrants who came to the United
States as children and created the opportunity for such
immigrants to apply for temporary residence and eligibility for
a work permit in the United States, and

WHEREAS, eligible applicants arrived in the United States
when they were under 16 years of age and have lived here
continuously since June 15, 2007, and

WHEREAS, approximately 787,580 individuals have qualified
for DACA, including 50,216 who reside in the State of Florida,
and

WHEREAS, DACA recipients are from Africa, Asia, the
Caribbean, and Central America, and

WHEREAS, on September 5, 2017, President Donald Trump's
administration rescinded the DACA program, but delayed full
implementation of the rescision for 6 months so that the Congress
of the United States may reach a legislative resolution on the
program, and

WHEREAS, ending the DACA program will uproot hundreds of
thousands of DACA recipients and separate them from their
family, friends, and support networks, NOW, THEREFORE,

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

Page 1 of 2

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

38-00877-18

2018882__

That the Legislature of the State of Florida urges the
Congress of the United States to preserve the Deferred Action
for Childhood Arrivals (DACA) Program.

BE IT FURTHER RESOLVED that the Secretary of State dispatch
copies of this memorial to the President of the United States,
the President of the United States Senate, the Speaker of the
House of Representatives, and each member of the Florida
delegation to the United States Congress.

Page 2 of 2

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

COMMITTEE: Children, Families, and Elder Affairs
ITEM: SM 882
FINAL ACTION: Favorable
MEETING DATE: Tuesday, January 16, 2018
TIME: 1:30—3:30 p.m.
PLACE: 401 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
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TP=Temporarily Postponed
VA=Vote After Roll Call
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WD=Withdrawn
OO=Out of Order
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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 Committee on Children, Families, and Elder Affairs

BILL: CS/SB 1212

INTRODUCER: Senator Book

SUBJECT: Public Records/Child Advocacy Centers

DATE: January 17, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	Pre-meeting
2.			GO	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1212 exempts from public records requirements the home addresses, telephone numbers, dates of birth, and photographs of current and former employees and their family members of a child advocacy center (CAC). The same personal information of current or former child protection team (CPT) members whose duties are related to child abuse and neglect investigations and their family members is also made exempt under the bill. The bill also exempts names of spouses and children, as well as places of employment and the names and locations of schools and day care facilities attended by children of these personnel.

The bill includes a constitutionally required public necessity statement. The exemption will stand repealed on October 2, 2023, pursuant to the Open Government Sunset Review Act unless it is reenacted.

The bill requires a two-thirds vote from each chamber for passage. The bill has no impact on state revenues or expenditures and has an effective date of July 1, 2018.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or

received in connection with official governmental business.¹ This applies to the official business of any public body, officer or employee of the state, including all three branches of state government, local governmental entities and any person acting on behalf of the government.²

In addition to the Florida Constitution, the Florida Statutes provides that the public may access legislative and executive branch records.³ Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.⁴ The Public Records Act states that

it is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.⁵

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may create an exemption to public records requirements.⁹ An exemption must pass by a two-thirds vote of the House and the Senate.¹⁰ In addition, an exemption must explicitly lay out the public necessity justifying the exemption, and the exemption must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹ A statutory exemption which does not meet these criteria may be unconstitutional and may not be judicially saved.¹²

When creating a public records exemption, the Legislature may provide that a record is

¹ FLA. CONST., art. I, s. 24(a).

² *Id.*

³ The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

⁴ Public records laws are found throughout the Florida Statutes.

⁵ Section 119.01(1), F.S.

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” to mean as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁸ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Halifax Hosp. Medical Center v. New-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). See also *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004).

“confidential and exempt” or “exempt.”¹³ Records designated as “confidential and exempt” may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as “exempt” are not required to be made available for public inspection, but may be released at the discretion of the records custodian under certain circumstances.¹⁴

Open Government Sunset Review Act

The Open Government Sunset Review Act (OGSR) prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.¹⁵ The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.¹⁶

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.¹⁷ An exemption serves an identifiable purpose if it meets one of the following purposes and the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a
- program, and administration would be significantly impaired without the exemption;¹⁸
- Releasing sensitive personal information would be defamatory or would jeopardize an
- individual’s safety. If this public purpose is cited as the basis of an exemption, however, only
- personal identifying information is exempt;¹⁹ or
- It protects trade or business secrets.²⁰

The OGSR also requires specified questions to be considered during the review process.²¹ In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and

¹³ If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁴ *Williams v. City of Minneola*, 575 So. 2d 687 (Fla. 5th DCA 1991).

¹⁵ Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

¹⁶ Section 119.15(3), F.S.

¹⁷ Section 119.15(6)(b), F.S.

¹⁸ Section 119.15(6)(b)1., F.S.

¹⁹ Section 119.15(6)(b)2., F.S.

²⁰ Section 119.15(6)(b)3., F.S.

