



753786

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 1/AD/2R	.	Floor: SEN1/C
03/09/2012 12:28 PM	.	03/09/2012 04:35 PM
	.	

---

---

Senator Garcia moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (1), (2), and (3) of section 20.43,  
Florida Statutes, are amended to read:

20.43 Department of Health.—There is created a Department  
of Health.

(1) The purpose of the Department of Health is to protect  
and promote ~~and protect~~ the health of all residents and visitors  
in the state through organized state and community efforts,  
including cooperative agreements with counties. The department  
shall:



753786

14           (a) Identify, diagnose, and conduct surveillance of  
15 diseases and health conditions in the state and accumulate the  
16 health statistics necessary to establish trends ~~Prevent to the~~  
17 ~~fullest extent possible, the occurrence and progression of~~  
18 ~~communicable and noncommunicable diseases and disabilities.~~

19           (b) Implement interventions that prevent or limit the  
20 impact or spread of diseases and health conditions ~~Maintain a~~  
21 ~~constant surveillance of disease occurrence and accumulate~~  
22 ~~health statistics necessary to establish disease trends and to~~  
23 ~~design health programs.~~

24           (c) Collect, manage, and analyze vital statistics and other  
25 health data to inform the public and formulate public health  
26 policy and planning ~~Conduct special studies of the causes of~~  
27 ~~diseases and formulate preventive strategies.~~

28           (d) Maintain and coordinate preparedness for and responses  
29 to public health emergencies in the state ~~Promote the~~  
30 ~~maintenance and improvement of the environment as it affects~~  
31 ~~public health.~~

32           (e) Provide or ensure the provision of quality health care  
33 and related services to identified populations in the state  
34 ~~Promote the maintenance and improvement of health in the~~  
35 ~~residents of the state.~~

36           (f) Regulate environmental activities that have a direct  
37 impact on public health in the state ~~Provide leadership, in~~  
38 ~~cooperation with the public and private sectors, in establishing~~  
39 ~~statewide and community public health delivery systems.~~

40           (g) Regulate health practitioners for the preservation of  
41 the health, safety, and welfare of the public ~~Provide health~~  
42 ~~care and early intervention services to infants, toddlers,~~



753786

43 ~~children, adolescents, and high-risk perinatal patients who are~~  
44 ~~at risk for disabling conditions or have chronic illnesses.~~

45 ~~(h) Provide services to abused and neglected children~~  
46 ~~through child protection teams and sexual abuse treatment~~  
47 ~~programs.~~

48 ~~(i) Develop working associations with all agencies and~~  
49 ~~organizations involved and interested in health and health care~~  
50 ~~delivery.~~

51 ~~(j) Analyze trends in the evolution of health systems, and~~  
52 ~~identify and promote the use of innovative, cost-effective~~  
53 ~~health delivery systems.~~

54 ~~(k) Serve as the statewide repository of all aggregate data~~  
55 ~~accumulated by state agencies related to health care; analyze~~  
56 ~~that data and issue periodic reports and policy statements, as~~  
57 ~~appropriate; require that all aggregated data be kept in a~~  
58 ~~manner that promotes easy utilization by the public, state~~  
59 ~~agencies, and all other interested parties; provide technical~~  
60 ~~assistance as required; and work cooperatively with the state's~~  
61 ~~higher education programs to promote further study and analysis~~  
62 ~~of health care systems and health care outcomes.~~

63 ~~(l) Include in the department's strategic plan developed~~  
64 ~~under s. 186.021 an assessment of current health programs,~~  
65 ~~systems, and costs; projections of future problems and~~  
66 ~~opportunities; and recommended changes that are needed in the~~  
67 ~~health care system to improve the public health.~~

68 ~~(m) Regulate health practitioners, to the extent authorized~~  
69 ~~by the Legislature, as necessary for the preservation of the~~  
70 ~~health, safety, and welfare of the public.~~

71 ~~(2)(a) The head of the Department of Health is the State~~



753786

72 Surgeon General and State Health Officer. The State Surgeon  
73 General must be a physician licensed under chapter 458 or  
74 chapter 459 who has advanced training or extensive experience in  
75 public health administration. The State Surgeon General is  
76 appointed by the Governor subject to confirmation by the Senate.  
77 The State Surgeon General serves at the pleasure of the  
78 Governor. ~~The State Surgeon General shall serve as the leading~~  
79 ~~voice on wellness and disease prevention efforts, including the~~  
80 ~~promotion of healthful lifestyles, immunization practices,~~  
81 ~~health literacy, and the assessment and promotion of the~~  
82 ~~physician and health care workforce in order to meet the health~~  
83 ~~care needs of the state. The State Surgeon General shall focus~~  
84 ~~on advocating healthy lifestyles, developing public health~~  
85 ~~policy, and building collaborative partnerships with schools,~~  
86 ~~businesses, health care practitioners, community-based~~  
87 ~~organizations, and public and private institutions in order to~~  
88 ~~promote health literacy and optimum quality of life for all~~  
89 ~~Floridians.~~

90 ~~(b) The Officer of Women's Health Strategy is established~~  
91 ~~within the Department of Health and shall report directly to the~~  
92 ~~State Surgeon General.~~

93 (3) The following divisions of the Department of Health are  
94 established:

95 (a) Division of Administration.

96 (b) Division of Emergency Preparedness and Community  
97 Support ~~Environmental Health.~~

98 (c) Division of Disease Control and Health Protection.

99 (d) Division of Community Health Promotion ~~Family Health~~  
100 ~~Services.~~



753786

- 101 (e) Division of Children's Medical Services ~~Network~~.
- 102 (f) Division of Public Health Statistics and Performance  
103 Management ~~Emergency Medical Operations~~.
- 104 (g) Division of Medical Quality Assurance, which is  
105 responsible for the following boards and professions established  
106 within the division:
- 107 1. The Board of Acupuncture, created under chapter 457.
  - 108 2. The Board of Medicine, created under chapter 458.
  - 109 3. The Board of Osteopathic Medicine, created under chapter  
110 459.
  - 111 4. The Board of Chiropractic Medicine, created under  
112 chapter 460.
  - 113 5. The Board of Podiatric Medicine, created under chapter  
114 461.
  - 115 6. Naturopathy, as provided under chapter 462.
  - 116 7. The Board of Optometry, created under chapter 463.
  - 117 8. The Board of Nursing, created under part I of chapter  
118 464.
  - 119 9. Nursing assistants, as provided under part II of chapter  
120 464.
  - 121 10. The Board of Pharmacy, created under chapter 465.
  - 122 11. The Board of Dentistry, created under chapter 466.
  - 123 12. Midwifery, as provided under chapter 467.
  - 124 13. The Board of Speech-Language Pathology and Audiology,  
125 created under part I of chapter 468.
  - 126 14. The Board of Nursing Home Administrators, created under  
127 part II of chapter 468.
  - 128 15. The Board of Occupational Therapy, created under part  
129 III of chapter 468.



753786

- 130           16. Respiratory therapy, as provided under part V of  
131 chapter 468.
- 132           17. Dietetics and nutrition practice, as provided under  
133 part X of chapter 468.
- 134           18. The Board of Athletic Training, created under part XIII  
135 of chapter 468.
- 136           19. The Board of Orthotists and Prosthetists, created under  
137 part XIV of chapter 468.
- 138           20. Electrolysis, as provided under chapter 478.
- 139           21. The Board of Massage Therapy, created under chapter  
140 480.
- 141           22. The Board of Clinical Laboratory Personnel, created  
142 under part III of chapter 483.
- 143           23. Medical physicists, as provided under part IV of  
144 chapter 483.
- 145           24. The Board of Opticianry, created under part I of  
146 chapter 484.
- 147           25. The Board of Hearing Aid Specialists, created under  
148 part II of chapter 484.
- 149           26. The Board of Physical Therapy Practice, created under  
150 chapter 486.
- 151           27. The Board of Psychology, created under chapter 490.
- 152           28. School psychologists, as provided under chapter 490.
- 153           29. The Board of Clinical Social Work, Marriage and Family  
154 Therapy, and Mental Health Counseling, created under chapter  
155 491.
- 156           30. Emergency medical technicians and paramedics, as  
157 provided under part III of chapter 401.
- 158           ~~(h) Division of Children's Medical Services Prevention and~~



753786

159 ~~Intervention.~~

160 ~~(i) Division of Information Technology.~~

161 ~~(j) Division of Health Access and Tobacco.~~

162 (h)~~(k)~~ Division of Disability Determinations.

163 Section 2. Subsections (14) through (22) of section 20.435,  
164 Florida Statutes, are renumbered as subsection (13) through  
165 (21), respectively, and present subsection (13) of that section  
166 is amended to read:

167 20.435 Department of Health; trust funds.—The following  
168 trust funds shall be administered by the Department of Health:

169 ~~(13) Florida Drug, Device, and Cosmetic Trust Fund.~~

170 ~~(a) Funds to be credited to and uses of the trust fund  
171 shall be administered in accordance with the provisions of  
172 chapter 499.~~

173 ~~(b) Notwithstanding the provisions of s. 216.301 and  
174 pursuant to s. 216.351, any balance in the trust fund at the end  
175 of any fiscal year shall remain in the trust fund at the end of  
176 the year and shall be available for carrying out the purposes of  
177 the trust fund.~~

178 Section 3. Section 154.05, Florida Statutes, is amended to  
179 read:

180 154.05 Cooperation and agreements between counties.—  
181 Counties may establish cooperative arrangements for shared  
182 county health departments in the following ways:

183 (1) Two or more counties may combine in the establishment  
184 and maintenance of a single full-time county health department  
185 for the counties which combine for that purpose; and, pursuant  
186 to such combination or agreement, such counties may cooperate  
187 with one another and the Department of Health and contribute to



753786

188 a joint fund in carrying out the purpose and intent of this  
189 chapter. The duration and nature of such agreement shall be  
190 evidenced by resolutions of the boards of county commissioners  
191 of such counties and shall be submitted to and approved by the  
192 department. In the event of any such agreement, a full-time  
193 county health department shall be established and maintained by  
194 the department in and for the benefit of the counties which have  
195 entered into such an agreement; and, in such case, the funds  
196 raised by taxation pursuant to this chapter by each such county  
197 shall be paid to the Chief Financial Officer for the account of  
198 the department and shall be known as the full-time county health  
199 department trust fund of the counties so cooperating. Such trust  
200 funds shall be used and expended by the department for the  
201 purposes specified in this chapter in each county which has  
202 entered into such agreement. In case such an agreement is  
203 entered into between two or more counties, the work contemplated  
204 by this chapter shall be done by a single full-time county  
205 health department in the counties so cooperating; and the  
206 nature, extent, and location of such work shall be under the  
207 control and direction of the department.

208 (2) The operations of two or more county health departments  
209 may be combined when the parties agree to the specific roles and  
210 responsibilities of each county and county health department.  
211 Such an agreement shall specify the roles and responsibilities  
212 of each county and county health department, including the  
213 method of governance and executive direction; the manner by  
214 which each county's public health needs will be addressed; an  
215 inventory of necessary facilities, equipment, and personnel; and  
216 any other needed infrastructure.





753786

217 Section 4. Subsection (2) of section 212.08, Florida  
218 Statutes, is amended to read:

219 212.08 Sales, rental, use, consumption, distribution, and  
220 storage tax; specified exemptions.—The sale at retail, the  
221 rental, the use, the consumption, the distribution, and the  
222 storage to be used or consumed in this state of the following  
223 are hereby specifically exempt from the tax imposed by this  
224 chapter.

225 (2) EXEMPTIONS; MEDICAL.—

226 (a) There shall be exempt from the tax imposed by this  
227 chapter any medical products and supplies or medicine dispensed  
228 according to an individual prescription or prescriptions written  
229 by a prescriber authorized by law to prescribe medicinal drugs;  
230 hypodermic needles; hypodermic syringes; chemical compounds and  
231 test kits used for the diagnosis or treatment of human disease,  
232 illness, or injury; and common household remedies recommended  
233 and generally sold for internal or external use in the cure,  
234 mitigation, treatment, or prevention of illness or disease in  
235 human beings, but not including cosmetics or toilet articles,  
236 notwithstanding the presence of medicinal ingredients therein,  
237 according to a list prescribed and approved by the Department of  
238 Business and Professional Regulation ~~Health~~, which list shall be  
239 certified to the Department of Revenue from time to time and  
240 included in the rules promulgated by the Department of Revenue.  
241 There shall also be exempt from the tax imposed by this chapter  
242 artificial eyes and limbs; orthopedic shoes; prescription  
243 eyeglasses and items incidental thereto or which become a part  
244 thereof; dentures; hearing aids; crutches; prosthetic and  
245 orthopedic appliances; and funerals. In addition, any items



753786

246 intended for one-time use which transfer essential optical  
247 characteristics to contact lenses shall be exempt from the tax  
248 imposed by this chapter; however, this exemption shall apply  
249 only after \$100,000 of the tax imposed by this chapter on such  
250 items has been paid in any calendar year by a taxpayer who  
251 claims the exemption in such year. Funeral directors shall pay  
252 tax on all tangible personal property used by them in their  
253 business.

254 (b) For the purposes of this subsection:

255 1. "Prosthetic and orthopedic appliances" means any  
256 apparatus, instrument, device, or equipment used to replace or  
257 substitute for any missing part of the body, to alleviate the  
258 malfunction of any part of the body, or to assist any disabled  
259 person in leading a normal life by facilitating such person's  
260 mobility. Such apparatus, instrument, device, or equipment shall  
261 be exempted according to an individual prescription or  
262 prescriptions written by a physician licensed under chapter 458,  
263 chapter 459, chapter 460, chapter 461, or chapter 466, or  
264 according to a list prescribed and approved by the Department of  
265 Health, which list shall be certified to the Department of  
266 Revenue from time to time and included in the rules promulgated  
267 by the Department of Revenue.

268 2. "Cosmetics" means articles intended to be rubbed,  
269 poured, sprinkled, or sprayed on, introduced into, or otherwise  
270 applied to the human body for cleansing, beautifying, promoting  
271 attractiveness, or altering the appearance and also means  
272 articles intended for use as a compound of any such articles,  
273 including, but not limited to, cold creams, suntan lotions,  
274 makeup, and body lotions.



753786

275           3. "Toilet articles" means any article advertised or held  
276 out for sale for grooming purposes and those articles that are  
277 customarily used for grooming purposes, regardless of the name  
278 by which they may be known, including, but not limited to, soap,  
279 toothpaste, hair spray, shaving products, colognes, perfumes,  
280 shampoo, deodorant, and mouthwash.

281           4. "Prescription" includes any order for drugs or medicinal  
282 supplies written or transmitted by any means of communication by  
283 a duly licensed practitioner authorized by the laws of the state  
284 to prescribe such drugs or medicinal supplies and intended to be  
285 dispensed by a pharmacist. The term also includes an orally  
286 transmitted order by the lawfully designated agent of such  
287 practitioner. The term also includes an order written or  
288 transmitted by a practitioner licensed to practice in a  
289 jurisdiction other than this state, but only if the pharmacist  
290 called upon to dispense such order determines, in the exercise  
291 of his or her professional judgment, that the order is valid and  
292 necessary for the treatment of a chronic or recurrent illness.  
293 The term also includes a pharmacist's order for a product  
294 selected from the formulary created pursuant to s. 465.186. A  
295 prescription may be retained in written form, or the pharmacist  
296 may cause it to be recorded in a data processing system,  
297 provided that such order can be produced in printed form upon  
298 lawful request.

299           (c) Chlorine shall not be exempt from the tax imposed by  
300 this chapter when used for the treatment of water in swimming  
301 pools.

302           (d) Lithotripters are exempt.

303           (e) Human organs are exempt.



753786

304 (f) Sales of drugs to or by physicians, dentists,  
305 veterinarians, and hospitals in connection with medical  
306 treatment are exempt.

307 (g) Medical products and supplies used in the cure,  
308 mitigation, alleviation, prevention, or treatment of injury,  
309 disease, or incapacity which are temporarily or permanently  
310 incorporated into a patient or client by a practitioner of the  
311 healing arts licensed in the state are exempt.

312 (h) The purchase by a veterinarian of commonly recognized  
313 substances possessing curative or remedial properties which are  
314 ordered and dispensed as treatment for a diagnosed health  
315 disorder by or on the prescription of a duly licensed  
316 veterinarian, and which are applied to or consumed by animals  
317 for alleviation of pain or the cure or prevention of sickness,  
318 disease, or suffering are exempt. Also exempt are the purchase  
319 by a veterinarian of antiseptics, absorbent cotton, gauze for  
320 bandages, lotions, vitamins, and worm remedies.

321 (i) X-ray opaques, also known as opaque drugs and  
322 radiopaque, such as the various opaque dyes and barium sulphate,  
323 when used in connection with medical X rays for treatment of  
324 bodies of humans and animals, are exempt.

325 (j) Parts, special attachments, special lettering, and  
326 other like items that are added to or attached to tangible  
327 personal property so that a handicapped person can use them are  
328 exempt when such items are purchased by a person pursuant to an  
329 individual prescription.

330 (k) This subsection shall be strictly construed and  
331 enforced.

332 Section 5. Subsections (10) and (12) of section 215.5602,



753786

333 Florida Statutes, are amended to read:

334 215.5602 James and Esther King Biomedical Research  
335 Program.—

336 (10) The council shall submit an annual progress report on  
337 the state of biomedical research in this state to ~~the Florida~~  
338 ~~Center for Universal Research to Eradicate Disease~~ and to the  
339 Governor, the State Surgeon General, the President of the  
340 Senate, and the Speaker of the House of Representatives by  
341 February 1. The report must include:

342 (a) A list of research projects supported by grants or  
343 fellowships awarded under the program.

344 (b) A list of recipients of program grants or fellowships.

345 (c) A list of publications in peer reviewed journals  
346 involving research supported by grants or fellowships awarded  
347 under the program.

348 (d) The total amount of biomedical research funding  
349 currently flowing into the state.

350 (e) New grants for biomedical research which were funded  
351 based on research supported by grants or fellowships awarded  
352 under the program.

353 (f) Progress in the prevention, diagnosis, treatment, and  
354 cure of diseases related to tobacco use, including cancer,  
355 cardiovascular disease, stroke, and pulmonary disease.

356 (12) ~~From funds appropriated to accomplish the goals of~~  
357 ~~this section, up to \$250,000 shall be available for the~~  
358 ~~operating costs of the Florida Center for Universal Research to~~  
359 ~~Eradicate Disease.~~ Beginning in the 2011-2012 fiscal year and  
360 thereafter, \$25 million from the revenue deposited into the  
361 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)



753786

362 shall be reserved for research of tobacco-related or cancer-  
363 related illnesses. Of the revenue deposited in the Health Care  
364 Trust Fund pursuant to this section, \$25 million shall be  
365 transferred to the Biomedical Research Trust Fund within the  
366 Department of Health. Subject to annual appropriations in the  
367 General Appropriations Act, \$5 million shall be appropriated to  
368 the James and Esther King Biomedical Research Program, \$5  
369 million shall be appropriated to the William G. "Bill" Bankhead,  
370 Jr., and David Coley Cancer Research Program created under s.  
371 381.922, \$5 million shall be appropriated to the H. Lee Moffitt  
372 Cancer Center and Research Institute established under s.  
373 1004.43, \$5 million shall be appropriated to the Sylvester  
374 Comprehensive Cancer Center of the University of Miami, and \$5  
375 million shall be appropriated to the ~~University of Florida~~  
376 Shands Cancer Hospital ~~Center~~.

377 Section 6. Section 381.001, Florida Statutes, is amended to  
378 read:

379 381.001 ~~Legislative intent~~; Public health system.—

380 ~~(1) It is the intent of the Legislature that~~ The Department  
381 of Health is ~~be~~ responsible for the state's public health system  
382 which shall be designed to promote, protect, and improve the  
383 health of all people in the state. ~~The mission of the state's~~  
384 ~~public health system is to foster the conditions in which people~~  
385 ~~can be healthy, by assessing state and community health needs~~  
386 ~~and priorities through data collection, epidemiologic studies,~~  
387 ~~and community participation; by developing comprehensive public~~  
388 ~~health policies and objectives aimed at improving the health~~  
389 ~~status of people in the state; and by ensuring essential health~~  
390 ~~care and an environment which enhances the health of the~~



753786

391 ~~individual and the community. The department shall provide~~  
392 ~~leadership for~~ Legislature recognizes that the state's public  
393 health system must be founded on an active partnership working  
394 toward shared public health goals and involving between federal,  
395 state, and local governments and the private sector government  
396 and between the public and private sectors, and, therefore,  
397 assessment, policy development, and service provision must be  
398 shared by all of these entities to achieve its mission.

399       (2) ~~It is the intent of the Legislature that the~~  
400 ~~department, in carrying out the mission of public health, focus~~  
401 ~~attention on identifying, assessing, and controlling the~~  
402 ~~presence and spread of communicable diseases; on monitoring and~~  
403 ~~regulating factors in the environment which may impair the~~  
404 ~~public's health, with particular attention to preventing~~  
405 ~~contamination of drinking water, the air people breathe, and the~~  
406 ~~food people consume; and ensuring availability of and access to~~  
407 ~~preventive and primary health care, including, but not limited~~  
408 ~~to, acute and episodic care, prenatal and postpartum care, child~~  
409 ~~health, family planning, school health, chronic disease~~  
410 ~~prevention, child and adult immunization, dental health,~~  
411 ~~nutrition, and health education and promotion services.~~

412       (3) ~~It is, furthermore, the intent of the Legislature that~~  
413 ~~the public health system include comprehensive planning, data~~  
414 ~~collection, technical support, and health resource development~~  
415 ~~functions. These functions include, but are not limited to,~~  
416 ~~state laboratory and pharmacy services, the state vital~~  
417 ~~statistics system, the Florida Center for Health Information and~~  
418 ~~Policy Analysis, emergency medical services coordination and~~  
419 ~~support, and recruitment, retention, and development of~~



753786

420 ~~preventive and primary health care professionals and managers.~~

421 ~~(4) It is, furthermore,~~ the intent of the Legislature that  
422 the department provide public health services through the 67  
423 county health departments in partnership with county  
424 governments, as specified in part I of chapter 154, and in so  
425 doing make every attempt possible to solicit the support and  
426 involvement of private and not-for-profit health care agencies  
427 in fulfilling the public health mission.

428 Section 7. Section 381.0011, Florida Statutes, is amended  
429 to read:

430 381.0011 Duties and powers of the Department of Health.—It  
431 is the duty of the Department of Health to:

432 (1) Assess the public health status and needs of the state  
433 ~~through statewide data collection and other appropriate means,~~  
434 ~~with special attention to future needs that may result from~~  
435 ~~population growth, technological advancements, new societal~~  
436 ~~priorities, or other changes.~~

437 ~~(2) Formulate general policies affecting the public health~~  
438 ~~of the state.~~

439 (2)~~(3)~~ Administer and enforce laws and rules relating to  
440 sanitation, control of communicable diseases, illnesses and  
441 hazards to health among humans and from animals to humans, and  
442 the general health of the people of the state.

443 (3)~~(4)~~ Coordinate with ~~Cooperate with and accept assistance~~  
444 ~~from~~ federal, state, and local officials for the prevention and  
445 suppression of communicable and other diseases, illnesses,  
446 injuries, and hazards to human health.

447 ~~(5) Declare, enforce, modify, and abolish quarantine of~~  
448 ~~persons, animals, and premises as the circumstances indicate for~~





753786

449 ~~controlling communicable diseases or providing protection from~~  
450 ~~unsafe conditions that pose a threat to public health, except as~~  
451 ~~provided in ss. 384.28 and 392.545-392.60.~~

452 ~~(a) The department shall adopt rules to specify the~~  
453 ~~conditions and procedures for imposing and releasing a~~  
454 ~~quarantine. The rules must include provisions related to:~~

455 ~~1. The closure of premises.~~

456 ~~2. The movement of persons or animals exposed to or~~  
457 ~~infected with a communicable disease.~~

458 ~~3. The tests or treatment, including vaccination, for~~  
459 ~~communicable disease required prior to employment or admission~~  
460 ~~to the premises or to comply with a quarantine.~~

461 ~~4. Testing or destruction of animals with or suspected of~~  
462 ~~having a disease transmissible to humans.~~

463 ~~5. Access by the department to quarantined premises.~~

464 ~~6. The disinfection of quarantined animals, persons, or~~  
465 ~~premises.~~

466 ~~7. Methods of quarantine.~~

467 ~~(b) Any health regulation that restricts travel or trade~~  
468 ~~within the state may not be adopted or enforced in this state~~  
469 ~~except by authority of the department.~~

470 ~~(4)(6) Provide for a thorough investigation and study of~~  
471 ~~the incidence, causes, modes of propagation and transmission,~~  
472 ~~and means of prevention, control, and cure of diseases,~~  
473 ~~illnesses, and hazards to human health.~~

474 ~~(5)(7) Provide for the dissemination of information to the~~  
475 ~~public relative to the prevention, control, and cure of~~  
476 ~~diseases, illnesses, and hazards to human health. The department~~  
477 ~~shall conduct a workshop before issuing any health alert or~~



753786

478 ~~advisory relating to food-borne illness or communicable disease~~  
479 ~~in public lodging or food service establishments in order to~~  
480 ~~inform persons, trade associations, and businesses of the risk~~  
481 ~~to public health and to seek the input of affected persons,~~  
482 ~~trade associations, and businesses on the best methods of~~  
483 ~~informing and protecting the public, except in an emergency, in~~  
484 ~~which case the workshop must be held within 14 days after the~~  
485 ~~issuance of the emergency alert or advisory.~~

486 ~~(6)-(8) Act as registrar of vital statistics.~~

487 ~~(9) Cooperate with and assist federal health officials in~~  
488 ~~enforcing public health laws and regulations.~~

489 ~~(10) Cooperate with other departments, local officials, and~~  
490 ~~private boards and organizations for the improvement and~~  
491 ~~preservation of the public health.~~

492 ~~(11) Maintain a statewide injury-prevention program.~~

493 ~~(12) Adopt rules pursuant to ss. 120.536(1) and 120.54 to~~  
494 ~~implement the provisions of law conferring duties upon it. This~~  
495 ~~subsection does not authorize the department to require a permit~~  
496 ~~or license unless such requirement is specifically provided by~~  
497 ~~law.~~

498 ~~(7)-(13) Manage and coordinate emergency preparedness and~~  
499 ~~disaster response functions to: investigate and control the~~  
500 ~~spread of disease; coordinate the availability and staffing of~~  
501 ~~special needs shelters; support patient evacuation; ensure the~~  
502 ~~safety of food and drugs; provide critical incident stress~~  
503 ~~debriefing; and provide surveillance and control of~~  
504 ~~radiological, chemical, biological, and other environmental~~  
505 ~~hazards.~~

506 ~~(14) Perform any other duties prescribed by law.~~



753786

507 Section 8. Section 381.0013, Florida Statutes, is repealed.

508 Section 9. Section 381.0014, Florida Statutes, is repealed.

509 Section 10. Section 381.0015, Florida Statutes, is  
510 repealed.

511 Section 11. Section 381.0016, Florida Statutes, is amended  
512 to read:

513 381.0016 County and municipal regulations and ordinances.-  
514 Any county or municipality may enact, in a manner prescribed by  
515 law, health regulations and ordinances not inconsistent with  
516 state public health laws and rules adopted by the department.

517 Section 12. Section 381.0017, Florida Statutes, is  
518 repealed.

519 Section 13. Section 381.0025, Florida Statutes, is  
520 repealed.

521 Section 14. Paragraph (d) of subsection (1) of section  
522 381.003, Florida Statutes, is amended to read:

523 381.003 Communicable disease and AIDS prevention and  
524 control.-

525 (1) The department shall conduct a communicable disease  
526 prevention and control program as part of fulfilling its public  
527 health mission. A communicable disease is any disease caused by  
528 transmission of a specific infectious agent, or its toxic  
529 products, from an infected person, an infected animal, or the  
530 environment to a susceptible host, either directly or  
531 indirectly. The communicable disease program must include, but  
532 need not be limited to:

533 (d) Programs for the prevention, control, and reporting of  
534 communicable diseases of public health significance as provided  
535 for in this chapter.



753786

536 Section 15. Section 381.0031, Florida Statutes, is amended  
537 to read:

538 381.0031 Epidemiological research; report of diseases of  
539 public health significance to department.-

540 (1) The department may conduct studies concerning the  
541 epidemiology of diseases of public health significance affecting  
542 people in Florida.

543 (2) Any practitioner licensed in this state to practice  
544 medicine, osteopathic medicine, chiropractic medicine,  
545 naturopathy, or veterinary medicine; any hospital licensed under  
546 part I of chapter 395; or any laboratory licensed under chapter  
547 483 that diagnoses or suspects the existence of a disease of  
548 public health significance shall immediately report the fact to  
549 the Department of Health.

550 (3)~~(2)~~ Periodically the department shall issue a list of  
551 infectious or noninfectious diseases determined by it to be a  
552 threat to public health and therefore of significance to public  
553 health and shall furnish a copy of the list to the practitioners  
554 listed in subsection (2) ~~(1)~~. The list shall be based on the  
555 diseases recommended to be nationally notifiable by the Council  
556 of State and Territorial Epidemiologists and the Centers for  
557 Disease Control and Prevention. The department may expand upon  
558 the list if a disease emerges for which regular, frequent, and  
559 timely information regarding individual cases is considered  
560 necessary for the prevention and control of a disease specific  
561 to Florida.

562 (4)~~(3)~~ Reports required by this section must be in  
563 accordance with methods specified by rule of the department.

564 (5)~~(4)~~ Information submitted in reports required by this



753786

565 section is confidential, exempt from the provisions of s.  
566 119.07(1), and is to be made public only when necessary to  
567 public health. A report so submitted is not a violation of the  
568 confidential relationship between practitioner and patient.

569 ~~(6)~~(5) The department may obtain and inspect copies of  
570 medical records, records of laboratory tests, and other medical-  
571 related information for reported cases of diseases of public  
572 health significance described in subsection (2). The department  
573 shall examine the records of a person who has a disease of  
574 public health significance only for purposes of preventing and  
575 eliminating outbreaks of disease and making epidemiological  
576 investigations of reported cases of diseases of public health  
577 significance, notwithstanding any other law to the contrary.  
578 Health care practitioners, licensed health care facilities, and  
579 laboratories shall allow the department to inspect and obtain  
580 copies of such medical records and medical-related information,  
581 notwithstanding any other law to the contrary. Release of  
582 medical records and medical-related information to the  
583 department by a health care practitioner, licensed health care  
584 facility, or laboratory, or by an authorized employee or agent  
585 thereof, does not constitute a violation of the confidentiality  
586 of patient records. A health care practitioner, health care  
587 facility, or laboratory, or any employee or agent thereof, may  
588 not be held liable in any manner for damages and is not subject  
589 to criminal penalties for providing patient records to the  
590 department as authorized by this section.

591 ~~(7)~~(6) The department may adopt rules related to reporting  
592 diseases of significance to public health, which must specify  
593 the information to be included in the report, who is required to



753786

594 report, the method and time period for reporting, requirements  
595 for enforcement, and required followup activities by the  
596 department which are necessary to protect public health.

597 (8) This section does not affect s. 384.25.

598 Section 16. Subsections (4), (5), and (6) are added to  
599 section 381.00315, Florida Statutes, to read:

600 381.00315 Public health advisories; public health  
601 emergencies; quarantines.—The State Health Officer is  
602 responsible for declaring public health emergencies and  
603 quarantines and issuing public health advisories.

604 (4) The department has the duty and the authority to  
605 declare, enforce, modify, and abolish quarantines of persons,  
606 animals, and premises as the circumstances indicate for  
607 controlling communicable diseases or providing protection from  
608 unsafe conditions that pose a threat to public health, except as  
609 provided in ss. 384.28 and 392.545-392.60.

610 (5) The department shall adopt rules to specify the  
611 conditions and procedures for imposing and releasing a  
612 quarantine. The rules must include provisions related to:

613 (a) The closure of premises.

614 (b) The movement of persons or animals exposed to or  
615 infected with a communicable disease.

616 (c) The tests or treatment, including vaccination, for  
617 communicable disease required prior to employment or admission  
618 to the premises or to comply with a quarantine.

619 (d) Testing or destruction of animals with or suspected of  
620 having a disease transmissible to humans.

621 (e) Access by the department to quarantined premises.

622 (f) The disinfection of quarantined animals, persons, or



753786

623 premises.

624 (g) Methods of quarantine.

625 (6) The rules adopted under this section and actions taken  
626 by the department pursuant to a declared public health emergency  
627 or quarantine shall supersede all rules enacted by other state  
628 departments, boards or commissions, and ordinances and  
629 regulations enacted by political subdivisions of the state. Any  
630 person who violates any rule adopted under this section, any  
631 quarantine, or any requirement adopted by the department  
632 pursuant to a declared public health emergency, commits a  
633 misdemeanor of the second degree, punishable as provided in s.  
634 775.082 or s. 775.083.

635 Section 17. Section 381.0032, Florida Statutes, is  
636 repealed.

637 Section 18. Section 381.00325, Florida Statutes, is  
638 repealed.

639 Section 19. Subsection (1) of section 381.0034, Florida  
640 Statutes, is amended to read:

641 381.0034 Requirement for instruction on HIV and AIDS.—

642 (1) ~~As of July 1, 1991,~~ The Department of Health shall  
643 require each person licensed or certified under chapter 401,  
644 chapter 467, part IV of chapter 468, or chapter 483, as a  
645 condition of biennial relicensure, to complete an educational  
646 course approved by the department on the modes of transmission,  
647 infection control procedures, clinical management, and  
648 prevention of human immunodeficiency virus and acquired immune  
649 deficiency syndrome. Such course shall include information on  
650 current Florida law on acquired immune deficiency syndrome and  
651 its impact on testing, confidentiality of test results, and



753786

652 treatment of patients. Each such licensee or certificateholder  
653 shall submit confirmation of having completed said course, on a  
654 form provided by the department, when submitting fees or  
655 application for each biennial renewal.