²¹ Section 119.15(6)(a), F.S. The specified questions are:

1. What specific records or meetings are affected by the exemption?
2. Whom does the exemption uniquely affect, as opposed to the general public?
3. What is the identifiable public purpose or goal of the exemption?
4. Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
5. Is the record or meeting protected by another exemption?
6. Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

a two-thirds vote for passage are required.²² If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless otherwise provided for by law.²³

Child Advocacy Centers

Child advocacy centers are community-based, child focused facilities where child victims of abuse or neglect are interviewed and may receive medical exams, therapy, and other critical services.²⁴ Child advocacy centers bring together professionals to confer and conclude about investigations, treatment and prosecution of child abuse cases. The primary goal of a CAC is to minimize the level of trauma experienced by child victims, improve prosecutions and provide efficient and thorough provision of necessary services to the child victim and the child's family.²⁵ CACs provide services such as:

- Forensic interviews conducted in a non-threatening, child-friendly environment.
- Crisis intervention and emotional support for victims and non-offending family members.
- Counseling for victims and non-offending family members.
- Medical evaluations and services.
- Multidisciplinary review of cases by a team of professionals, such as law enforcement officials, CPTs, prosecutors, medical professionals, mental health professionals, victim assistance staff and child advocates.
- Evidence-based prevention and intervention programs to reduce the likelihood of child maltreatment and to provide safe and caring homes for children.
- Professional training and community education to effectively respond to child abuse.²⁶

The Florida Network of Children's Advocacy Centers (FNCAC) is the statewide membership organization representing all local CACs in Florida.²⁷ Florida law provides requirements for membership in the FNCAC and requires that CACs either be a child protection team or have a written agreement that incorporates the participation and services of a CPT.²⁸ There are currently 27 CACs in Florida.²⁹

Child Protection Teams

A child protection team (CPT) is a medically directed, multidisciplinary team that supplements the child protective investigation efforts of the Department of Children and Families (DCF or department) and local sheriffs' offices in cases of child abuse and neglect.³⁰ CPTs provide

²² FLA. CONST. art. I, s. 24(c).

²³ Section 119.15(7), F.S.

²⁴ Florida Network of Child Advocacy Centers, What is a CAC?, available at: <https://www.fncac.org/what-cac> (last visited January 9, 2018).

²⁵ *Id.*

²⁶ *Id.*

²⁷ Florida Network of Child Advocacy Centers, About Us, available at: <https://www.fncac.org/about-us> (last visited January 9, 2018).

²⁸ Section 39.3035, F.S.

²⁹ Florida Network of Child Advocacy Centers, About Us, available at: <https://www.fncac.org/about-us> (last visited January 9, 2018).

³⁰ Florida Department of Health, Children's Medical Services. Child Protection Teams, available at:

expertise in evaluating alleged child abuse and neglect, assess risk and protective factors, and provide recommendations for interventions to protect children and enhance a caregiver's capacity to provide a safer environment when possible.³¹ The Department of Health (DOH) Children's Medical Services (CMS) program contracts for CPT services with local community-based programs.

CPTs are located in each service circuit of the department and provide services to all 67 counties by utilizing satellite offices and telemedicine sites. Each is supervised by one or more child protection team medical directors, depending on its size and the subdivision of the particular circuit.³²

Current law authorizes the Children's Medical Services Program in the Department of Health to develop, maintain, and coordinate child protection team services through contracts with local community-based programs.³³ The existence of suspicion of child abuse or neglect that has been reported to the Florida Abuse Hotline and accepted for investigation provides automatic eligibility for CPT assessment activities. There are no financial criteria for team services.

Certain reports of child abuse, abandonment, and neglect to the DCF central abuse hotline must be referred to child protection teams:

- Injuries to the head, bruises to the neck or head, burns, or fractures in a child of any age.
- Bruises anywhere on a child five years of age or younger.
- Any report alleging sexual abuse of a child.
- Any sexually transmitted disease in a prepubescent child.
- Reported malnutrition or failure of a child to thrive.
- Reported medical neglect of a child.
- A sibling or other child remaining in a home where one or more children have been pronounced dead on arrival or have been injured and later died as a result of suspected abuse, abandonment or neglect.
- Symptoms of serious emotional problems in a child when emotional or other abuse, abandonment, or neglect is suspected.³⁴

When a CPT accepts a referral from DCF or law enforcement, it may provide one or more of the following services:

- Medical diagnosis and evaluation;
- Child forensic interviews;
- Child and family assessments;
- Multidisciplinary staffings;
- Psychological and psychiatric evaluations; and

http://www.floridahealth.gov/AlternateSites/CMS-Kids/families/child_protection_safety/child_protection_teams.html (last visited January 9, 2018).

³¹ *Id.*

³² Florida Department of Health, Children's Medical Services, Child Protection Teams: CPT Statewide Directory, *available at*: <http://www.floridahealth.gov/alternatesites/cms-kids/home/contact/cpt.pdf>. (last accessed January 9, 2018).

³³ Section 39.303, F.S.

³⁴ *Id.*

- Expert court testimony.³⁵

CPT staff also provide training services for child protection investigators, community providers of child welfare services, and emergency room staff and other medical providers in the community.³⁶

III. Effect of Proposed Changes:

Section 1 amends s. 119.071, F.S., to exempt from public records requirements the home addresses, telephone numbers, dates of birth, and photographs of:

- Current or former directors, managers, supervisors, and clinical employees of a CAC that meet the requirements of s. 39.3035, F.S.;
- Current or former CPT employees whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, or child exploitation or to provide services as part of a multidisciplinary case review team; and
- Spouses and children of the above CAC and CPT personnel.

In addition, the bill exempts names of spouses and children, as well as places of employment and the names and locations of schools and day care facilities attended by children of these personnel.

The bill also provides that the public records exemption is subject to the Open Government Sunset Review Act pursuant to s. 119.15, F.S., and will be repealed October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2 provides a public necessity statement as required by the Florida Constitution, specifying that CAC and CPT personnel and their families are be in danger of physical and emotional harm from disgruntled individuals who may react inappropriately and violently to actions taken by such personnel. The bill further finds that the risk continues after the personnel no longer holds a position at a CAC or CPT. The bill finds that the harm that may result from the release of such personal identifying and location information outweighs any public benefit that may be derived from the disclosure of the information.

Section 3 provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Voting Requirement

Article I, Section 24(c) of the Florida Constitution requires a two-thirds vote of each

³⁵ *Id.*

³⁶ *Id.*

chamber for public records exemptions to pass.

Public Necessity Statement

Article I, section 24(c) of the Florida Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a public record exemption; therefore, it includes a public necessity statement.

Breadth of Exemption

Article I, section 24(c) of the Florida Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill seeks to prevent the disclosure of certain identifying information of certain CPT and CAC personnel and their families to protect their safety. Thus, the bill does not appear to be in conflict with the constitutional requirement that an exemption be no broader than necessary to accomplish its purpose.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 119.071 of the Florida Statutes.

IX. Additional Information:

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

CS by Children, Families, and Elder Affairs on January 16, 2018:

The amendment does the following:

- Removes the reference to “social security numbers” from the exemption and the public necessity statement because there is currently a general exemption for social security numbers.
- Adds the names of spouses and children of exempted personnel to the information to be held exempt. This will standardize information to be held exempt.
- Alters the public necessity statement to more closely mirror the substance of the bill by adding the qualifying phrase “whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, or child exploitation or to provide services as a part of a multidisciplinary case review team” in reference to child protection team members.

- B. **Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2018	.	
	.	
	.	
	.	

The Committee on Children, Families, and Elder Affairs (Book)
recommended the following:

Senate Amendment

Delete lines 275 - 334
and insert:

s. The home addresses, telephone numbers, dates of birth,
and photographs of current or former directors, managers,
supervisors, and clinical employees of a child advocacy center
that meets the standards of s. 39.3035(1) and fulfills the
screening requirement of s. 39.3035(2), and the members of a
child protection team as described in s. 39.303 whose duties



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include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. shall maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written request for maintenance of the exemption to the custodial agency.

4. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

Section 2. (1) The Legislature finds that it is a public necessity that the following identifying and location information be exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution:

(a) The home addresses, telephone numbers, dates of birth,



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and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(1), Florida Statutes, and fulfills the screening requirement of s. 39.3035(2), Florida Statutes.

(b) The home addresses, telephone numbers, dates of birth, and photographs of current or former members of a child protection team as described in s. 39.303, Florida Statutes, whose duties include supporting the investigation of child abuse, or sexual abuse, child abandonment, child neglect, or child exploitation or to provide services as part of a mutltidisciplinary case review team.

(c) The names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of personnel and members identified in paragraphs (a) and (b).

(d) The names and locations of schools and day care facilities attended by the children of such personnel and members.

(2) The Legislature finds that the release of such identifying and location information may place current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(1), Florida Statutes, and fulfills the screening requirement of s. 39.3035(2), Florida Statutes, and the members of a child protection team as described in s. 39.303, Florida Statutes, whose duties include supporting the investigation of child abuse, or sexual abuse, child abandonment, child neglect, or child exploitation or to provide services as part of a



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69 mutltidisciplinary case review team, and the family members of
70 such personnel, in danger of physical and emotional harm

By Senator Book

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1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.071, F.S.; providing an exemption from public
 4 records requirements to certain identifying and
 5 location information of current or former directors,
 6 managers, supervisors, and clinical employees of child
 7 advocacy centers that meet certain standards and
 8 requirements, members of a child protection team, and
 9 the spouses and children thereof; providing for
 10 retroactive application; providing for future
 11 legislative review and repeal of the exemption;
 12 providing a statement of public necessity; providing
 13 an effective date.
 14
 15 Be It Enacted by the Legislature of the State of Florida:
 16
 17 Section 1. Paragraph (d) of subsection (4) of section
 18 119.071, Florida Statutes, is amended to read:
 19 119.071 General exemptions from inspection or copying of
 20 public records.—
 21 (4) AGENCY PERSONNEL INFORMATION.—
 22 (d)1. For purposes of this paragraph, the term "telephone
 23 numbers" includes home telephone numbers, personal cellular
 24 telephone numbers, personal pager telephone numbers, and
 25 telephone numbers associated with personal communications
 26 devices.
 27 2.a. The home addresses, telephone numbers, dates of birth,
 28 and photographs of active or former sworn or civilian law
 29 enforcement personnel, including correctional and correctional

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

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30 probation officers, personnel of the Department of Children and
 31 Families whose duties include the investigation of abuse,
 32 neglect, exploitation, fraud, theft, or other criminal
 33 activities, personnel of the Department of Health whose duties
 34 are to support the investigation of child abuse or neglect, and
 35 personnel of the Department of Revenue or local governments
 36 whose responsibilities include revenue collection and
 37 enforcement or child support enforcement; the names, home
 38 addresses, telephone numbers, photographs, dates of birth, and
 39 places of employment of the spouses and children of such
 40 personnel; and the names and locations of schools and day care
 41 facilities attended by the children of such personnel are exempt
 42 from s. 119.07(1) and s. 24(a), Art. I of the State
 43 Constitution. This sub-subparagraph is subject to the Open
 44 Government Sunset Review Act in accordance with s. 119.15 and
 45 shall stand repealed on October 2, 2022, unless reviewed and
 46 saved from repeal through reenactment by the Legislature.
 47 b. The home addresses, telephone numbers, dates of birth,
 48 and photographs of current or former nonsworn investigative
 49 personnel of the Department of Financial Services whose duties
 50 include the investigation of fraud, theft, workers' compensation
 51 coverage requirements and compliance, other related criminal
 52 activities, or state regulatory requirement violations; the
 53 names, home addresses, telephone numbers, dates of birth, and
 54 places of employment of the spouses and children of such
 55 personnel; and the names and locations of schools and day care
 56 facilities attended by the children of such personnel are exempt
 57 from s. 119.07(1) and s. 24(a), Art. I of the State
 58 Constitution. This sub-subparagraph is subject to the Open