656 Section 20. Section 381.0037, Florida Statutes, is  
657 repealed.

658 Section 21. Subsections (2) through (11) of section 381.004,  
659 Florida Statutes, are renumbered as subsections (1) through  
660 (10), respectively, and present subsection (1), paragraph (a) of  
661 present subsection (3), paragraph (d) of present subsection (5),  
662 present subsection (7), and paragraph (c) of present subsection  
663 (11) of that section are amended to read:

664 381.004 HIV testing.—

665 ~~(1) LEGISLATIVE INTENT.—The Legislature finds that the use~~  
666 ~~of tests designed to reveal a condition indicative of human~~  
667 ~~immunodeficiency virus infection can be a valuable tool in~~  
668 ~~protecting the public health. The Legislature finds that despite~~  
669 ~~existing laws, regulations, and professional standards which~~  
670 ~~require or promote the informed, voluntary, and confidential use~~  
671 ~~of tests designed to reveal human immunodeficiency virus~~  
672 ~~infection, many members of the public are deterred from seeking~~  
673 ~~such testing because they misunderstand the nature of the test~~  
674 ~~or fear that test results will be disclosed without their~~  
675 ~~consent. The Legislature finds that the public health will be~~  
676 ~~served by facilitating informed, voluntary, and confidential use~~  
677 ~~of tests designed to detect human immunodeficiency virus~~  
678 ~~infection.~~

679 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT;  
680 RESULTS; COUNSELING; CONFIDENTIALITY.—





753786

681 (a) No person in this state shall order a test designed to  
682 identify the human immunodeficiency virus, or its antigen or  
683 antibody, without first obtaining the informed consent of the  
684 person upon whom the test is being performed, except as  
685 specified in paragraph (h). Informed consent shall be preceded  
686 by an explanation of the right to confidential treatment of  
687 information identifying the subject of the test and the results  
688 of the test to the extent provided by law. Information shall  
689 also be provided on the fact that a positive HIV test result  
690 will be reported to the county health department with sufficient  
691 information to identify the test subject and on the availability  
692 and location of sites at which anonymous testing is performed.  
693 As required in paragraph (3) (c) ~~(4) (e)~~, each county health  
694 department shall maintain a list of sites at which anonymous  
695 testing is performed, including the locations, phone numbers,  
696 and hours of operation of the sites. Consent need not be in  
697 writing provided there is documentation in the medical record  
698 that the test has been explained and the consent has been  
699 obtained.

700 (4) ~~(5)~~ HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS;  
701 REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM  
702 REGISTRATION.—No county health department and no other person in  
703 this state shall conduct or hold themselves out to the public as  
704 conducting a testing program for acquired immune deficiency  
705 syndrome or human immunodeficiency virus status without first  
706 registering with the Department of Health, reregistering each  
707 year, complying with all other applicable provisions of state  
708 law, and meeting the following requirements:

709 (d) The program must meet all the informed consent criteria



753786

710 contained in subsection (2) ~~(3)~~.

711 (7) EXEMPTIONS.—Except as provided in paragraph (3) (d)  
712 ~~(4) (d)~~ and ss. 627.429 and 641.3007, insurers and others  
713 participating in activities related to the insurance application  
714 and underwriting process shall be exempt from this section.

715 (10) ~~(11)~~ TESTING AS A CONDITION OF TREATMENT OR ADMISSION.—

716 (c) Any violation of this subsection or the rules  
717 implementing it shall be punishable as provided in subsection  
718 (5) ~~(6)~~.

719 Section 22. Subsection (2) of section 381.0046, Florida  
720 Statutes, is amended to read:

721 381.0046 Statewide HIV and AIDS prevention campaign.—

722 (2) The Department of Health shall establish dedicated ~~four~~  
723 positions within the department for HIV and AIDS regional  
724 minority coordinators and ~~one position for~~ a statewide HIV and  
725 AIDS minority coordinator. The coordinators shall facilitate  
726 statewide efforts to implement and coordinate HIV and AIDS  
727 prevention and treatment programs. ~~The statewide coordinator~~  
728 ~~shall report directly to the chief of the Bureau of HIV and AIDS~~  
729 ~~within the Department of Health.~~

730 Section 23. Subsections (3) through (7) of section  
731 381.0051, Florida Statutes, are renumbered as subsections (2)  
732 through (6), respectively, and present subsection (2) of that  
733 section is amended to read:

734 381.0051 Family planning.—

735 ~~(2) LEGISLATIVE INTENT.—It is the intent of the Legislature~~  
736 ~~to make available to citizens of the state of childbearing age~~  
737 ~~comprehensive medical knowledge, assistance, and services~~  
738 ~~relating to the planning of families and maternal health care.~~



753786

739 Section 24. Subsection (5) of section 381.0052, Florida  
740 Statutes, is amended to read:

741 381.0052 Dental health.—

742 ~~(5) The department may adopt rules to implement this~~  
743 ~~section.~~

744 Section 25. Subsection (4) of section 381.0053, Florida  
745 Statutes, is amended to read:

746 381.0053 Comprehensive nutrition program.—

747 ~~(4) The department may promulgate rules to implement the~~  
748 ~~provisions of this section.~~

749 Section 26. Section 381.0054, Florida Statutes, is  
750 repealed.

751 Section 27. Subsections (3) through (11) of section  
752 381.0056, Florida Statutes are renumbered as subsections (2)  
753 through (9), respectively, and present subsections (2), (3), and  
754 (11) of that section are amended to read:

755 381.0056 School health services program.—

756 ~~(2) The Legislature finds that health services conducted as~~  
757 ~~a part of the total school health program should be carried out~~  
758 ~~to appraise, protect, and promote the health of students. School~~  
759 ~~health services supplement, rather than replace, parental~~  
760 ~~responsibility and are designed to encourage parents to devote~~  
761 ~~attention to child health, to discover health problems, and to~~  
762 ~~encourage use of the services of their physicians, dentists, and~~  
763 ~~community health agencies.~~

764 (2) ~~(3)~~ As ~~When~~ used in ~~or for~~ purposes of this section:

765 (a) "Emergency health needs" means onsite management and  
766 aid for illness or injury pending the student's return to the  
767 classroom or release to a parent, guardian, designated friend,



753786

768 or designated health care provider.

769 (b) "Entity" or "health care entity" means a unit of local  
770 government or a political subdivision of the state; a hospital  
771 licensed under chapter 395; a health maintenance organization  
772 certified under chapter 641; a health insurer authorized under  
773 the Florida Insurance Code; a community health center; a migrant  
774 health center; a federally qualified health center; an  
775 organization that meets the requirements for nonprofit status  
776 under s. 501(c)(3) of the Internal Revenue Code; a private  
777 industry or business; or a philanthropic foundation that agrees  
778 to participate in a public-private partnership with a county  
779 health department, local school district, or school in the  
780 delivery of school health services, and agrees to the terms and  
781 conditions for the delivery of such services as required by this  
782 section and as documented in the local school health services  
783 plan.

784 (c) "Invasive screening" means any screening procedure in  
785 which the skin or any body orifice is penetrated.

786 (d) "Physical examination" means a thorough evaluation of  
787 the health status of an individual.

788 (e) "School health services plan" means the document that  
789 describes the services to be provided, the responsibility for  
790 provision of the services, the anticipated expenditures to  
791 provide the services, and evidence of cooperative planning by  
792 local school districts and county health departments.

793 (f) "Screening" means presumptive identification of unknown  
794 or unrecognized diseases or defects by the application of tests  
795 that can be given with ease and rapidity to apparently healthy  
796 persons.



753786

797       ~~(11) School health programs funded by health care districts~~  
798 ~~or entities defined in subsection (3) must be supplementary to~~  
799 ~~and consistent with the requirements of this section and ss.~~  
800 ~~381.0057 and 381.0059.~~

801       Section 28. Subsections (2) through (7) of section  
802 381.0057, Florida Statutes, are renumbered as subsections (1)  
803 through (6), respectively, and present subsections (1), (4), and  
804 (6) of that section are amended to read:

805       381.0057 Funding for school health services.—

806       ~~(1) It is the intent of the Legislature that funds in~~  
807 ~~addition to those provided under the School Health Services Act~~  
808 ~~be provided to those school districts and schools where there is~~  
809 ~~a high incidence of medically underserved high-risk children,~~  
810 ~~low birthweight babies, infant mortality, or teenage pregnancy.~~  
811 ~~The purpose of this funding is to phase in those programs which~~  
812 ~~offer the greatest potential for promoting the health of~~  
813 ~~students and reducing teenage pregnancy.~~

814       (3)~~(4)~~ Any school district, school, or laboratory school  
815 which desires to receive state funding under the provisions of  
816 this section shall submit a proposal to the joint committee  
817 established in subsection (2) ~~(3)~~. The proposal shall state the  
818 goals of the program, provide specific plans for reducing  
819 teenage pregnancy, and describe all of the health services to be  
820 available to students with funds provided pursuant to this  
821 section, including a combination of initiatives such as health  
822 education, counseling, extracurricular, and self-esteem  
823 components. School health services shall not promote elective  
824 termination of pregnancy as a part of counseling services. Only  
825 those program proposals which have been developed jointly by



753786

826 county health departments and local school districts or schools,  
827 and which have community and parental support, shall be eligible  
828 for funding. Funding shall be available specifically for  
829 implementation of one of the following programs:

830 (a) *School health improvement pilot project.*—The program  
831 shall include basic health care to an elementary school, middle  
832 school, and high school feeder system. Program services shall  
833 include, but not be limited to:

834 1. Planning, implementing, and evaluating school health  
835 services. Staffing shall include a full-time, trained school  
836 health aide in each elementary, middle, and high school; one  
837 full-time nurse to supervise the aides in the elementary and  
838 middle schools; and one full-time nurse in each high school.

839 2. Providing student health appraisals and identification  
840 of actual or potential health problems by screenings, nursing  
841 assessments, and record reviews.

842 3. Expanding screening activities.

843 4. Improving the student utilization of school health  
844 services.

845 5. Coordinating health services for students with parents  
846 or guardians and other agencies in the community.

847 (b) *Student support services team program.*—The program  
848 shall include a multidisciplinary team composed of a  
849 psychologist, social worker, and nurse whose responsibilities  
850 are to provide basic support services and to assist, in the  
851 school setting, children who exhibit mild to severely complex  
852 health, behavioral, or learning problems affecting their school  
853 performance. Support services shall include, but not be limited  
854 to: evaluation and treatment for minor illnesses and injuries,



753786

855 referral and followup for serious illnesses and emergencies,  
856 onsite care and consultation, referral to a physician, and  
857 followup care for pregnancy or chronic diseases and disorders as  
858 well as emotional or mental problems. Services also shall  
859 include referral care for drug and alcohol abuse and sexually  
860 transmitted diseases, sports and employment physicals,  
861 immunizations, and in addition, effective preventive services  
862 aimed at delaying early sexual involvement and aimed at  
863 pregnancy, acquired immune deficiency syndrome, sexually  
864 transmitted diseases, and destructive lifestyle conditions, such  
865 as alcohol and drug abuse. Moneys for this program shall be used  
866 to fund three teams, each consisting of one half-time  
867 psychologist, one full-time nurse, and one full-time social  
868 worker. Each team shall provide student support services to an  
869 elementary school, middle school, and high school that are a  
870 part of one feeder school system and shall coordinate all  
871 activities with the school administrator and guidance counselor  
872 at each school. A program which places all three teams in middle  
873 schools or high schools may also be proposed.

874 (c) *Full service schools.*—The full-service schools shall  
875 integrate the services of the Department of Health that are  
876 critical to the continuity-of-care process. The department shall  
877 provide services to students on the school grounds. Department  
878 personnel shall provide their specialized services as an  
879 extension of the educational environment. Such services may  
880 include nutritional services, medical services, aid to dependent  
881 children, parenting skills, counseling for abused children, and  
882 education for the students' parents or guardians.

883



753786

884 Funding may also be available for any other program that is  
885 comparable to a program described in this subsection but is  
886 designed to meet the particular needs of the community.

887 ~~(5)~~<sup>(6)</sup> Each school district or school program that is  
888 funded through the provisions of this section shall provide a  
889 mechanism through which a parent may, by written request, exempt  
890 a child from all or certain services provided by a school health  
891 services program described in subsection ~~(3)~~ <sup>(4)</sup>.

892 Section 29. Section 381.00591, Florida Statutes, is amended  
893 to read:

894 381.00591 Department of Health; National Environmental  
895 Laboratory accreditation; application; ~~rules.~~—The Department of  
896 Health may apply for and become a National Environmental  
897 Laboratory Accreditation Program accreditation body ~~accrediting~~  
898 ~~authority. The department, as an accrediting entity, may adopt~~  
899 ~~rules pursuant to ss. 120.536(1) and 120.54, to implement~~  
900 ~~standards of the National Environmental Laboratory Accreditation~~  
901 ~~Program, including requirements for proficiency testing~~  
902 ~~providers and other rules that are not inconsistent with this~~  
903 ~~section, including rules pertaining to fees, application~~  
904 ~~procedures, standards applicable to environmental or public~~  
905 ~~water supply laboratories, and compliance.~~

906 Section 30. Subsection (9) of section 381.00593, Florida  
907 Statutes, is renumbered as subsection (8), and present  
908 subsection (8) of that section is amended to read:

909 381.00593 Public school volunteer health care practitioner  
910 program.—

911 ~~(8) The Department of Health, in cooperation with the~~  
912 ~~Department of Education, may adopt rules necessary to implement~~





753786

913 ~~this section. The rules shall include the forms to be completed~~  
914 ~~and procedures to be followed by applicants and school personnel~~  
915 ~~under the program.~~

916 Section 31. Subsections (2) through (6) of section  
917 381.0062, Florida Statutes, are renumbered as subsections (1)  
918 through (5), respectively, and present subsections (1) and (4)  
919 of that section are amended to read:

920 381.0062 Supervision; private and certain public water  
921 systems.—

922 ~~(1) LEGISLATIVE INTENT. It is the intent of the Legislature~~  
923 ~~to protect the public's health by establishing standards for the~~  
924 ~~construction, modification, and operation of public and private~~  
925 ~~water systems to assure consumers that the water provided by~~  
926 ~~those systems is potable.~~

927 ~~(3)(4) RIGHT OF ENTRY.—For purposes of this section,~~  
928 ~~department personnel may enter, at any reasonable time and if~~  
929 ~~they have reasonable cause to believe a violation of this~~  
930 ~~section is occurring or about to occur, upon any and all parts~~  
931 ~~of the premises of such limited use public and multifamily~~  
932 ~~drinking water systems, to make an examination and investigation~~  
933 ~~to determine the sanitary and safety conditions of such systems.~~  
934 ~~Any person who interferes with, hinders, or opposes any employee~~  
935 ~~of the department in the discharge of his or her duties pursuant~~  
936 ~~to the provisions of this section is subject to the penalties~~  
937 ~~provided in s. 381.0025.~~

938 Section 32. Subsections (1), (5), (6), and (7) of section  
939 381.0065, Florida Statutes, are amended, paragraphs (b) through  
940 (p) of subsection (2) of that section are redesignated as  
941 paragraphs (c) through (q), respectively, a new paragraph (b) is



753786

942 added to that subsection, paragraphs (c) and (j) of subsection  
943 (3) and paragraphs (h), (n), and (o) of subsection (4) of that  
944 section are amended, and paragraphs (w) through (aa) are added  
945 to subsection (4) of that section, to read:

946 381.0065 Onsite sewage treatment and disposal systems;  
947 regulation.—

948 (1) LEGISLATIVE INTENT.—

949 (a) It is the intent of the Legislature that proper  
950 management of onsite sewage treatment and disposal systems is  
951 paramount to the health, safety, and welfare of the public. ~~It~~  
952 ~~is further the intent of the Legislature that the department~~  
953 ~~shall administer an evaluation program to ensure the operational~~  
954 ~~condition of the system and identify any failure with the~~  
955 ~~system.~~

956 (b) It is the intent of the Legislature that where a  
957 publicly owned or investor-owned sewerage system is not  
958 available, the department shall issue permits for the  
959 construction, installation, modification, abandonment, or repair  
960 of onsite sewage treatment and disposal systems under conditions  
961 as described in this section and rules adopted under this  
962 section. It is further the intent of the Legislature that the  
963 installation and use of onsite sewage treatment and disposal  
964 systems not adversely affect the public health or significantly  
965 degrade the groundwater or surface water.

966 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the  
967 term:

968 (b)1. "Bedroom" means a room that can be used for sleeping  
969 and that:

970 a. For site-built dwellings, has a minimum of 70 square



753786

971 feet of conditioned space;  
972 b. For manufactured homes, is constructed according to  
973 standards of the United States Department of Housing and Urban  
974 Development and has a minimum of 50 square feet of floor area;  
975 c. Is located along an exterior wall;  
976 d. Has a closet and a door or an entrance where a door  
977 could be reasonably installed; and  
978 e. Has an emergency means of escape and rescue opening to  
979 the outside.  
980 2. A room may not be considered a bedroom if it is used to  
981 access another room except a bathroom or closet.  
982 3. "Bedroom" does not include a hallway, bathroom, kitchen,  
983 living room, family room, dining room, den, breakfast nook,  
984 pantry, laundry room, sunroom, recreation room, media/video  
985 room, or exercise room.  
986 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The  
987 department shall:  
988 (c) Develop a comprehensive program to ensure that onsite  
989 sewage treatment and disposal systems regulated by the  
990 department are sized, designed, constructed, installed,  
991 repaired, modified, abandoned, used, operated, and maintained in  
992 compliance with this section and rules adopted under this  
993 section to prevent groundwater contamination and surface water  
994 contamination and to preserve the public health. The department  
995 is the final administrative interpretive authority regarding  
996 rule interpretation. In the event of a conflict regarding rule  
997 interpretation, the State Surgeon General ~~Division Director for~~  
998 ~~Environmental Health of the department~~, or his or her designee,  
999 shall timely assign a staff person to resolve the dispute.



753786

1000 (j) Supervise research on, demonstration of, and training  
1001 on the performance, environmental impact, and public health  
1002 impact of onsite sewage treatment and disposal systems within  
1003 this state. Research fees collected under s. 381.0066(2)(k)  
1004 ~~381.0066(2)(l)~~ must be used to develop and fund hands-on  
1005 training centers designed to provide practical information about  
1006 onsite sewage treatment and disposal systems to septic tank  
1007 contractors, master septic tank contractors, contractors,  
1008 inspectors, engineers, and the public and must also be used to  
1009 fund research projects which focus on improvements of onsite  
1010 sewage treatment and disposal systems, including use of  
1011 performance-based standards and reduction of environmental  
1012 impact. Research projects shall be initially approved by the  
1013 technical review and advisory panel and shall be applicable to  
1014 and reflect the soil conditions specific to Florida. Such  
1015 projects shall be awarded through competitive negotiation, using  
1016 the procedures provided in s. 287.055, to public or private  
1017 entities that have experience in onsite sewage treatment and  
1018 disposal systems in Florida and that are principally located in  
1019 Florida. Research projects shall not be awarded to firms or  
1020 entities that employ or are associated with persons who serve on  
1021 either the technical review and advisory panel or the research  
1022 review and advisory committee.

1023 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
1024 construct, repair, modify, abandon, or operate an onsite sewage  
1025 treatment and disposal system without first obtaining a permit  
1026 approved by the department. The department may issue permits to  
1027 carry out this section, but shall not make the issuance of such  
1028 permits contingent upon prior approval by the Department of



753786

1029 Environmental Protection, except that the issuance of a permit  
1030 for work seaward of the coastal construction control line  
1031 established under s. 161.053 shall be contingent upon receipt of  
1032 any required coastal construction control line permit from the  
1033 Department of Environmental Protection. A construction permit is  
1034 valid for 18 months from the issuance date and may be extended  
1035 by the department for one 90-day period under rules adopted by  
1036 the department. A repair permit is valid for 90 days from the  
1037 date of issuance. An operating permit must be obtained prior to  
1038 the use of any aerobic treatment unit or if the establishment  
1039 generates commercial waste. Buildings or establishments that use  
1040 an aerobic treatment unit or generate commercial waste shall be  
1041 inspected by the department at least annually to assure  
1042 compliance with the terms of the operating permit. The operating  
1043 permit for a commercial wastewater system is valid for 1 year  
1044 from the date of issuance and must be renewed annually. The  
1045 operating permit for an aerobic treatment unit is valid for 2  
1046 years from the date of issuance and must be renewed every 2  
1047 years. If all information pertaining to the siting, location,  
1048 and installation conditions or repair of an onsite sewage  
1049 treatment and disposal system remains the same, a construction  
1050 or repair permit for the onsite sewage treatment and disposal  
1051 system may be transferred to another person, if the transferee  
1052 files, within 60 days after the transfer of ownership, an  
1053 amended application providing all corrected information and  
1054 proof of ownership of the property. There is no fee associated  
1055 with the processing of this supplemental information. A person  
1056 may not contract to construct, modify, alter, repair, service,  
1057 abandon, or maintain any portion of an onsite sewage treatment



753786

1058 and disposal system without being registered under part III of  
1059 chapter 489. A property owner who personally performs  
1060 construction, maintenance, or repairs to a system serving his or  
1061 her own owner-occupied single-family residence is exempt from  
1062 registration requirements for performing such construction,  
1063 maintenance, or repairs on that residence, but is subject to all  
1064 permitting requirements. A municipality or political subdivision  
1065 of the state may not issue a building or plumbing permit for any  
1066 building that requires the use of an onsite sewage treatment and  
1067 disposal system unless the owner or builder has received a  
1068 construction permit for such system from the department. A  
1069 building or structure may not be occupied and a municipality,  
1070 political subdivision, or any state or federal agency may not  
1071 authorize occupancy until the department approves the final  
1072 installation of the onsite sewage treatment and disposal system.  
1073 A municipality or political subdivision of the state may not  
1074 approve any change in occupancy or tenancy of a building that  
1075 uses an onsite sewage treatment and disposal system until the  
1076 department has reviewed the use of the system with the proposed  
1077 change, approved the change, and amended the operating permit.

1078 (h) 1. The department may grant variances in hardship cases  
1079 which may be less restrictive than the provisions specified in  
1080 this section. If a variance is granted and the onsite sewage  
1081 treatment and disposal system construction permit has been  
1082 issued, the variance may be transferred with the system  
1083 construction permit, if the transferee files, within 60 days  
1084 after the transfer of ownership, an amended construction permit  
1085 application providing all corrected information and proof of  
1086 ownership of the property and if the same variance would have



753786

1087 been required for the new owner of the property as was  
1088 originally granted to the original applicant for the variance.  
1089 There is no fee associated with the processing of this  
1090 supplemental information. A variance may not be granted under  
1091 this section until the department is satisfied that:

1092 a. The hardship was not caused intentionally by the action  
1093 of the applicant;

1094 b. No reasonable alternative, taking into consideration  
1095 factors such as cost, exists for the treatment of the sewage;  
1096 and

1097 c. The discharge from the onsite sewage treatment and  
1098 disposal system will not adversely affect the health of the  
1099 applicant or the public or significantly degrade the groundwater  
1100 or surface waters.

1101  
1102 Where soil conditions, water table elevation, and setback  
1103 provisions are determined by the department to be satisfactory,  
1104 special consideration must be given to those lots platted before  
1105 1972.

1106 2. The department shall appoint and staff a variance review  
1107 and advisory committee, which shall meet monthly to recommend  
1108 agency action on variance requests. The committee shall make its  
1109 recommendations on variance requests at the meeting in which the  
1110 application is scheduled for consideration, except for an  
1111 extraordinary change in circumstances, the receipt of new  
1112 information that raises new issues, or when the applicant  
1113 requests an extension. The committee shall consider the criteria  
1114 in subparagraph 1. in its recommended agency action on variance  
1115 requests and shall also strive to allow property owners the full



753786

1116 use of their land where possible. The committee consists of the  
1117 following:

1118 a. The State Surgeon General, ~~Division Director for~~  
1119 ~~Environmental Health of the department~~ or his or her designee.

1120 b. A representative from the county health departments.

1121 c. A representative from the home building industry  
1122 recommended by the Florida Home Builders Association.

1123 d. A representative from the septic tank industry  
1124 recommended by the Florida Onsite Wastewater Association.

1125 e. A representative from the Department of Environmental  
1126 Protection.

1127 f. A representative from the real estate industry who is  
1128 also a developer in this state who develops lots using onsite  
1129 sewage treatment and disposal systems, recommended by the  
1130 Florida Association of Realtors.

1131 g. A representative from the engineering profession  
1132 recommended by the Florida Engineering Society.

1133

1134 Members shall be appointed for a term of 3 years, with such  
1135 appointments being staggered so that the terms of no more than  
1136 two members expire in any one year. Members shall serve without  
1137 remuneration, but if requested, shall be reimbursed for per diem  
1138 and travel expenses as provided in s. 112.061.

1139 (n) Evaluations for determining the seasonal high-water  
1140 table elevations or the suitability of soils for the use of a  
1141 new onsite sewage treatment and disposal system shall be  
1142 performed by department personnel, professional engineers  
1143 registered in the state, or such other persons with expertise,  
1144 as defined by rule, in making such evaluations. Evaluations for





753786

1145 determining mean annual flood lines shall be performed by those  
1146 persons identified in paragraph (2)(j) ~~(2)(i)~~. The department  
1147 shall accept evaluations submitted by professional engineers and  
1148 such other persons as meet the expertise established by this  
1149 section or by rule unless the department has a reasonable  
1150 scientific basis for questioning the accuracy or completeness of  
1151 the evaluation.

1152 (o) The department shall appoint a research review and  
1153 advisory committee, which shall meet at least semiannually. The  
1154 committee shall advise the department on directions for new  
1155 research, review and rank proposals for research contracts, and  
1156 review draft research reports and make comments. The committee  
1157 is comprised of:

1158 1. A representative of the State Surgeon General, or his or  
1159 her designee ~~Division of Environmental Health of the Department~~  
1160 ~~of Health~~.

1161 2. A representative from the septic tank industry.

1162 3. A representative from the home building industry.

1163 4. A representative from an environmental interest group.

1164 5. A representative from the State University System, from  
1165 a department knowledgeable about onsite sewage treatment and  
1166 disposal systems.

1167 6. A professional engineer registered in this state who has  
1168 work experience in onsite sewage treatment and disposal systems.

1169 7. A representative from local government who is  
1170 knowledgeable about domestic wastewater treatment.

1171 8. A representative from the real estate profession.

1172 9. A representative from the restaurant industry.

1173 10. A consumer.



753786

1174  
1175 Members shall be appointed for a term of 3 years, with the  
1176 appointments being staggered so that the terms of no more than  
1177 four members expire in any one year. Members shall serve without  
1178 remuneration, but are entitled to reimbursement for per diem and  
1179 travel expenses as provided in s. 112.061.

1180 (w) Any permit issued and approved by the department for  
1181 the installation, modification, or repair of an onsite sewage  
1182 treatment and disposal system shall transfer with the title to  
1183 the property in a real estate transaction. A title may not be  
1184 encumbered at the time of transfer by new permit requirements by  
1185 a governmental entity for an onsite sewage treatment and  
1186 disposal system which differ from the permitting requirements in  
1187 effect at the time the system was permitted, modified, or  
1188 repaired. An inspection of a system may not be mandated by a  
1189 governmental entity at the point of sale in a real estate  
1190 transaction. This paragraph does not affect a septic tank phase-  
1191 out deferral program implemented by a consolidated government as  
1192 defined in s. 9, Art. VIII of the State Constitution.

1193 (x) A governmental entity, including a municipality,  
1194 county, or statutorily created commission, may not require an  
1195 engineer-designed performance-based treatment system, excluding  
1196 a passive engineer-designed performance-based treatment system,  
1197 before the completion of the Florida Onsite Sewage Nitrogen  
1198 Reduction Strategies Project. This paragraph does not apply to a  
1199 governmental entity, including a municipality, county, or  
1200 statutorily created commission, which adopted a local law,  
1201 ordinance, or regulation on or before January 31, 2012.  
1202 Notwithstanding this paragraph, an engineer-designed



753786

1203 performance-based treatment system may be used to meet the  
1204 requirements of the variance review and advisory committee  
1205 recommendations.

1206 (y)1. An onsite sewage treatment and disposal system is not  
1207 considered abandoned if the system is disconnected from a  
1208 structure that was made unusable or destroyed following a  
1209 disaster and if the system was properly functioning at the time  
1210 of disconnection and not adversely affected by the disaster. The  
1211 onsite sewage treatment and disposal system may be reconnected  
1212 to a rebuilt structure if:

1213 a. The reconnection of the system is to the same type of  
1214 structure which contains the same number of bedrooms or fewer,  
1215 if the square footage of the structure is less than or equal to  
1216 110 percent of the original square footage of the structure that  
1217 existed before the disaster;

1218 b. The system is not a sanitary nuisance; and

1219 c. The system has not been altered without prior  
1220 authorization.

1221 2. An onsite sewage treatment and disposal system that  
1222 serves a property that is foreclosed upon is not considered  
1223 abandoned.

1224 (z) If an onsite sewage treatment and disposal system  
1225 permittee receives, relies upon, and undertakes construction of  
1226 a system based upon a validly issued construction permit under  
1227 rules applicable at the time of construction but a change to a  
1228 rule occurs within 5 years after the approval of the system for  
1229 construction but before the final approval of the system, the  
1230 rules applicable and in effect at the time of construction  
1231 approval apply at the time of final approval if fundamental site



753786

1232 conditions have not changed between the time of construction  
1233 approval and final approval.

1234 (aa) A modification, replacement, or upgrade of an onsite  
1235 sewage treatment and disposal system is not required for a  
1236 remodeling addition to a single-family home if a bedroom is not  
1237 added.

1238 ~~(5) EVALUATION AND ASSESSMENT.—~~

1239 ~~(a) Beginning July 1, 2011, the department shall administer~~  
1240 ~~an onsite sewage treatment and disposal system evaluation~~  
1241 ~~program for the purpose of assessing the fundamental operational~~  
1242 ~~condition of systems and identifying any failures within the~~  
1243 ~~systems. The department shall adopt rules implementing the~~  
1244 ~~program standards, procedures, and requirements, including, but~~  
1245 ~~not limited to, a schedule for a 5-year evaluation cycle,~~  
1246 ~~requirements for the pump-out of a system or repair of a failing~~  
1247 ~~system, enforcement procedures for failure of a system owner to~~  
1248 ~~obtain an evaluation of the system, and failure of a contractor~~  
1249 ~~to timely submit evaluation results to the department and the~~  
1250 ~~system owner. The department shall ensure statewide~~  
1251 ~~implementation of the evaluation and assessment program by~~  
1252 ~~January 1, 2016.~~

1253 ~~(b) Owners of an onsite sewage treatment and disposal~~  
1254 ~~system, excluding a system that is required to obtain an~~  
1255 ~~operating permit, shall have the system evaluated at least once~~  
1256 ~~every 5 years to assess the fundamental operational condition of~~  
1257 ~~the system, and identify any failure within the system.~~

1258 ~~(c) All evaluation procedures must be documented and~~  
1259 ~~nothing in this subsection limits the amount of detail an~~  
1260 ~~evaluator may provide at his or her professional discretion. The~~



753786

1261 ~~evaluation must include a tank and drainfield evaluation, a~~  
1262 ~~written assessment of the condition of the system, and, if~~  
1263 ~~necessary, a disclosure statement pursuant to the department's~~  
1264 ~~procedure.~~

1265 ~~(d)1. Systems being evaluated that were installed prior to~~  
1266 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~  
1267 ~~bottom of the drainfield to the wettest season water table~~  
1268 ~~elevation as defined by department rule. All drainfield repairs,~~  
1269 ~~replacements or modifications to systems installed prior to~~  
1270 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~  
1271 ~~the bottom of the drainfield to the wettest season water table~~  
1272 ~~elevation as defined by department rule.~~

1273 ~~2. Systems being evaluated that were installed on or after~~  
1274 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~  
1275 ~~the bottom of the drainfield to the wettest season water table~~  
1276 ~~elevation as defined by department rule. All drainfield repairs,~~  
1277 ~~replacements or modification to systems developed on or after~~  
1278 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~  
1279 ~~the bottom of the drainfield to the wettest season water table~~  
1280 ~~elevation.~~

1281 ~~(e) If documentation of a tank pump-out or a permitted new~~  
1282 ~~installation, repair, or modification of the system within the~~  
1283 ~~previous 5 years is provided, and states the capacity of the~~  
1284 ~~tank and indicates that the condition of the tank is not a~~  
1285 ~~sanitary or public health nuisance pursuant to department rule,~~  
1286 ~~a pump-out of the system is not required.~~

1287 ~~(f) Owners are responsible for paying the cost of any~~  
1288 ~~required pump-out, repair, or replacement pursuant to department~~  
1289 ~~rule, and may not request partial evaluation or the omission of~~



753786

1290 ~~portions of the evaluation.~~

1291 ~~(g) Each evaluation or pump-out required under this~~  
1292 ~~subsection must be performed by a septic tank contractor or~~  
1293 ~~master septic tank contractor registered under part III of~~  
1294 ~~chapter 489, a professional engineer with wastewater treatment~~  
1295 ~~system experience licensed pursuant to chapter 471, or an~~  
1296 ~~environmental health professional certified under chapter 381 in~~  
1297 ~~the area of onsite sewage treatment and disposal system~~  
1298 ~~evaluation.~~

1299 ~~(h) The evaluation report fee collected pursuant to s.~~  
1300 ~~381.0066(2)(b) shall be remitted to the department by the~~  
1301 ~~evaluator at the time the report is submitted.~~

1302 ~~(i) Prior to any evaluation deadline, the department must~~  
1303 ~~provide a minimum of 60 days' notice to owners that their~~  
1304 ~~systems must be evaluated by that deadline. The department may~~  
1305 ~~include a copy of any homeowner educational materials developed~~  
1306 ~~pursuant to this section which provides information on the~~  
1307 ~~proper maintenance of onsite sewage treatment and disposal~~  
1308 ~~systems.~~

1309 (5)~~(6)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.—

1310 (a) Department personnel who have reason to believe  
1311 noncompliance exists, may at any reasonable time, enter the  
1312 premises permitted under ss. 381.0065-381.0066, or the business  
1313 premises of any septic tank contractor or master septic tank  
1314 contractor registered under part III of chapter 489, or any  
1315 premises that the department has reason to believe is being  
1316 operated or maintained not in compliance, to determine  
1317 compliance with the provisions of this section, part I of  
1318 chapter 386, or part III of chapter 489 or rules or standards



753786

1319 adopted under ss. 381.0065-381.0067, part I of chapter 386, or  
1320 part III of chapter 489. As used in this paragraph, the term  
1321 "premises" does not include a residence or private building. To  
1322 gain entry to a residence or private building, the department  
1323 must obtain permission from the owner or occupant or secure an  
1324 inspection warrant from a court of competent jurisdiction.

1325 (b)1. The department may issue citations that may contain  
1326 an order of correction or an order to pay a fine, or both, for  
1327 violations of ss. 381.0065-381.0067, part I of chapter 386, or  
1328 part III of chapter 489 or the rules adopted by the department,  
1329 when a violation of these sections or rules is enforceable by an  
1330 administrative or civil remedy, or when a violation of these  
1331 sections or rules is a misdemeanor of the second degree. A  
1332 citation issued under ss. 381.0065-381.0067, part I of chapter  
1333 386, or part III of chapter 489 constitutes a notice of proposed  
1334 agency action.

1335 2. A citation must be in writing and must describe the  
1336 particular nature of the violation, including specific reference  
1337 to the provisions of law or rule allegedly violated.

1338 3. The fines imposed by a citation issued by the department  
1339 may not exceed \$500 for each violation. Each day the violation  
1340 exists constitutes a separate violation for which a citation may  
1341 be issued.