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Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

c. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations whose duties include the investigation of fraud, theft, other related criminal activities, or state regulatory requirement violations; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

d. The home addresses, telephone numbers, dates of birth, and photographs of current or former firefighters certified in compliance with s. 633.408; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such firefighters; and the names and locations of schools and day care facilities attended by the children of such firefighters are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15, and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through

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reenactment by the Legislature.

e. The home addresses, dates of birth, and telephone numbers of current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of current or former justices and judges; and the names and locations of schools and day care facilities attended by the children of current or former justices and judges are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

f. The home addresses, telephone numbers, dates of birth, and photographs of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors; and the names and locations of schools and day care facilities attended by the children of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

g. The home addresses, dates of birth, and telephone numbers of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division

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of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth,

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and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

j. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former guardians ad litem, as defined in s. 39.820; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such persons; and the names and locations of schools and day care facilities attended by the children of such persons are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

k. The home addresses, telephone numbers, dates of birth, and photographs of current or former juvenile probation officers, juvenile probation supervisors, detention superintendents, assistant detention superintendents, juvenile justice detention officers I and II, juvenile justice detention officer supervisors, juvenile justice residential officers, juvenile justice residential officer supervisors I and II, juvenile justice counselors, juvenile justice counselor supervisors, human services counselor administrators, senior human services counselor administrators, rehabilitation

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therapists, and social services counselors of the Department of Juvenile Justice; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

l. The home addresses, telephone numbers, dates of birth, and photographs of current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such defenders or counsel; and the names and locations of schools and day care facilities attended by the children of such defenders or counsel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

m. The home addresses, telephone numbers, dates of birth, and photographs of current or former investigators or inspectors of the Department of Business and Professional Regulation; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such current or former investigators and inspectors; and the names and locations of schools and day care facilities attended by the children of such current or former investigators and inspectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and

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saved from repeal through reenactment by the Legislature.

n. The home addresses, telephone numbers, and dates of birth of county tax collectors; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such tax collectors; and the names and locations of schools and day care facilities attended by the children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2022, unless reviewed and saved from repeal through reenactment by the Legislature.

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2019, unless reviewed and saved from repeal through reenactment by the Legislature.

p. The home addresses, telephone numbers, dates of birth,

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and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2020, unless reviewed and saved from repeal through reenactment by the Legislature.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical technicians or paramedics certified under chapter 401; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such emergency medical technicians or paramedics; and the names and locations of schools and day care facilities attended by the children of such emergency medical technicians or paramedics are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

r. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel employed in an

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agency's office of inspector general or internal audit department whose duties include auditing or investigating waste, fraud, abuse, theft, exploitation, or other activities that could lead to criminal prosecution or administrative discipline; the names, home addresses, telephone numbers, dates of birth, and places of employment of spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

s. The home addresses, telephone numbers, social security numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(1) and fulfills the screening requirement of s. 39.3035(2), and the members of a child protection team as described in s. 39.303 whose duties are to support the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the home addresses, telephone numbers, social security numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is

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 291 subject to the Open Government Sunset Review Act in accordance
 292 with s. 119.15 and shall stand repealed on October 2, 2023,
 293 unless reviewed and saved from repeal through reenactment by the
 294 Legislature.

295 3. An agency that is the custodian of the information
 296 specified in subparagraph 2. and that is not the employer of the
 297 officer, employee, justice, judge, or other person specified in
 298 subparagraph 2. shall maintain the exempt status of that
 299 information only if the officer, employee, justice, judge, other
 300 person, or employing agency of the designated employee submits a
 301 written request for maintenance of the exemption to the
 302 custodial agency.

303 4. The exemptions in this paragraph apply to information
 304 held by an agency before, on, or after the effective date of the
 305 exemption.

306 Section 2. (1) The Legislature finds that it is a public
 307 necessity that the following identifying and location
 308 information be exempt from s. 119.07(1), Florida Statutes, and
 309 s. 24(a), Article I of the State Constitution:

310 (a) The home addresses, telephone numbers, social security
 311 numbers, dates of birth, and photographs of current or former
 312 directors, managers, supervisors, and clinical employees of a
 313 child advocacy center that meets the standards of s. 39.3035(1),
 314 Florida Statutes, and fulfills the screening requirement of s.
 315 39.3035(2), Florida Statutes.

316 (b) The home addresses, telephone numbers, social security
 317 numbers, dates of birth, and photographs of current or former
 318 members of a child protection team as described in s. 39.303,
 319 Florida Statutes.

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 320 (c) The home addresses, telephone numbers, social security
 321 numbers, photographs, dates of birth, and places of employment
 322 of the spouses and children of personnel and members identified
 323 in paragraphs (a) and (b).

324 (d) The names and locations of schools and day care
 325 facilities attended by the children of such personnel and
 326 members.