1342 4. The department shall inform the recipient, by written  
1343 notice pursuant to ss. 120.569 and 120.57, of the right to an  
1344 administrative hearing to contest the citation within 21 days  
1345 after the date the citation is received. The citation must  
1346 contain a conspicuous statement that if the recipient fails to  
1347 pay the fine within the time allowed, or fails to appear to



753786

1348 contest the citation after having requested a hearing, the  
1349 recipient has waived the recipient's right to contest the  
1350 citation and must pay an amount up to the maximum fine.

1351 5. The department may reduce or waive the fine imposed by  
1352 the citation. In determining whether to reduce or waive the  
1353 fine, the department must consider the gravity of the violation,  
1354 the person's attempts at correcting the violation, and the  
1355 person's history of previous violations including violations for  
1356 which enforcement actions were taken under ss. 381.0065-  
1357 381.0067, part I of chapter 386, part III of chapter 489, or  
1358 other provisions of law or rule.

1359 6. Any person who willfully refuses to sign and accept a  
1360 citation issued by the department commits a misdemeanor of the  
1361 second degree, punishable as provided in s. 775.082 or s.  
1362 775.083.

1363 7. The department, pursuant to ss. 381.0065-381.0067, part  
1364 I of chapter 386, or part III of chapter 489, shall deposit any  
1365 fines it collects in the county health department trust fund for  
1366 use in providing services specified in those sections.

1367 8. This section provides an alternative means of enforcing  
1368 ss. 381.0065-381.0067, part I of chapter 386, and part III of  
1369 chapter 489. This section does not prohibit the department from  
1370 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part  
1371 III of chapter 489, or its rules, by any other means. However,  
1372 the department must elect to use only a single method of  
1373 enforcement for each violation.

1374 (6)~~(7)~~ LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective  
1375 January 1, 2016, the land application of septage from onsite  
1376 sewage treatment and disposal systems is prohibited. ~~By February~~





753786

1377 ~~1, 2011, the department, in consultation with the Department of~~  
1378 ~~Environmental Protection, shall provide a report to the~~  
1379 ~~Governor, the President of the Senate, and the Speaker of the~~  
1380 ~~House of Representatives, recommending alternative methods to~~  
1381 ~~establish enhanced treatment levels for the land application of~~  
1382 ~~septage from onsite sewage and disposal systems. The report~~  
1383 ~~shall include, but is not limited to, a schedule for the~~  
1384 ~~reduction in land application, appropriate treatment levels,~~  
1385 ~~alternative methods for treatment and disposal, enhanced~~  
1386 ~~application site permitting requirements including any~~  
1387 ~~requirements for nutrient management plans, and the range of~~  
1388 ~~costs to local governments, affected businesses, and individuals~~  
1389 ~~for alternative treatment and disposal methods. The report shall~~  
1390 ~~also include any recommendations for legislation or rule~~  
1391 ~~authority needed to reduce land application of septage.~~

1392 Section 33. Section 381.00651, Florida Statutes, is created  
1393 to read:

1394 381.00651 Periodic evaluation and assessment of onsite  
1395 sewage treatment and disposal systems.-

1396 (1) For the purposes of this section, the term "first  
1397 magnitude spring" means a spring that has a median water  
1398 discharge of greater than or equal to 100 cubic feet per second  
1399 for the period of record, as determined by the Department of  
1400 Environmental Protection.

1401 (2) A county or municipality that contains a first  
1402 magnitude spring shall, by no later than January 1, 2013,  
1403 develop and adopt by local ordinance an onsite sewage treatment  
1404 and disposal system evaluation and assessment program that meets  
1405 the requirements of this section. The ordinance may apply within



753786

1406 all or part of its geographic area. Those counties or  
1407 municipalities containing a first magnitude spring which have  
1408 already adopted an onsite sewage treatment and disposal system  
1409 evaluation and assessment program and which meet the  
1410 grandfathering requirements contained in this section, or have  
1411 chosen to opt out of this section in the manner provided herein,  
1412 are exempt from the requirement to adopt an ordinance  
1413 implementing an evaluation and assessment program. The governing  
1414 body of a local government that chooses to opt out of this  
1415 section, by a 60 percent vote of the voting members of the  
1416 governing board, shall do so by adopting a resolution that  
1417 indicates an intent on the part of such local government not to  
1418 adopt an onsite sewage treatment and disposal system evaluation  
1419 and assessment program. Such resolution shall be addressed and  
1420 transmitted to the Secretary of State. Absent an interlocal  
1421 agreement or county charter provision to the contrary, a  
1422 municipality may elect to opt out of the requirements of this  
1423 section, by a 60 percent vote of the voting members of the  
1424 governing board, notwithstanding a contrary decision of the  
1425 governing body of a county. Any local government that has  
1426 properly opted out of this section but subsequently chooses to  
1427 adopt an evaluation and assessment program may do so only  
1428 pursuant to the requirements of this section and may not deviate  
1429 from such requirements.

1430 (3) Any county or municipality that does not contain a  
1431 first magnitude spring may at any time develop and adopt by  
1432 local ordinance an onsite sewage treatment and disposal system  
1433 evaluation and assessment program, provided such program meets  
1434 and does not deviate from the requirements of this section.



753786

1435           (4) Notwithstanding any other provision in this section, a  
1436 county or municipality that has adopted a program before July 1,  
1437 2011, may continue to enforce its current program without having  
1438 to meet the requirements of this section, provided such program  
1439 does not require an evaluation at the point of sale in a real  
1440 estate transaction.

1441           (5) Any county or municipality may repeal an ordinance  
1442 adopted pursuant to this section only if the county or  
1443 municipality notifies the Secretary of State by letter of the  
1444 repeal. No county or municipality may adopt an onsite sewage  
1445 treatment and disposal system evaluation and assessment program  
1446 except pursuant to this section.

1447           (6) The requirements for an onsite sewage treatment and  
1448 disposal system evaluation and assessment program are as  
1449 follows:

1450           (a) Evaluations.—An evaluation of each onsite sewage  
1451 treatment and disposal system within all or part of the county's  
1452 or municipality's jurisdiction must take place once every 5  
1453 years to assess the fundamental operational condition of the  
1454 system and to identify system failures. The ordinance may not  
1455 mandate an evaluation at the point of sale in a real estate  
1456 transaction and may not require a soil examination. The location  
1457 of the system shall be identified. A tank and drainfield  
1458 evaluation and a written assessment of the overall condition of  
1459 the system pursuant to the assessment procedure prescribed in  
1460 subsection (7) are required.

1461           (b) Qualified contractors.—Each evaluation required under  
1462 this subsection must be performed by a qualified contractor, who  
1463 may be a septic tank contractor or master septic tank contractor



753786

1464 registered under part III of chapter 489, a professional  
1465 engineer having wastewater treatment system experience and  
1466 licensed under chapter 471, or an environmental health  
1467 professional certified under this chapter in the area of onsite  
1468 sewage treatment and disposal system evaluation. Evaluations and  
1469 pump-outs may also be performed by an authorized employee  
1470 working under the supervision of an individual listed in this  
1471 paragraph; however, all evaluation forms must be signed by a  
1472 qualified contractor in writing or by electronic signature.

1473 (c) Repair of systems.—The local ordinance may not require  
1474 a repair, modification, or replacement of a system as a result  
1475 of an evaluation unless the evaluation identifies a system  
1476 failure. For purposes of this subsection, the term "system  
1477 failure" means a condition existing within an onsite sewage  
1478 treatment and disposal system which results in the discharge of  
1479 untreated or partially treated wastewater onto the ground  
1480 surface or into surface water or that results in the failure of  
1481 building plumbing to discharge properly and presents a sanitary  
1482 nuisance. A system is not in failure if the system does not have  
1483 a minimum separation distance between the drainfield and the  
1484 wettest season water table or if an obstruction in a sanitary  
1485 line or an effluent screen or filter prevents effluent from  
1486 flowing into a drainfield. If a system failure is identified and  
1487 several allowable remedial measures are available to resolve the  
1488 failure, the system owner may choose the least costly allowable  
1489 remedial measure to fix the system. There may be instances in  
1490 which a pump-out is sufficient to resolve a system failure.  
1491 Allowable remedial measures to resolve a system failure are  
1492 limited to what is necessary to resolve the failure and must



753786

1493 meet, to the maximum extent practicable, the requirements of the  
1494 repair code in effect when the repair is made, subject to the  
1495 exceptions specified in s. 381.0065(4)(g). An engineer-designed  
1496 performance-based treatment system to reduce nutrients may not  
1497 be required as an alternative remediation measure to resolve the  
1498 failure of a conventional system.

1499 (d) Exemptions.—

1500 1. The local ordinance shall exempt from the evaluation  
1501 requirements any system that is required to obtain an operating  
1502 permit pursuant to state law or that is inspected by the  
1503 department pursuant to the annual permit inspection requirements  
1504 of chapter 513.

1505 2. The local ordinance may provide for an exemption or an  
1506 extension of time to obtain an evaluation and assessment if  
1507 connection to a sewer system is available, connection to the  
1508 sewer system is imminent, and written arrangements for payment  
1509 of any utility assessments or connection fees have been made by  
1510 the system owner.

1511 3. An onsite sewage treatment and disposal system serving a  
1512 residential dwelling unit on a lot with a ratio of one bedroom  
1513 per acre or greater is exempt from the requirements of this  
1514 section and may not be included in any onsite sewage treatment  
1515 and disposal system inspection program.

1516 (7) The following procedures shall be used for conducting  
1517 evaluations:

1518 (a) Tank evaluation.—The tank evaluation shall assess the  
1519 apparent structural condition and watertightness of the tank and  
1520 shall estimate the size of the tank. The evaluation must include  
1521 a pump-out. However, an ordinance may not require a pump-out if



753786

1522 there is documentation indicating that a tank pump-out or a  
1523 permitted new installation, repair, or modification of the  
1524 system has occurred within the previous 5 years, identifying the  
1525 capacity of the tank, and indicating that the condition of the  
1526 tank is structurally sound and watertight. Visual inspection of  
1527 the tank must be made when the tank is empty to detect cracks,  
1528 leaks, or other defects. Baffles or tees must be checked to  
1529 ensure that they are intact and secure. The evaluation shall  
1530 note the presence and condition of outlet devices, effluent  
1531 filters, and compartment walls; any structural defect in the  
1532 tank; the condition and fit of the tank lid, including manholes;  
1533 whether surface water can infiltrate the tank; and whether the  
1534 tank was pumped out. If the tank, in the opinion of the  
1535 qualified contractor, is in danger of being damaged by leaving  
1536 the tank empty after inspection, the tank shall be refilled  
1537 before concluding the inspection. Broken or damaged lids or  
1538 manholes shall be replaced without obtaining a repair permit.

1539 (b) Drainfield evaluation.—The drainfield evaluation must  
1540 include a determination of the approximate size and location of  
1541 the drainfield. The evaluation shall state whether there is any  
1542 sewage or effluent visible on the ground or discharging to a  
1543 ditch or other water body and the location of any downspout or  
1544 other source of water near or in the vicinity of the drainfield.

1545 (c) Special circumstances.—If the system contains pumps,  
1546 siphons, or alarms, the following information may be provided at  
1547 the request of the homeowner:

1548 1. An assessment of dosing tank integrity, including the  
1549 approximate volume and the type of material used in the tank's  
1550 construction;



753786

1551 2. Whether the pump is elevated off the bottom of the  
1552 chamber and its operational status;

1553 3. Whether the system has a check valve and purge hole; and

1554 4. Whether the system has a high-water alarm, and if so  
1555 whether the alarm is audio or visual or both, the location and  
1556 operational condition of the alarm, and whether the electrical  
1557 connections to the alarm appear satisfactory.

1558  
1559 If the homeowner does not request this information, the  
1560 qualified contractor and its employee are not liable for any  
1561 damages directly relating from a failure of the system's pumps,  
1562 siphons, or alarms. This exclusion of liability must be stated  
1563 on the front cover of the report required under paragraph (d).

1564 (d) Assessment procedure.—All evaluation procedures used by  
1565 a qualified contractor shall be documented in the environmental  
1566 health database of the Department of Health. The qualified  
1567 contractor shall provide a copy of a written, signed evaluation  
1568 report to the property owner upon completion of the evaluation  
1569 and to the county health department within 30 days after the  
1570 evaluation. The report shall contain the name and license number  
1571 of the company providing the report. A copy of the evaluation  
1572 report shall be retained by the local county health department  
1573 for a minimum of 5 years and until a subsequent inspection  
1574 report is filed. The front cover of the report must identify any  
1575 system failure and include a clear and conspicuous notice to the  
1576 owner that the owner has a right to have any remediation of the  
1577 failure performed by a qualified contractor other than the  
1578 contractor performing the evaluation. The report must further  
1579 identify any crack, leak, improper fit, or other defect in the



753786

1580 tank, manhole, or lid, and any other damaged or missing  
1581 component; any sewage or effluent visible on the ground or  
1582 discharging to a ditch or other surface water body; any  
1583 downspout, stormwater, or other source of water directed onto or  
1584 toward the system; and any other maintenance need or condition  
1585 of the system at the time of the evaluation which, in the  
1586 opinion of the qualified contractor, would possibly interfere  
1587 with or restrict any future repair or modification to the  
1588 existing system. The report shall conclude with an overall  
1589 assessment of the fundamental operational condition of the  
1590 system.

1591 (8) The county health department shall administer any  
1592 evaluation program on behalf of a county, or a municipality  
1593 within the county, that has adopted an evaluation program  
1594 pursuant to this section. In order to administer the evaluation  
1595 program, the county or municipality, in consultation with the  
1596 county health department, may develop a reasonable fee schedule  
1597 to be used solely to pay for the costs of administering the  
1598 evaluation program. Such a fee schedule shall be identified in  
1599 the ordinance that adopts the evaluation program. When arriving  
1600 at a reasonable fee schedule, the estimated annual revenues to  
1601 be derived from fees may not exceed reasonable estimated annual  
1602 costs of the program. Fees shall be assessed to the system owner  
1603 during an inspection and separately identified on the invoice of  
1604 the qualified contractor. Fees shall be remitted by the  
1605 qualified contractor to the county health department. The county  
1606 health department's administrative responsibilities include the  
1607 following:

1608 (a) Providing a notice to the system owner at least 60 days





753786

1609 before the system is due for an evaluation. The notice may  
1610 include information on the proper maintenance of onsite sewage  
1611 treatment and disposal systems.

1612 (b) In consultation with the Department of Health,  
1613 providing uniform disciplinary procedures and penalties for  
1614 qualified contractors who do not comply with the requirements of  
1615 the adopted ordinance, including, but not limited to, failure to  
1616 provide the evaluation report as required in this subsection to  
1617 the system owner and the county health department. Only the  
1618 county health department may assess penalties against system  
1619 owners for failure to comply with the adopted ordinance,  
1620 consistent with existing requirements of law.

1621 (9) (a) A county or municipality that adopts an onsite  
1622 sewage treatment and disposal system evaluation and assessment  
1623 program pursuant to this section shall notify the Secretary of  
1624 Environmental Protection, the Department of Health, and the  
1625 applicable county health department upon the adoption of its  
1626 ordinance establishing the program.

1627 (b) Upon receipt of the notice under paragraph (a), the  
1628 Department of Environmental Protection shall, within existing  
1629 resources, notify the county or municipality of the potential  
1630 use of, and access to, program funds under the Clean Water State  
1631 Revolving Fund or s. 319 of the Clean Water Act, provide  
1632 guidance in the application process to receive such moneys, and  
1633 provide advice and technical assistance to the county or  
1634 municipality on how to establish a low-interest revolving loan  
1635 program or how to model a revolving loan program after the low-  
1636 interest loan program of the Clean Water State Revolving Fund.  
1637 This paragraph does not obligate the Department of Environmental



753786

1638 Protection to provide any county or municipality with money to  
1639 fund such programs.

1640 (c) The Department of Health may not adopt any rule that  
1641 alters the provisions of this section.

1642 (d) The Department of Health must allow county health  
1643 departments and qualified contractors access to the  
1644 environmental health database to track relevant information and  
1645 assimilate data from assessment and evaluation reports of the  
1646 overall condition of onsite sewage treatment and disposal  
1647 systems. The environmental health database must be used by  
1648 contractors to report each service and evaluation event and by a  
1649 county health department to notify owners of onsite sewage  
1650 treatment and disposal systems when evaluations are due. Data  
1651 and information must be recorded and updated as service and  
1652 evaluations are conducted and reported.

1653 (10) This section does not:

1654 (a) Limit county and municipal home rule authority to act  
1655 outside the scope of the evaluation and assessment program set  
1656 forth in this section;

1657 (b) Repeal or affect any other law relating to the subject  
1658 matter of onsite sewage treatment and disposal systems; or

1659 (c) Prohibit a county or municipality from:

1660 1. Enforcing existing ordinances or adopting new ordinances  
1661 relating to onsite sewage treatment facilities to address public  
1662 health and safety if such ordinances do not repeal, suspend, or  
1663 alter the requirements or limitations of this section.

1664 2. Adopting local environmental and pollution abatement  
1665 ordinances for water quality improvement as provided for by law  
1666 if such ordinances do not repeal, suspend, or alter the



753786

1667 requirements or limitations of this section.

1668 3. Exercising its independent and existing authority to  
1669 meet the requirements of s. 381.0065.