327 (2) The Legislature finds that the release of such
 328 identifying and location information may place current or former
 329 directors, managers, supervisors, and clinical employees of a
 330 child advocacy center that meets the standards of s. 39.3035(1),
 331 Florida Statutes, and fulfills the screening requirement of s.
 332 39.3035(2), Florida Statutes, and the members of a child
 333 protection team as described in s. 39.303, Florida Statutes, and
 334 their family members, in danger of physical and emotional harm
 335 from hostile persons who may react inappropriately and violently
 336 to actions taken by such directors, managers, supervisors, or
 337 clinical employees of a child advocacy center or a member of a
 338 child protection team. These personnel and members provide
 339 services that are necessary and appropriate for abused,
 340 abandoned, neglected, and exploited children. In addition, these
 341 personnel and members provide valuable and supportive services
 342 to the state's most vulnerable residents. Despite the value of
 343 such services, some persons may become hostile toward these
 344 personnel and members and may pose a threat to them
 345 indefinitely. The harm that may result from the release of such
 346 personal identifying and location information outweighs any
 347 public benefit that may be derived from the disclosure of the
 348 information.

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349

Section 3. This act shall take effect July 1, 2018.

COMMITTEE: Children, Families, and Elder Affairs
ITEM: SB 1212
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Tuesday, January 16, 2018
TIME: 1:30—3:30 p.m.
PLACE: 401 Senate Office Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

The Future of Substance Abuse Treatment



Dr. Ahmed Howeedy, MD, MRO
Chief Medical Officer, Florida House
USCIS Civil Surgeon, NRMCE Medical Examiner
MROCC Medical Review Officer



**Florida House Institute for Addiction Medicine &
NeuroRehabilitation**

Two of the Leading Nationally Accredited Treatment Centers in South Florida



Boca Raton, FL

**Established 2005
Full Continuum of Care
14 Bed Inpatient Facility
PHP and IOP Outpatient
Levels of Care
Sober Living
Alumni Aftercare**



Deerfield Beach, FL

**Established 2001
Full Continuum of Care
86 Bed Inpatient Facility
PHP and IOP Outpatient
Levels of Care
Sober Living
Alumni Aftercare**

An Industry with *Subjective* and *Qualitative* Treatments and Measurements

- Current methods of measurements are subjective, self-reported by the patient.
- 18% of US Psychiatrists and only 11% of Psychologists administer any symptom rating scales. ¹
- “Using clinical judgement, mental health providers only detect deterioration in 19% of their patients.”¹
- “How often have you felt...?”
- “How is your Depression/Addiction...?”
- “How does your blood pressure feel...?”



How Can the Industry Objectively and Quantitatively Measure Disease Severity and Response to Treatment?

❖ Measuring and Treating the Affected Organ: **The Brain**

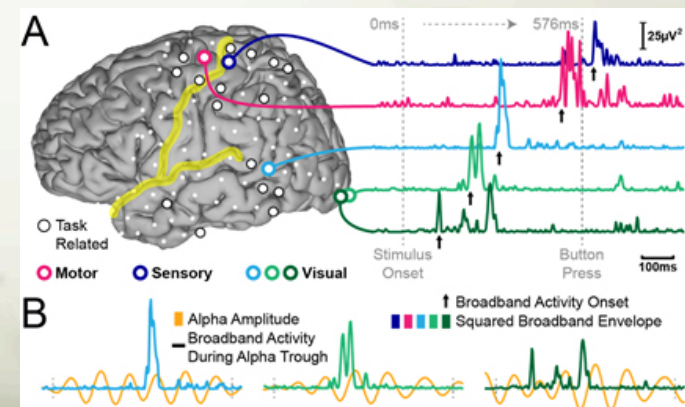
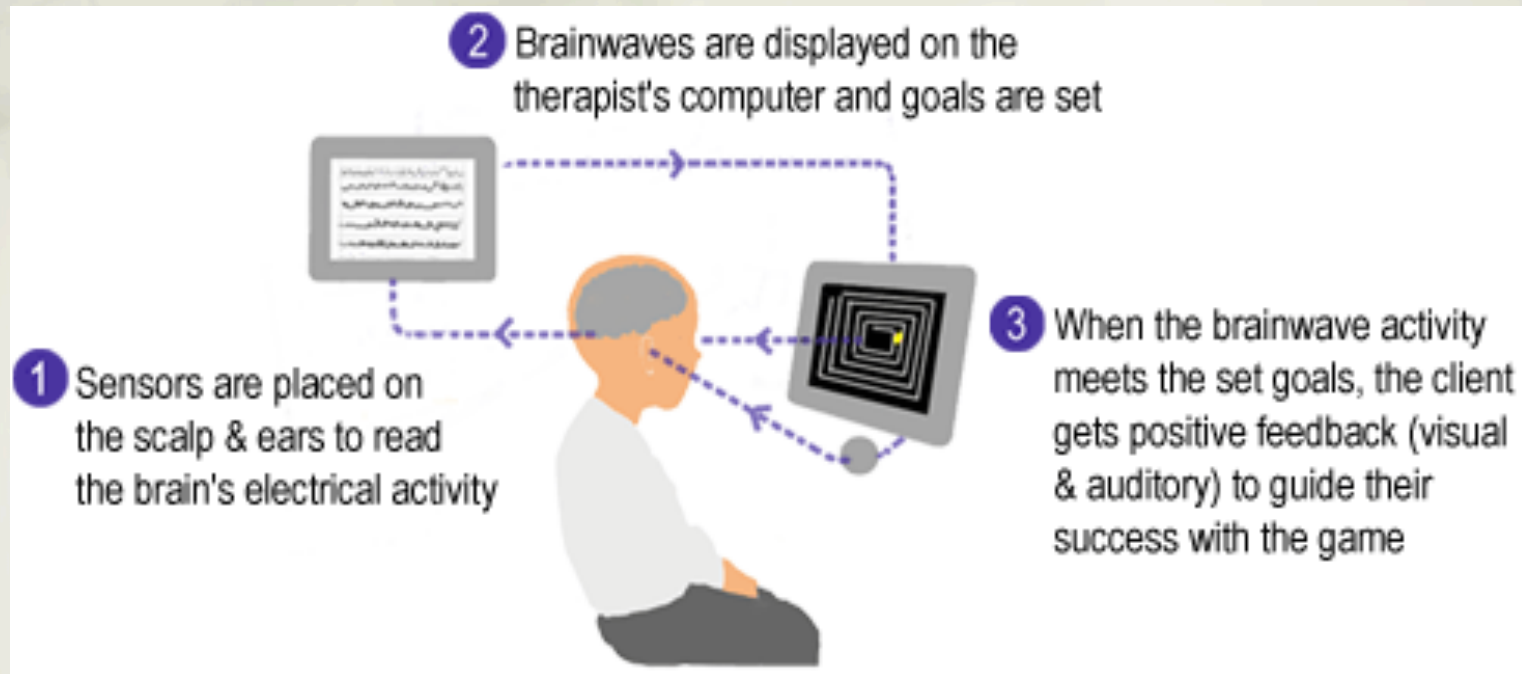
“Addiction is a primary, **chronic disease of brain** reward, motivation, memory and **related circuitry**. **Dysfunction in these circuits** leads to characteristic biological, psychological, social and spiritual manifestations.”

American Society of Addiction Medicine 2016

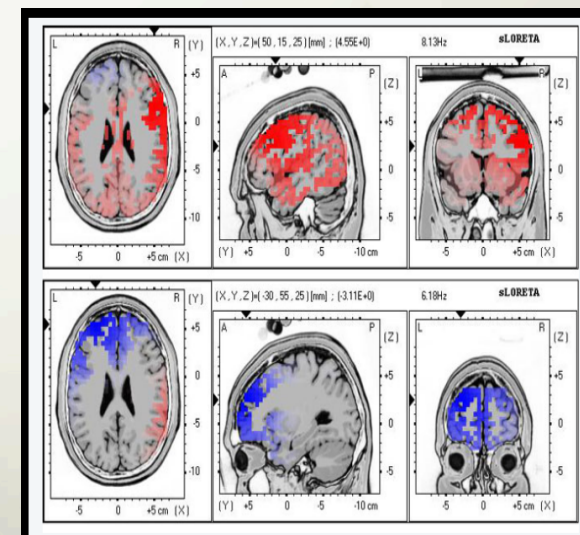
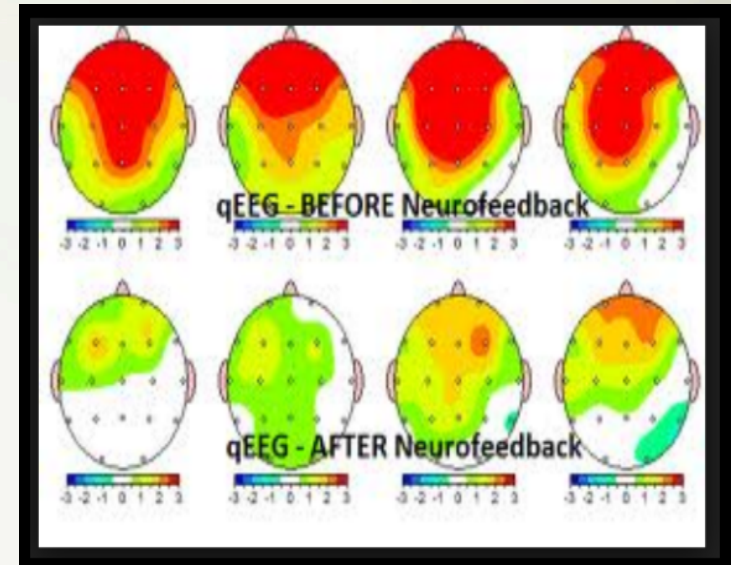
“...Addiction is a **chronic neurological disorder** and needs to be treated as other chronic conditions...”