1670 Section 34. Section 381.00656, Florida Statutes, is  
1671 repealed.

1672 Section 35. Subsection (2) of section 381.0066, Florida  
1673 Statutes, is amended to read:

1674 381.0066 Onsite sewage treatment and disposal systems;  
1675 fees.—

1676 (2) The minimum fees in the following fee schedule apply  
1677 until changed by rule by the department within the following  
1678 limits:

1679 (a) Application review, permit issuance, or system  
1680 inspection, including repair of a subsurface, mound, filled, or  
1681 other alternative system or permitting of an abandoned system: a  
1682 fee of not less than \$25, or more than \$125.

1683 ~~(b) A 5-year evaluation report submitted pursuant to s.~~  
1684 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~  
1685 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~  
1686 ~~shall be used to fund a grant program established under s.~~  
1687 ~~381.00656.~~

1688 ~~(b)(e)~~ Site evaluation, site reevaluation, evaluation of a  
1689 system previously in use, or a per annum septage disposal site  
1690 evaluation: a fee of not less than \$40, or more than \$115.

1691 ~~(c)(d)~~ Biennial Operating permit for aerobic treatment  
1692 units or performance-based treatment systems: a fee of not more  
1693 than \$100.

1694 ~~(d)(e)~~ Annual operating permit for systems located in areas  
1695 zoned for industrial manufacturing or equivalent uses or where



753786

1696 the system is expected to receive wastewater which is not  
1697 domestic in nature: a fee of not less than \$150, or more than  
1698 \$300.

1699 (e)~~(f)~~ Innovative technology: a fee not to exceed \$25,000.  
1700 (f)~~(g)~~ Septage disposal service, septage stabilization  
1701 facility, portable or temporary toilet service, tank  
1702 manufacturer inspection: a fee of not less than \$25, or more  
1703 than \$200, per year.

1704 (g)~~(h)~~ Application for variance: a fee of not less than  
1705 \$150, or more than \$300.

1706 (h)~~(i)~~ Annual operating permit for waterless, incinerating,  
1707 or organic waste composting toilets: a fee of not less than \$15  
1708 \$50, or more than \$30 ~~\$150~~.

1709 (i)~~(j)~~ Aerobic treatment unit or performance-based  
1710 treatment system maintenance entity permit: a fee of not less  
1711 than \$25, or more than \$150, per year.

1712 (j)~~(k)~~ Reinspection fee per visit for site inspection after  
1713 system construction approval or for noncompliant system  
1714 installation per site visit: a fee of not less than \$25, or more  
1715 than \$100.

1716 (k)~~(l)~~ Research: An additional \$5 fee shall be added to  
1717 each new system construction permit issued to be used to fund  
1718 onsite sewage treatment and disposal system research,  
1719 demonstration, and training projects. Five dollars from any  
1720 repair permit fee collected under this section shall be used for  
1721 funding the hands-on training centers described in s.  
1722 381.0065(3)(j).

1723 (l)~~(m)~~ Annual operating permit, including annual inspection  
1724 and any required sampling and laboratory analysis of effluent,



753786

1725 for an engineer-designed performance-based system: a fee of not  
1726 less than \$150, or more than \$300.

1727  
1728 ~~On or before January 1, 2011, the Surgeon General, after~~  
1729 ~~consultation with the Revenue Estimating Conference, shall~~  
1730 ~~determine a revenue neutral fee schedule for services provided~~  
1731 ~~pursuant to s. 381.0065(5) within the parameters set in~~  
1732 ~~paragraph (b). Such determination is not subject to the~~  
1733 ~~provisions of chapter 120.~~ The funds collected pursuant to this  
1734 subsection must be deposited in a trust fund administered by the  
1735 department, to be used for the purposes stated in this section  
1736 and ss. 381.0065 and 381.00655.

1737 Section 36. Section 381.0068, Florida Statutes, is amended  
1738 to read:

1739 381.0068 Technical review and advisory panel.—

1740 (1) The Department of Health shall, ~~by July 1, 1996,~~  
1741 establish and staff a technical review and advisory panel to  
1742 assist the department with rule adoption.

1743 (2) The primary purpose of the panel is to assist the  
1744 department in rulemaking and decisionmaking by drawing on the  
1745 expertise of representatives from several groups that are  
1746 affected by onsite sewage treatment and disposal systems. The  
1747 panel may also review and comment on any legislation or any  
1748 existing or proposed state policy or issue related to onsite  
1749 sewage treatment and disposal systems. ~~If requested by the~~  
1750 ~~panel, the chair will advise any affected person or member of~~  
1751 ~~the Legislature of the panel's position on the legislation or~~  
1752 ~~any existing or proposed state policy or issue.~~ The chair may  
1753 also take such other action as is appropriate to allow the panel



753786

1754 to function. At a minimum, the panel shall consist of a soil  
1755 scientist; a professional engineer registered in this state who  
1756 is recommended by the Florida Engineering Society and who has  
1757 work experience in onsite sewage treatment and disposal systems;  
1758 two representatives from the home-building industry recommended  
1759 by the Florida Home Builders Association, including one who is a  
1760 developer in this state who develops lots using onsite sewage  
1761 treatment and disposal systems; a representative from the county  
1762 health departments who has experience permitting and inspecting  
1763 the installation of onsite sewage treatment and disposal systems  
1764 in this state; a representative from the real estate industry  
1765 who is recommended by the Florida Association of Realtors; a  
1766 consumer representative with a science background; two  
1767 representatives of the septic tank industry recommended by the  
1768 Florida Onsite Wastewater Association, including one who is a  
1769 manufacturer of onsite sewage treatment and disposal systems; a  
1770 representative from local government who is knowledgeable about  
1771 domestic wastewater treatment and who is recommended by the  
1772 Florida Association of Counties and the Florida League of  
1773 Cities; and a representative from the environmental health  
1774 profession who is recommended by the Florida Environmental  
1775 Health Association and who is not employed by a county health  
1776 department. Members are to be appointed for a term of 2 years.  
1777 The panel may also, as needed, be expanded to include ad hoc,  
1778 nonvoting representatives who have topic-specific expertise. All  
1779 rules proposed by the department which relate to onsite sewage  
1780 treatment and disposal systems must be presented to the panel  
1781 for review and comment prior to adoption. The panel's position  
1782 on proposed rules shall be made a part of the rulemaking record



753786

1783 that is maintained by the agency. The panel shall select a  
1784 chair, who shall serve for a period of 1 year and who shall  
1785 direct, coordinate, and execute the duties of the panel. The  
1786 panel shall also solicit input from the department's variance  
1787 review and advisory committee before submitting any comments to  
1788 the department concerning proposed rules. The panel's comments  
1789 must include any dissenting points of view concerning proposed  
1790 rules. The panel shall hold meetings as it determines necessary  
1791 to conduct its business, except that the chair, a quorum of the  
1792 voting members of the panel, or the department may call  
1793 meetings. The department shall keep minutes of all meetings of  
1794 the panel. Panel members shall serve without remuneration, but,  
1795 if requested, shall be reimbursed for per diem and travel  
1796 expenses as provided in s. 112.061.

1797 Section 37. Subsection (1) of section 381.0072, Florida  
1798 Statutes, is amended to read:

1799 381.0072 Food service protection.—It shall be the duty of  
1800 the Department of Health to adopt and enforce sanitation rules  
1801 consistent with law to ensure the protection of the public from  
1802 food-borne illness. These rules shall provide the standards and  
1803 requirements for the storage, preparation, serving, or display  
1804 of food in food service establishments as defined in this  
1805 section and which are not permitted or licensed under chapter  
1806 500 or chapter 509.

1807 (1) DEFINITIONS.—As used in this section, the term:

1808 (a) "Department" means the Department of Health or its  
1809 representative county health department.

1810 (b) "Food service establishment" means detention  
1811 facilities, public or private schools, migrant labor camps,



753786

1812 assisted living facilities, facilities participating in the  
1813 United States Department of Agriculture Afterschool Meal Program  
1814 that are located at a facility or site that is not inspected by  
1815 another state agency for compliance with sanitation standards,  
1816 adult family-care homes, adult day care centers, short-term  
1817 residential treatment centers, residential treatment facilities,  
1818 homes for special services, transitional living facilities,  
1819 crisis stabilization units, hospices, prescribed pediatric  
1820 extended care centers, intermediate care facilities for persons  
1821 with developmental disabilities, boarding schools, civic or  
1822 fraternal organizations, bars and lounges, vending machines that  
1823 dispense potentially hazardous foods at facilities expressly  
1824 named in this paragraph, and facilities used as temporary food  
1825 events or mobile food units at any facility expressly named in  
1826 this paragraph, where food is prepared and intended for  
1827 individual portion service, including the site at which  
1828 individual portions are provided, regardless of whether  
1829 consumption is on or off the premises and regardless of whether  
1830 there is a charge for the food. The term does not include any  
1831 entity not expressly named in this paragraph; nor does the term  
1832 include a domestic violence center certified and monitored by  
1833 the Department of Children and Family Services under part XII of  
1834 chapter 39 if the center does not prepare and serve food to its  
1835 residents and does not advertise food or drink for public  
1836 consumption.

1837 (c) "Operator" means the owner, operator, keeper,  
1838 proprietor, lessee, manager, assistant manager, agent, or  
1839 employee of a food service establishment.

1840 Section 38. Section 381.00781, Florida Statutes, is amended





753786

1841 to read:  
1842 381.00781 Fees; disposition.-  
1843 ~~(1) The department shall establish by rule the following~~  
1844 fees:  
1845 ~~(1)(a) Fee For the initial licensure of a tattoo~~  
1846 establishment and the renewal of such license, a fee which,  
1847 ~~except as provided in subsection (2), may not to~~ exceed \$250 per  
1848 year.  
1849 ~~(2)(b) Fee For licensure of a temporary establishment, a~~  
1850 fee which, ~~except as provided in subsection (2), may not to~~  
1851 exceed \$250.  
1852 ~~(3)(c) Fee For the initial licensure of a tattoo artist and~~  
1853 the renewal of such license, a fee which, ~~except as provided in~~  
1854 ~~subsection (2), may not to~~ exceed \$150 per year.  
1855 ~~(3)(d) Fee For registration or reregistration of a guest~~  
1856 tattoo artist, a fee which, ~~except as provided in subsection~~  
1857 ~~(2), may not to~~ exceed \$45.  
1858 ~~(4)(e) Fee For reactivation of an inactive tattoo~~  
1859 establishment license or tattoo artist license. A license  
1860 becomes inactive if it is not renewed before the expiration of  
1861 the current license.  
1862 ~~(2) The department may annually adjust the maximum fees~~  
1863 ~~authorized under subsection (1) according to the rate of~~  
1864 ~~inflation or deflation indicated by the Consumer Price Index for~~  
1865 ~~All Urban Consumers, U.S. City Average, All Items, as reported~~  
1866 ~~by the United States Department of Labor.~~  
1867 Section 39. Subsections (1) and (4) of section 381.0086,  
1868 Florida Statutes, are amended to read:  
1869 381.0086 Rules; variances; penalties.-



753786

1870 (1) The department shall adopt rules necessary to protect  
1871 the health and safety of migrant farmworkers and other migrant  
1872 labor camp or residential migrant housing occupants, including  
1873 rules governing field sanitation facilities. These rules must  
1874 include definitions of terms, a process for ~~provisions relating~~  
1875 ~~to~~ plan review of the construction of new, expanded, or  
1876 remodeled camps or residential migrant housing, sites, buildings  
1877 and structures; and standards for, personal hygiene facilities,  
1878 lighting, sewage disposal, safety, minimum living space per  
1879 occupant, bedding, food equipment, food storage and preparation,  
1880 insect and rodent control, garbage, heating equipment, water  
1881 supply, maintenance and operation of the camp, housing, or  
1882 roads, and such other matters as the department finds to be  
1883 appropriate or necessary to protect the life and health of the  
1884 occupants. Housing operated by a public housing authority is  
1885 exempt from the provisions of any administrative rule that  
1886 conflicts with or is more stringent than the federal standards  
1887 applicable to the housing.

1888 (4) A person who violates any provision of ss. 381.008-  
1889 381.00895 or rules adopted under such sections is subject either  
1890 to the penalties provided in ss. 381.0012, ~~381.0025,~~ and  
1891 381.0061 or to the penalties provided in s. 381.0087.

1892 Section 40. Subsections (1) and (7) of section 381.0098,  
1893 Florida Statutes, are amended to read:

1894 381.0098 Biomedical waste.-

1895 (1) LEGISLATIVE INTENT. ~~It is the intent of the Legislature~~  
1896 ~~to protect the public health by establishing standards for the~~  
1897 ~~safe packaging, transport, storage, treatment, and disposal of~~  
1898 ~~biomedical waste.~~ Except as otherwise provided herein, the



753786

1899 Department of Health shall regulate the packaging, transport,  
1900 storage, and treatment of biomedical waste. The Department of  
1901 Environmental Protection shall regulate onsite and offsite  
1902 incineration and disposal of biomedical waste. Consistent with  
1903 the foregoing, the Department of Health shall have the exclusive  
1904 authority to establish treatment efficacy standards for  
1905 biomedical waste and the Department of Environmental Protection  
1906 shall have the exclusive authority to establish statewide  
1907 standards relating to environmental impacts, if any, of  
1908 treatment and disposal including, but not limited to, water  
1909 discharges and air emissions. An interagency agreement between  
1910 the Department of Environmental Protection and the Department of  
1911 Health shall be developed to ensure maximum efficiency in  
1912 coordinating, administering, and regulating biomedical wastes.

1913 (7) ENFORCEMENT AND PENALTIES.—Any person or public body in  
1914 violation of this section or rules adopted under this section is  
1915 subject to penalties provided in ss. 381.0012, ~~381.0025~~, and  
1916 381.0061. However, an administrative fine not to exceed \$2,500  
1917 may be imposed for each day such person or public body is in  
1918 violation of this section. The department may deny, suspend, or  
1919 revoke any biomedical waste permit or registration if the  
1920 permittee violates this section, any rule adopted under this  
1921 section, or any lawful order of the department.

1922 Section 41. Subsections (2) through (8) of section  
1923 381.0101, Florida Statutes, are renumbered as subsection (1)  
1924 through (7), respectively, and present subsections (1), (3), and  
1925 (4) and paragraph (a) of present subsection (5) of that section  
1926 are amended to read:

1927 381.0101 Environmental health professionals.—



753786

1928           ~~(1) LEGISLATIVE INTENT. Persons responsible for providing~~  
1929 ~~technical and scientific evaluations of environmental health and~~  
1930 ~~sanitary conditions in business establishments and communities~~  
1931 ~~throughout the state may create a danger to the public health if~~  
1932 ~~they are not skilled or competent to perform such evaluations.~~  
1933 ~~The public relies on the judgment of environmental health~~  
1934 ~~professionals employed by both government agencies and~~  
1935 ~~industries to assure them that environmental hazards are~~  
1936 ~~identified and removed before they endanger the health or safety~~  
1937 ~~of the public. The purpose of this section is to assure the~~  
1938 ~~public that persons specifically responsible for performing~~  
1939 ~~environmental health and sanitary evaluations have been~~  
1940 ~~certified by examination as competent to perform such work.~~

1941           ~~(2)~~(3) CERTIFICATION REQUIRED.—~~A~~ No person may not ~~shall~~  
1942 perform environmental health or sanitary evaluations in any  
1943 primary program area of environmental health without being  
1944 certified by the department as competent to perform such  
1945 evaluations. This section does not apply to:

1946           (a) Persons performing inspections of public food service  
1947 establishments licensed under chapter 509; or

1948           (b) Persons performing site evaluations in order to  
1949 determine proper placement and installation of onsite wastewater  
1950 treatment and disposal systems who have successfully completed a  
1951 department-approved soils morphology course and who are working  
1952 under the direct responsible charge of an engineer licensed  
1953 under chapter 471.

1954           ~~(3)~~(4) ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—  
1955 The State Health Officer shall appoint an advisory board to  
1956 assist the department in the promulgation of rules for



753786

1957 certification, testing, establishing standards, and seeking  
1958 enforcement actions against certified professionals.

1959 (a) The board shall be comprised of the State Surgeon  
1960 General Division Director for Environmental Health or his or her  
1961 designee, one individual who will be certified under this  
1962 section, one individual not employed in a governmental capacity  
1963 who will or does employ a certified environmental health  
1964 professional, one individual whose business is or will be  
1965 evaluated by a certified environmental health professional, a  
1966 citizen of the state who neither employs nor is routinely  
1967 evaluated by a person certified under this section.

1968 (b) The board shall advise the department as to the minimum  
1969 disciplinary guidelines and standards of competency and  
1970 proficiency necessary to obtain certification in a primary area  
1971 of environmental health practice.

1972 1. The board shall recommend primary areas of environmental  
1973 health practice in which environmental health professionals  
1974 should be required to obtain certification.

1975 2. The board shall recommend minimum standards of practice  
1976 which the department shall incorporate into rule.

1977 3. The board shall evaluate and recommend to the department  
1978 existing registrations and certifications which meet or exceed  
1979 minimum department standards and should, therefore, exempt  
1980 holders of such certificates or registrations from compliance  
1981 with this section.

1982 4. The board shall hear appeals of certificate denials,  
1983 revocation, or suspension and shall advise the department as to  
1984 the disposition of such an appeal.

1985 5. The board shall meet as often as necessary, but no less



753786

1986 than semiannually, handle appeals to the department, and conduct  
1987 other duties of the board.

1988 6. Members of the board shall receive no compensation but  
1989 are entitled to reimbursement for per diem and travel expenses  
1990 in accordance with s. 112.061.

1991 (4)~~(5)~~ STANDARDS FOR CERTIFICATION.—The department shall  
1992 adopt rules that establish definitions of terms and minimum  
1993 standards of education, training, or experience for those  
1994 persons subject to this section. The rules must also address the  
1995 process for application, examination, issuance, expiration, and  
1996 renewal of certification and ethical standards of practice for  
1997 the profession.