US Surgeon General Report, Facing Addiction in America 2016

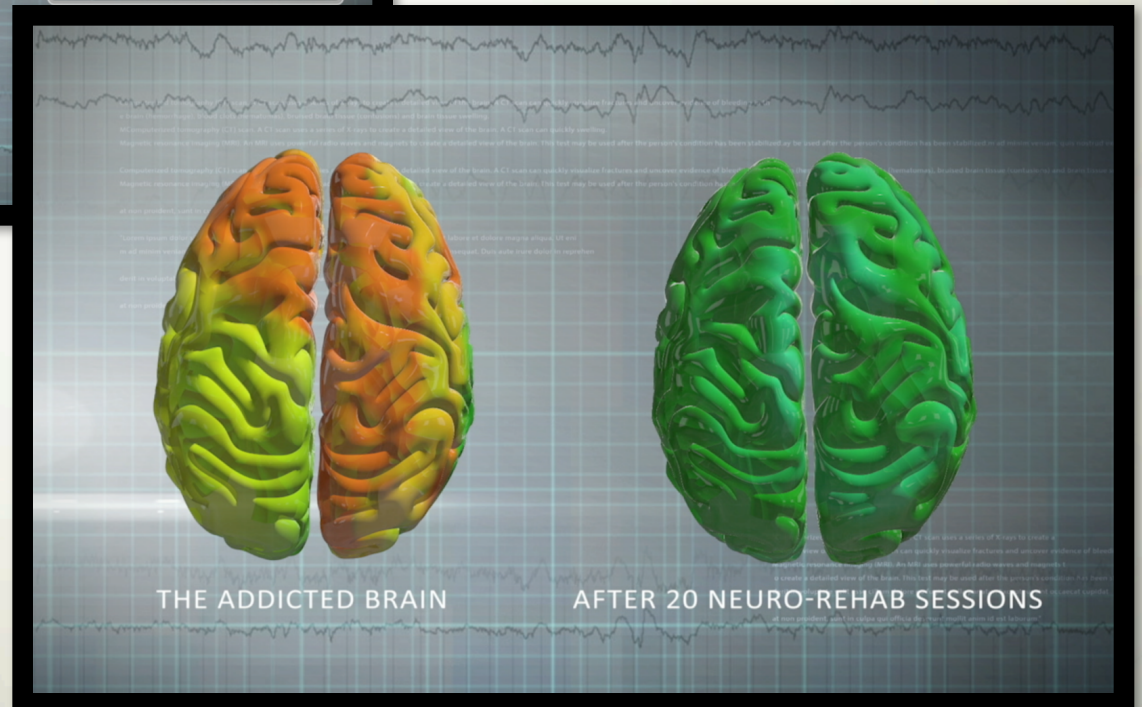
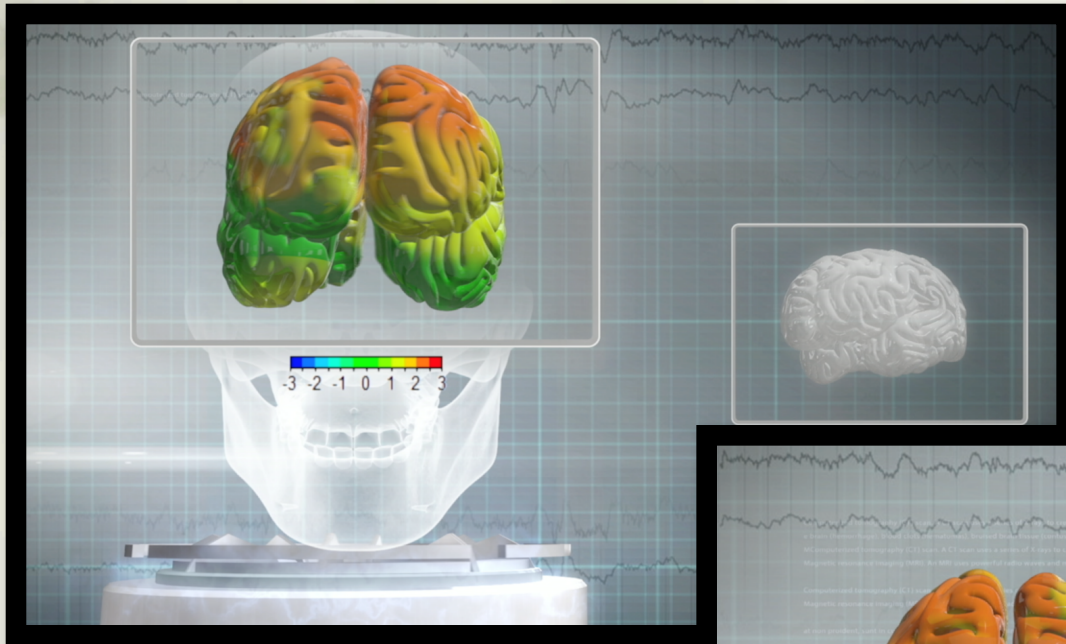
EEG Guided NeuroRehabilitation