1998 (a) Persons employed as environmental health professionals  
1999 shall exhibit a knowledge of rules and principles of  
2000 environmental and public health law in Florida through  
2001 examination. A person may not conduct environmental health  
2002 evaluations in a primary program area unless he or she is  
2003 currently certified in that program area or works under the  
2004 direct supervision of a certified environmental health  
2005 professional.

2006 1. All persons who begin employment in a primary  
2007 environmental health program on or after September 21, 1994,  
2008 must be certified in that program within 6 months after  
2009 employment.

2010 2. Persons employed in the primary environmental health  
2011 program of a food protection program or an onsite sewage  
2012 treatment and disposal system prior to September 21, 1994, shall  
2013 be considered certified while employed in that position and  
2014 shall be required to adhere to any professional standards



753786

2015 established by the department pursuant to paragraph (b),  
2016 complete any continuing education requirements imposed under  
2017 paragraph (d), and pay the certificate renewal fee imposed under  
2018 subsection (6) ~~(7)~~.

2019 3. Persons employed in the primary environmental health  
2020 program of a food protection program or an onsite sewage  
2021 treatment and disposal system prior to September 21, 1994, who  
2022 change positions or program areas and transfer into another  
2023 primary environmental health program area on or after September  
2024 21, 1994, must be certified in that program within 6 months  
2025 after such transfer, except that they will not be required to  
2026 possess the college degree required under paragraph (e).

2027 4. Registered sanitarians shall be considered certified and  
2028 shall be required to adhere to any professional standards  
2029 established by the department pursuant to paragraph (b).

2030 Section 42. Section 381.0203, Florida Statutes, is amended  
2031 to read:

2032 381.0203 Pharmacy services.—

2033 (1) The department may contract on a statewide basis for  
2034 the purchase of drugs, as defined in s. 499.003, to be used by  
2035 state agencies and political subdivisions, and may adopt rules  
2036 to administer this section.

2037 (2) The department shall establish and maintain a pharmacy  
2038 services program, including, but not limited to:

2039 (a) A central pharmacy to support pharmaceutical services  
2040 provided by the county health departments, including  
2041 pharmaceutical repackaging, dispensing, and the purchase and  
2042 distribution of immunizations and other pharmaceuticals.

2043 ~~(b) Regulation of drugs, cosmetics, and household products~~



753786

2044 ~~pursuant to chapter 499.~~

2045 ~~(b)(e) Consultation to county health departments as~~  
2046 ~~required by s. 154.04(1)(c).~~

2047 ~~(d) A contraception distribution program which shall be~~  
2048 ~~implemented, to the extent resources permit, through the~~  
2049 ~~licensed pharmacies of county health departments. A woman who is~~  
2050 ~~eligible for participation in the contraceptive distribution~~  
2051 ~~program is deemed a patient of the county health department.~~

2052 ~~1. To be eligible for participation in the program a woman~~  
2053 ~~must:~~

2054 ~~a. Be a client of the department or the Department of~~  
2055 ~~Children and Family Services.~~

2056 ~~b. Be of childbearing age with undesired fertility.~~

2057 ~~c. Have an income between 150 and 200 percent of the~~  
2058 ~~federal poverty level.~~

2059 ~~d. Have no Medicaid benefits or applicable health insurance~~  
2060 ~~benefits.~~

2061 ~~e. Have had a medical examination by a licensed health care~~  
2062 ~~provider within the past 6 months.~~

2063 ~~f. Have a valid prescription for contraceptives that are~~  
2064 ~~available through the contraceptive distribution program.~~

2065 ~~g. Consent to the release of necessary medical information~~  
2066 ~~to the county health department.~~

2067 ~~2. Fees charged for the contraceptives under the program~~  
2068 ~~must cover the cost of purchasing and providing contraceptives~~  
2069 ~~to women participating in the program.~~

2070 ~~3. The department may adopt rules to administer this~~  
2071 ~~program.~~

2072 ~~Section 43. Subsection (1) of section 381.0261, Florida~~





753786

2073 Statutes, is amended to read:

2074       381.0261 Summary of patient's bill of rights; distribution;  
2075 penalty.—

2076       (1) The Department of Health shall publish on its Internet  
2077 website ~~Agency for Health Care Administration shall have printed~~  
2078 ~~and made continuously available to health care facilities~~  
2079 ~~licensed under chapter 395, physicians licensed under chapter~~  
2080 ~~458, osteopathic physicians licensed under chapter 459, and~~  
2081 ~~pediatric physicians licensed under chapter 461~~ a summary of the  
2082 Florida Patient's Bill of Rights and Responsibilities. In  
2083 adopting and making available to patients the summary of the  
2084 Florida Patient's Bill of Rights and Responsibilities, health  
2085 care providers and health care facilities are not limited to the  
2086 format in which the department publishes ~~Agency for Health Care~~  
2087 ~~Administration prints and distributes~~ the summary.

2088       Section 44. Section 381.0301, Florida Statutes, is  
2089 repealed.

2090       Section 45. Section 381.0302, Florida Statutes, is  
2091 repealed.

2092       Section 46. Subsection (5) of section 381.0303, Florida  
2093 Statutes, is amended to read:

2094       381.0303 Special needs shelters.—

2095       (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State  
2096 Surgeon General may establish a special needs shelter  
2097 interagency committee and serve as, or appoint a designee to  
2098 serve as, the committee's chair. The department shall provide  
2099 any necessary staff and resources to support the committee in  
2100 the performance of its duties. The committee shall address and  
2101 resolve problems related to special needs shelters not addressed



753786

2102 in the state comprehensive emergency medical plan and shall  
2103 consult on the planning and operation of special needs shelters.

2104 (a) The committee shall~~+~~

2105 ~~1-~~ develop, negotiate, and regularly review any necessary  
2106 interagency agreements, and-

2107 ~~2-~~ undertake other such activities as the department deems  
2108 necessary to facilitate the implementation of this section.

2109 ~~3- Submit recommendations to the Legislature as necessary-~~

2110 (b) The special needs shelter interagency committee shall  
2111 be composed of representatives of emergency management, health,  
2112 medical, and social services organizations. Membership shall  
2113 include, but shall not be limited to, representatives of the  
2114 Departments of Health, Children and Family Services, Elderly  
2115 Affairs, and Education; the Agency for Health Care  
2116 Administration; the Division of Emergency Management; the  
2117 Florida Medical Association; the Florida Osteopathic Medical  
2118 Association; Associated Home Health Industries of Florida, Inc.;  
2119 the Florida Nurses Association; the Florida Health Care  
2120 Association; the Florida Assisted Living Affiliation; the  
2121 Florida Hospital Association; the Florida Statutory Teaching  
2122 Hospital Council; the Florida Association of Homes for the  
2123 Aging; the Florida Emergency Preparedness Association; the  
2124 American Red Cross; Florida Hospices and Palliative Care, Inc.;  
2125 the Association of Community Hospitals and Health Systems; the  
2126 Florida Association of Health Maintenance Organizations; the  
2127 Florida League of Health Systems; the Private Care Association;  
2128 the Salvation Army; the Florida Association of Aging Services  
2129 Providers; the AARP; and the Florida Renal Coalition.

2130 (c) Meetings of the committee shall be held in Tallahassee,



753786

2131 and members of the committee shall serve at the expense of the  
2132 agencies or organizations they represent. The committee shall  
2133 make every effort to use teleconference or videoconference  
2134 capabilities in order to ensure statewide input and  
2135 participation.

2136 Section 47. Section 381.04015, Florida Statutes, is  
2137 repealed.

2138 Section 48. Subsections (2), (3), and (4) of section  
2139 381.0403, Florida Statutes, are amended to read:

2140 381.0403 The Community Hospital Education Act.—

2141 (2) ESTABLISHMENT OF PROGRAM ~~LEGISLATIVE INTENT.—~~

2142 ~~(a) It is the intent of the Legislature that health care~~  
2143 ~~services for the citizens of this state be upgraded and that a~~  
2144 ~~program for continuing these services be maintained through a~~  
2145 ~~plan for community medical education. The A program is intended~~  
2146 ~~established to plan for community medical education, provide~~  
2147 ~~additional outpatient and inpatient services, increase the a~~  
2148 ~~continuing supply of highly trained physicians, and expand~~  
2149 ~~graduate medical education.~~

2150 ~~(b) The Legislature further acknowledges the critical need~~  
2151 ~~for increased numbers of primary care physicians to provide the~~  
2152 ~~necessary current and projected health and medical services. In~~  
2153 ~~order to meet both present and anticipated needs, the~~  
2154 ~~Legislature supports an expansion in the number of family~~  
2155 ~~practice residency positions. The Legislature intends that the~~  
2156 ~~funding for graduate education in family practice be maintained~~  
2157 ~~and that funding for all primary care specialties be provided at~~  
2158 ~~a minimum of \$10,000 per resident per year. Should funding for~~  
2159 ~~this act remain constant or be reduced, it is intended that all~~



753786

2160 ~~programs funded by this act be maintained or reduced~~  
2161 ~~proportionately.~~

2162 (3) PROGRAM FOR COMMUNITY HOSPITAL EDUCATION; STATE AND  
2163 LOCAL PLANNING.—

2164 (a) ~~There is established under the Department of Health a~~  
2165 ~~program for statewide graduate medical education. It is intended~~  
2166 ~~that continuing graduate medical education programs for interns~~  
2167 ~~and residents be established on a statewide basis.~~ The program  
2168 shall provide financial support for primary care specialty  
2169 interns and residents based on recommendations of policies  
2170 ~~recommended and approved by~~ the Community Hospital Education  
2171 Council, herein established, and the Department of Health, as  
2172 authorized by the General Appropriations Act. Only those  
2173 programs with at least three residents or interns in each year  
2174 of the training program are qualified to apply for financial  
2175 support. Programs with fewer than three residents or interns per  
2176 training year are qualified to apply for financial support, but  
2177 only if the appropriate accrediting entity for the particular  
2178 specialty has approved the program for fewer positions. New  
2179 ~~programs added after fiscal year 1997-1998~~ shall have 5 years to  
2180 attain the requisite number of residents or interns. When  
2181 feasible and to the extent allowed through the General  
2182 Appropriations Act, state funds shall be used to generate  
2183 federal matching funds under Medicaid, or other federal  
2184 programs, and the resulting combined state and federal funds  
2185 shall be allocated to participating hospitals for the support of  
2186 graduate medical education.

2187 (b) For the purposes of this section, primary care  
2188 specialties include emergency medicine, family practice,



753786

2189 internal medicine, pediatrics, psychiatry,  
2190 obstetrics/gynecology, and combined pediatrics and internal  
2191 medicine, and other primary care specialties as may be included  
2192 by the council and Department of Health.

2193 (c) Medical institutions throughout the state may apply to  
2194 the Community Hospital Education Council for grants-in-aid for  
2195 financial support of their approved programs. Recommendations  
2196 for funding of approved programs shall be forwarded to the  
2197 Department of Health.

2198 (d) The program shall provide a plan for community clinical  
2199 teaching and training with the cooperation of the medical  
2200 profession, hospitals, and clinics. The plan shall also include  
2201 formal teaching opportunities for intern and resident training.  
2202 In addition, the plan shall establish an off-campus medical  
2203 faculty with university faculty review to be located throughout  
2204 the state in local communities.

2205 (4) PROGRAM FOR GRADUATE MEDICAL EDUCATION INNOVATIONS.—

2206 (a) There is established under the Department of Health a  
2207 program for fostering graduate medical education innovations.  
2208 Funds appropriated annually by the Legislature for this purpose  
2209 shall be distributed to participating hospitals or consortia of  
2210 participating hospitals and Florida medical schools or to a  
2211 Florida medical school for the direct costs of providing  
2212 graduate medical education in community-based clinical settings  
2213 on a competitive grant or formula basis to achieve state health  
2214 care workforce policy objectives, including, but not limited to:

2215 1. Increasing the number of residents in primary care and  
2216 other high demand specialties or fellowships;

2217 2. Enhancing retention of primary care physicians in



753786

2218 Florida practice;

2219       3. Promoting practice in medically underserved areas of the

2220 state;

2221       4. Encouraging racial and ethnic diversity within the

2222 state's physician workforce; and

2223       5. Encouraging increased production of geriatricians.

2224       (b) Participating hospitals or consortia of participating

2225 hospitals and Florida medical schools or a Florida medical

2226 school providing graduate medical education in community-based

2227 clinical settings may apply to the Community Hospital Education

2228 Council for funding under this innovations program, except when

2229 such innovations directly compete with services or programs

2230 provided by participating hospitals or consortia of

2231 participating hospitals, or by both hospitals and consortia.

2232 Innovations program funding shall be allocated ~~provide funding~~

2233 based on recommendations of ~~policies recommended and approved by~~

2234 the Community Hospital Education Council and the Department of

2235 Health, as authorized by the General Appropriations Act.

2236       (c) Participating hospitals or consortia of participating

2237 hospitals and Florida medical schools or Florida medical schools

2238 awarded an innovations grant shall provide the Community

2239 Hospital Education Council and Department of Health with an

2240 annual report on their project.

2241       Section 49. Subsection (7) of section 381.0405, Florida

2242 Statutes, is amended to read:

2243       381.0405 Office of Rural Health.—

2244       ~~(7) APPROPRIATION.—The Legislature shall appropriate such~~

2245 ~~sums as are necessary to support the Office of Rural Health.~~

2246       Section 50. Subsection (3) of section 381.0406, Florida



753786

2247 Statutes, is amended to read:

2248 381.0406 Rural health networks.—

2249 (3) ~~Because each rural area is unique, with a different~~  
2250 ~~health care provider mix,~~ Health care provider membership may  
2251 vary, but all networks shall include members that provide public  
2252 health, comprehensive primary care, emergency medical care, and  
2253 acute inpatient care.

2254 Section 51. Effective October 1, 2014, section 381.0407,  
2255 Florida Statutes, is repealed.

2256 Section 52. Section 381.045, Florida Statutes, is repealed.

2257 Section 53. Subsection (7) of section 381.06015, Florida  
2258 Statutes, is amended to read:

2259 381.06015 Public Cord Blood Tissue Bank.—

2260 ~~(7) In order to fund the provisions of this section the~~  
2261 ~~consortium participants, the Agency for Health Care~~  
2262 ~~Administration, and the Department of Health shall seek private~~  
2263 ~~or federal funds to initiate program actions for fiscal year~~  
2264 ~~2000-2001.~~

2265 Section 54. Section 381.0605, Florida Statutes, is  
2266 repealed.

2267 Section 55. Sections 381.1001, 381.1015, 381.102, and  
2268 381.103, Florida Statutes, are repealed.

2269 Section 56. Subsections (3) through (5) of section  
2270 381.4018, Florida Statutes, are renumbered as subsections (2)  
2271 through (4), respectively, and present subsection (2) and  
2272 paragraph (f) of present subsection (4) of that section are  
2273 amended to read:

2274 381.4018 Physician workforce assessment and development.—

2275 ~~(2) LEGISLATIVE INTENT.—The Legislature recognizes that~~



753786

2276 ~~physician workforce planning is an essential component of~~  
2277 ~~ensuring that there is an adequate and appropriate supply of~~  
2278 ~~well-trained physicians to meet this state's future health care~~  
2279 ~~service needs as the general population and elderly population~~  
2280 ~~of the state increase. The Legislature finds that items to~~  
2281 ~~consider relative to assessing the physician workforce may~~  
2282 ~~include physician practice status; specialty mix; geographic~~  
2283 ~~distribution; demographic information, including, but not~~  
2284 ~~limited to, age, gender, race, and cultural considerations; and~~  
2285 ~~needs of current or projected medically underserved areas in the~~  
2286 ~~state. Long-term strategic planning is essential as the period~~  
2287 ~~from the time a medical student enters medical school to~~  
2288 ~~completion of graduate medical education may range from 7 to 10~~  
2289 ~~years or longer. The Legislature recognizes that strategies to~~  
2290 ~~provide for a well-trained supply of physicians must include~~  
2291 ~~ensuring the availability and capacity of quality medical~~  
2292 ~~schools and graduate medical education programs in this state,~~  
2293 ~~as well as using new or existing state and federal programs~~  
2294 ~~providing incentives for physicians to practice in needed~~  
2295 ~~specialties and in underserved areas in a manner that addresses~~  
2296 ~~projected needs for physician manpower.~~

2297 (3)~~(4)~~ GENERAL FUNCTIONS.—The department shall maximize the  
2298 use of existing programs under the jurisdiction of the  
2299 department and other state agencies and coordinate governmental  
2300 and nongovernmental stakeholders and resources in order to  
2301 develop a state strategic plan and assess the implementation of  
2302 such strategic plan. In developing the state strategic plan, the  
2303 department shall:

2304 (f) Develop strategies to maximize federal and state





753786

2305 programs that provide for the use of incentives to attract  
2306 physicians to this state or retain physicians within the state.  
2307 Such strategies should explore and maximize federal-state  
2308 partnerships that provide incentives for physicians to practice  
2309 in federally designated shortage areas. Strategies shall also  
2310 consider the use of state programs, such as the ~~Florida Health~~  
2311 ~~Service Corps established pursuant to s. 381.0302~~ and the  
2312 Medical Education Reimbursement and Loan Repayment Program  
2313 pursuant to s. 1009.65, which provide for education loan  
2314 repayment or loan forgiveness and provide monetary incentives  
2315 for physicians to relocate to underserved areas of the state.