EEG Guided NeuroRehabilitation

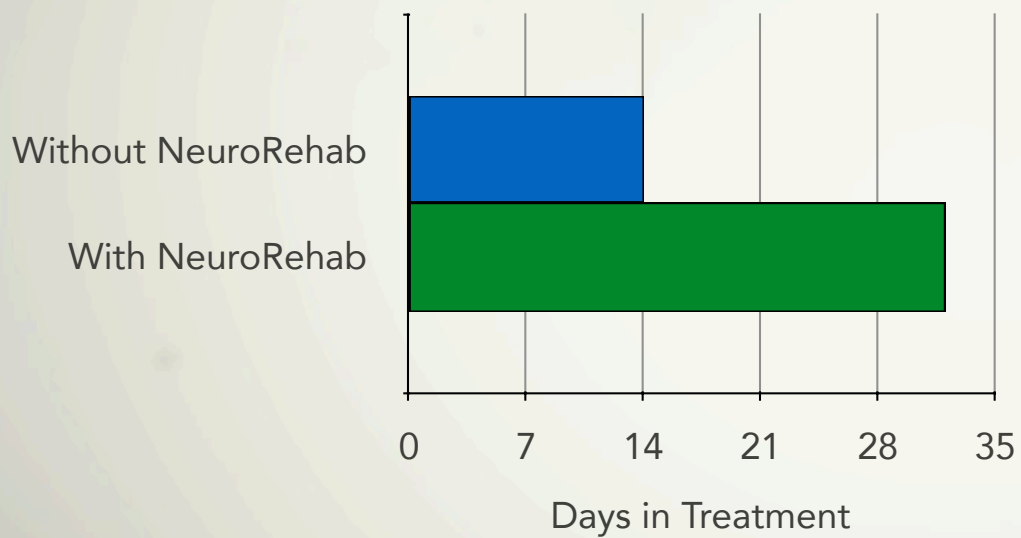


EEG Guided NeuroRehabilitation

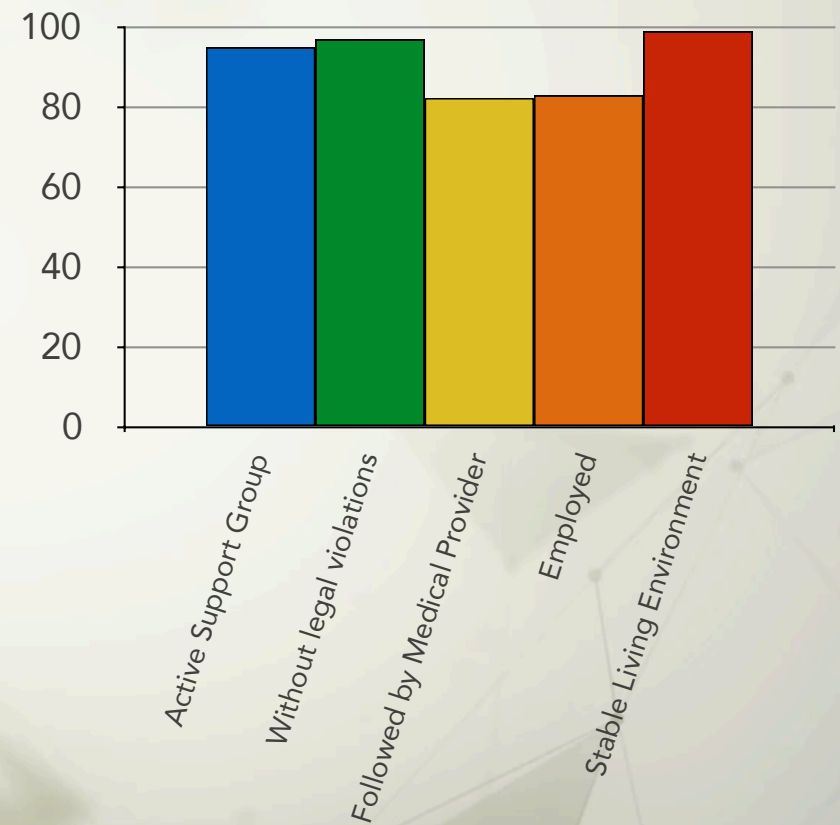


Improved Outcomes

During Substance Use Treatment



After Discharge from FHE



The Future of Substance Abuse Treatment....Today



Florida House Institute for Addiction
Medicine & NeuroRehabilitation

Appendix

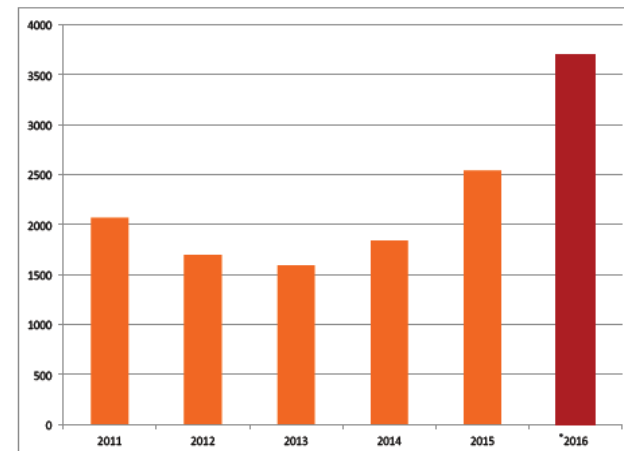
The Human Cost of Addiction

❖ Drug overdose is now the leading cause of Injury Death in the US.¹

❖ Patients with mental health/substance abuse use have 2-3x higher overall health care costs.²

FLORIDA'S OPIOID CRISIS DEATH MAP 2015

2,538
Total Direct Cause
Deaths from Opioids



*2016 projections based on 1 person dying every 2.5 hours, or ten a day

3,896
Deaths with Opioids Present

0-25 Deaths
26-50 Deaths
51-100 Deaths
101-150 Deaths
150+ Deaths

Source: FDLE/Florida Medical Examiners Report/Raw Data Request

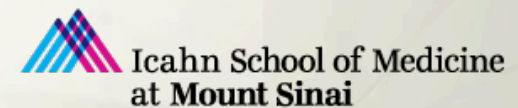
¹Melek, S., Norris, D., & Paulus, J. Economic Impact of Integrated Medical-Behavioral Healthcare: Implications for Psychiatry. Edited by Milliman I. Denver, CO: Prepared for American Psychiatric Association. April, 2014.

²Center for Disease Control, National Vital Statistics Report 2016
Chart Source: Florida Health Behavioral Association Opioid Media Kit January 2017

Florida House Experience Accreditations, Affiliations and Recognitions



NATIONAL ASSOCIATION
OF
ADDICTION TREATMENT PROVIDERS



We are 2015 & 2016
Top Workplace



SunSentinel

“Addiction is a complex genetic disorder whose target organ is the brain...”

Addiction is a primary, chronic disease of brain reward, motivation, memory and related circuitry. Dysfunction in these circuits leads to characteristic biological, psychological, social and spiritual manifestations. This is reflected in an individual pathologically pursuing reward and/or relief by substance use and other behaviors...

Like other chronic diseases, addiction often involves cycles of relapse and remission. Without treatment or engagement in recovery activities, addiction is progressive and can result in disability or premature death.

American Society of Addiction Medicine