2316 Section 57. Section 381.60225, Florida Statutes, is  
2317 repealed.

2318 Section 58. Sections 381.732, 381.733, and 381.734, Florida  
2319 Statutes, are repealed.

2320 Section 59. Section 381.7352, Florida Statutes, is amended  
2321 to read:

2322 381.7352 Legislative findings and intent.-

2323 ~~(1) The Legislature finds that despite state investments in~~  
2324 ~~health care programs, certain racial and ethnic populations in~~  
2325 ~~Florida continue to have significantly poorer health outcomes~~  
2326 ~~when compared to non-Hispanic whites. The Legislature finds that~~  
2327 ~~local solutions to health care problems can have a dramatic and~~  
2328 ~~positive effect on the health status of these populations. Local~~  
2329 ~~governments and communities are best equipped to identify the~~  
2330 ~~health education, health promotion, and disease prevention needs~~  
2331 ~~of the racial and ethnic populations in their communities,~~  
2332 ~~mobilize the community to address health outcome disparities,~~  
2333 ~~enlist and organize local public and private resources, and~~



753786

2334 ~~faith-based organizations to address these disparities, and~~  
2335 ~~evaluate the effectiveness of interventions.~~

2336       (2) It is ~~therefore~~ the intent of the Legislature to  
2337 provide funds within Florida counties and Front Porch Florida  
2338 Communities, in the form of Reducing Racial and Ethnic Health  
2339 Disparities: Closing the Gap grants, to stimulate the  
2340 development of community-based and neighborhood-based projects  
2341 which will improve the health outcomes of racial and ethnic  
2342 populations. Further, it is the intent of the Legislature that  
2343 these programs foster the development of coordinated,  
2344 collaborative, and broad-based participation by public and  
2345 private entities, and faith-based organizations. Finally, it is  
2346 the intent of the Legislature that the grant program function as  
2347 a partnership between state and local governments, faith-based  
2348 organizations, and private sector health care providers,  
2349 including managed care, voluntary health care resources, social  
2350 service providers, and nontraditional partners.

2351       Section 60. Subsection (3) of section 381.7353, Florida  
2352 Statutes, is amended to read:

2353       381.7353 Reducing Racial and Ethnic Health Disparities:  
2354 Closing the Gap grant program; administration; department  
2355 duties.—

2356       ~~(3) Pursuant to s. 20.43(6), the State Surgeon General may~~  
2357 ~~appoint an ad hoc advisory committee to: examine areas where~~  
2358 ~~public awareness, public education, research, and coordination~~  
2359 ~~regarding racial and ethnic health outcome disparities are~~  
2360 ~~lacking; consider access and transportation issues which~~  
2361 ~~contribute to health status disparities; and make~~  
2362 ~~recommendations for closing gaps in health outcomes and~~



753786

2363 ~~increasing the public's awareness and understanding of health~~  
2364 ~~disparities that exist between racial and ethnic populations.~~

2365 Section 61. Subsections (5) and (6) of section 381.7356,  
2366 Florida Statutes, are renumbered as subsections (4) and (5),  
2367 respectively, and present subsection (4) of that section is  
2368 amended to read:

2369 381.7356 Local matching funds; grant awards.-

2370 ~~(4) Dissemination of grant awards shall begin no later than~~  
2371 ~~January 1, 2001.~~

2372 Section 62. Subsection (3) of section 381.765, Florida  
2373 Statutes, is amended to read:

2374 381.765 Retention of title to and disposal of equipment.-

2375 ~~(3) The department may adopt rules relating to records and~~  
2376 ~~recordkeeping for department-owned property referenced in~~  
2377 ~~subsections (1) and (2).~~

2378 Section 63. Section 381.77, Florida Statutes, is repealed.

2379 Section 64. Section 381.795, Florida Statutes, is repealed.

2380 Section 65. Subsections (2) through (5) of section 381.853,  
2381 Florida Statutes, are renumbered as subsections (1) through (4),  
2382 respectively, and present subsection (1) of that section is  
2383 amended to read:

2384 381.853 Florida Center for Brain Tumor Research.-

2385 ~~(1) The Legislature finds that each year an estimated~~  
2386 ~~190,000 citizens of the United States are diagnosed with~~  
2387 ~~cancerous and noncancerous brain tumors and that biomedical~~  
2388 ~~research is the key to finding cures for these tumors. The~~  
2389 ~~Legislature further finds that, although brain tumor research is~~  
2390 ~~being conducted throughout the state, there is a lack of~~  
2391 ~~coordinated efforts among researchers and health care providers.~~



753786

2392 ~~Therefore, the Legislature finds that there is a significant~~  
2393 ~~need for a coordinated effort to achieve the goal of curing~~  
2394 ~~brain tumors. The Legislature further finds that the biomedical~~  
2395 ~~technology sector meets the criteria of a high-impact sector,~~  
2396 ~~pursuant to s. 288.108(6), having a high importance to the~~  
2397 ~~state's economy with a significant potential for growth and~~  
2398 ~~contribution to our universities and quality of life.~~

2399 Section 66. Section 381.855, Florida Statutes, is repealed.

2400 Section 67. Section 381.87, Florida Statutes, is repealed.

2401 Section 68. Section 381.90, Florida Statutes, is repealed.

2402 Section 69. Subsection (1) of section 381.91, Florida  
2403 Statutes, is amended to read:

2404 381.91 Jessie Trice Cancer Prevention Program.—

2405 (1) It is the intent of the Legislature to—

2406 ~~(a) Reduce the rates of illness and death from lung cancer~~  
2407 ~~and other cancers and improve the quality of life among low-~~  
2408 ~~income African-American and Hispanic populations through~~  
2409 ~~increased access to early, effective screening and diagnosis,~~  
2410 ~~education, and treatment programs.~~

2411 ~~(b)~~ create a community faith-based disease-prevention  
2412 program in conjunction with the Health Choice Network and other  
2413 community health centers to build upon the natural referral and  
2414 education networks in place within minority communities and to  
2415 increase access to health service delivery in Florida and-

2416 ~~(c)~~ establish a funding source to build upon local private  
2417 participation to sustain the operation of the program.

2418 Section 70. Subsection (5) of section 381.922, Florida  
2419 Statutes, is amended to read:

2420 381.922 William G. "Bill" Bankhead, Jr., and David Coley



753786

2421 Cancer Research Program.—

2422 (5) The William G. "Bill" Bankhead, Jr., and David Coley  
2423 Cancer Research Program is funded pursuant to s. 215.5602(12).  
2424 Funds appropriated for the William G. "Bill" Bankhead, Jr., and  
2425 David Coley Cancer Research Program shall be distributed  
2426 pursuant to this section to provide grants to researchers  
2427 seeking cures for cancer and cancer-related illnesses, with  
2428 emphasis given to the goals enumerated in this section. From the  
2429 total funds appropriated, an amount of up to 10 percent may be  
2430 used for administrative expenses. ~~From funds appropriated to~~  
2431 ~~accomplish the goals of this section, up to \$250,000 shall be~~  
2432 ~~available for the operating costs of the Florida Center for~~  
2433 ~~Universal Research to Eradicate Disease.~~

2434 Section 71. Paragraph (g) of subsection (1) of section  
2435 383.011, Florida Statutes, is amended to read:

2436 383.011 Administration of maternal and child health  
2437 programs.—

2438 (1) The Department of Health is designated as the state  
2439 agency for:

2440 (g) Receiving the federal funds for the "Special  
2441 Supplemental Nutrition Program for Women, Infants, and  
2442 Children," or WIC, authorized by the Child Nutrition Act of  
2443 1966, as amended, and for providing clinical leadership for  
2444 ~~administering~~ the statewide WIC program.

2445 1. The department shall establish an interagency agreement  
2446 with the Department of Children and Family Services for fiscal  
2447 management of the program. Responsibilities are delegated to  
2448 each department, as follows:

2449 a. The department shall provide clinical leadership, manage



753786

2450 program eligibility, and distribute nutritional guidance and  
2451 information to participants.

2452 b. The Department of Children and Family Services shall  
2453 develop and implement an electronic benefits transfer system.

2454 c. The Department of Children and Family Services shall  
2455 develop a cost containment plan that provides timely and  
2456 accurate adjustments based on wholesale price fluctuations and  
2457 adjusts for the number of cash registers in calculating  
2458 statewide averages.

2459 d. The department shall coordinate submission of  
2460 information to appropriate federal officials in order to obtain  
2461 approval of the electronic benefits system and cost containment  
2462 plan, which must include participation of WIC-only stores.

2463 2. The department shall assist the Department of Children  
2464 and Family Services in the development of the electronic  
2465 benefits system to ensure full implementation no later than July  
2466 1, 2013.

2467 Section 72. Section 383.141, Florida Statutes, is created  
2468 to read:

2469 383.141 Prenatally diagnosed conditions; patient to be  
2470 provided information; definitions; information clearinghouse;  
2471 advisory council.-

2472 (1) As used in this section, the term:

2473 (a) "Down syndrome" means a chromosomal disorder caused by  
2474 an error in cell division which results in the presence of an  
2475 extra whole or partial copy of chromosome 21.

2476 (b) "Developmental disability" includes Down syndrome and  
2477 other developmental disabilities defined by s. 393.063(9).

2478 (c) "Health care provider" means a practitioner licensed or



753786

2479 registered under chapter 458 or chapter 459 or an advanced  
2480 registered nurse practitioner certified under chapter 464.

2481 (d) "Prenatally diagnosed condition" means an adverse fetal  
2482 health condition identified by prenatal testing.

2483 (e) "Prenatal test" or "prenatal testing" means a  
2484 diagnostic procedure or screening procedure performed on a  
2485 pregnant woman or her unborn offspring to obtain information  
2486 about the offspring's health or development.

2487 (2) When a developmental disability is diagnosed based on  
2488 the results of a prenatal test, the health care provider who  
2489 ordered the prenatal test, or his or her designee, shall provide  
2490 the patient with current information about the nature of the  
2491 developmental disability, the accuracy of the prenatal test, and  
2492 resources for obtaining relevant support services, including  
2493 hotlines, resource centers, and information clearinghouses  
2494 related to Down syndrome or other prenatally diagnosed  
2495 developmental disabilities; support programs for parents and  
2496 families; and developmental evaluation and intervention services  
2497 under s. 391.303.

2498 (3) The Department of Health shall establish on its  
2499 Internet website a clearinghouse of information related to  
2500 developmental disabilities concerning providers of supportive  
2501 services, information hotlines specific to Down syndrome and  
2502 other prenatally diagnosed developmental disabilities, resource  
2503 centers, educational programs, other support programs for  
2504 parents and families, and developmental evaluation and  
2505 intervention services under s. 391.303. Such information shall  
2506 be made available to health care providers for use in counseling  
2507 pregnant women whose unborn children have been prenatally



753786

2508 diagnosed with developmental disabilities.

2509 (a) There is established an advisory council within the  
2510 Department of Health which consists of health care providers and  
2511 caregivers who perform health care services for persons who have  
2512 developmental disabilities, including Down syndrome and autism.  
2513 This group shall consist of nine members as follows:

- 2514 1. Three members appointed by the Governor;  
2515 2. Three members appointed by the President of the Senate;  
2516 and  
2517 3. Three members appointed by the Speaker of the House of  
2518 Representatives.

2519 (b) The advisory council shall provide technical assistance  
2520 to the Department of Health in the establishment of the  
2521 information clearinghouse and give the department the benefit of  
2522 the council members' knowledge and experience relating to the  
2523 needs of patients and families of patients with developmental  
2524 disabilities and available support services.

2525 (c) Members of the council shall elect a chairperson and a  
2526 vice chairperson. The elected chairperson and vice chairperson  
2527 shall serve in these roles until their terms of appointment on  
2528 the council expire.

2529 (d) The advisory council shall meet quarterly to review  
2530 this clearinghouse of information, and may meet more often at  
2531 the call of the chairperson or as determined by a majority of  
2532 members.

2533 (e) The council members shall be appointed to 4-year terms,  
2534 except that, to provide for staggered terms, one initial  
2535 appointee each from the Governor, the President of the Senate,  
2536 and the Speaker of the House of Representatives shall be





753786

2537 appointed to a 2-year term, one appointee each from these  
2538 officials shall be appointed to a 3-year term, and the remaining  
2539 initial appointees shall be appointed to 4-year terms. All  
2540 subsequent appointments shall be for 4-year terms. A vacancy  
2541 shall be filled for the remainder of the unexpired term in the  
2542 same manner as the original appointment.

2543 (f) Members of the council shall serve without  
2544 compensation. Meetings of the council may be held in person,  
2545 without reimbursement for travel expenses, or by teleconference  
2546 or other electronic means.

2547 (g) The Department of Health shall provide administrative  
2548 support for the advisory council.

2549 Section 73. Effective July 1, 2012, section 385.210,  
2550 Florida Statutes, is repealed.

2551 Section 74. Section 391.016, Florida Statutes, is amended  
2552 to read:

2553 391.016 Purposes and functions ~~Legislative intent.~~—The  
2554 ~~Legislature intends that the~~ Children's Medical Services program  
2555 is established for the following purposes and authorized to  
2556 perform the following functions:

2557 (1) Provide to children with special health care needs a  
2558 family-centered, comprehensive, and coordinated statewide  
2559 managed system of care that links community-based health care  
2560 with multidisciplinary, regional, and tertiary pediatric  
2561 specialty care. The program shall coordinate and maintain a  
2562 consistent ~~may provide for the coordination and maintenance of~~  
2563 ~~consistency of the~~ medical home for participating children in  
2564 ~~families with a Children's Medical Services program participant,~~  
2565 ~~in order to achieve family-centered care.~~



753786

2566 (2) Provide essential preventive, evaluative, and early  
2567 intervention services for children at risk for or having special  
2568 health care needs, in order to prevent or reduce long-term  
2569 disabilities.

2570 ~~(3) Serve as a principal provider for children with special~~  
2571 ~~health care needs under Titles XIX and XXI of the Social~~  
2572 ~~Security Act.~~

2573 ~~(4) Be complementary to children's health training programs~~  
2574 ~~essential for the maintenance of a skilled pediatric health care~~  
2575 ~~workforce for all Floridians.~~

2576 Section 75. Section 391.021, Florida Statutes, is amended  
2577 to read:

2578 391.021 Definitions.—When used in this act, the term ~~unless~~  
2579 ~~the context clearly indicates otherwise:~~

2580 (1) "Children's Medical Services network" or "network"  
2581 means a statewide managed care service system that includes  
2582 health care providers, as defined in this section.

2583 (2) "Children with special health care needs" means those  
2584 children younger than 21 years of age who have chronic and  
2585 serious physical, developmental, behavioral, or emotional  
2586 conditions and who ~~also~~ require health care and related services  
2587 of a type or amount beyond that which is generally required by  
2588 children.

2589 (3) "Department" means the Department of Health.

2590 (4) "Eligible individual" means a child with a special  
2591 health care need or a female with a high-risk pregnancy, who  
2592 meets the financial and medical eligibility standards  
2593 established in s. 391.029.

2594 (5) "Health care provider" means a health care



753786

2595 professional, health care facility, or entity licensed or  
2596 certified to provide health services in this state that meets  
2597 the criteria as established by the department.

2598 (6) "Health services" includes the prevention, diagnosis,  
2599 and treatment of human disease, pain, injury, deformity, or  
2600 disabling conditions.

2601 (7) "Participant" means an eligible individual who is  
2602 enrolled in the Children's Medical Services program.

2603 (8) "Program" means the Children's Medical Services program  
2604 established in the department.

2605 Section 76. Section 391.025, Florida Statutes, is amended  
2606 to read:

2607 391.025 Applicability and scope.—

2608 (1) The Children's Medical Services program consists of the  
2609 following components:

2610 (a) The newborn screening program established in s. 383.14.

2611 (b) The regional perinatal intensive care centers program  
2612 established in ss. 383.15-383.21.

2613 ~~(c) A federal or state program authorized by the~~  
2614 ~~Legislature.~~

2615 (c)~~(d)~~ The developmental evaluation and intervention  
2616 program, including the Florida Infants and Toddlers Early  
2617 Intervention Program.

2618 (d)~~(e)~~ The Children's Medical Services network.

2619 (2) The Children's Medical Services program shall not be  
2620 deemed an insurer and is not subject to the licensing  
2621 requirements of the Florida Insurance Code or the rules adopted  
2622 thereunder, ~~when providing services to children who receive~~  
2623 ~~Medicaid benefits, other Medicaid-eligible children with special~~



753786

2624 ~~health care needs, and children participating in the Florida~~  
2625 ~~Kidcare program.~~

2626 Section 77. Section 391.026, Florida Statutes, is amended  
2627 to read:

2628 391.026 Powers and duties of the department.—The department  
2629 shall have the following powers, duties, and responsibilities:

2630 (1) To provide or contract for the provision of health  
2631 services to eligible individuals.

2632 (2) To provide services to abused and neglected children  
2633 through child protective teams pursuant to s. 39.303.

2634 ~~(3)(2) To determine the medical and financial eligibility~~  
2635 ~~standards for the program and to determine the medical and~~  
2636 financial eligibility of individuals seeking health services  
2637 from the program.

2638 ~~(3) To recommend priorities for the implementation of~~  
2639 ~~comprehensive plans and budgets.~~

2640 (4) To coordinate a comprehensive delivery system for  
2641 eligible individuals to take maximum advantage of all available  
2642 funds.

2643 (5) To ~~promote, establish, and~~ coordinate with programs  
2644 relating to children's medical services in cooperation with  
2645 other public and private agencies ~~and to coordinate funding of~~  
2646 ~~health care programs with federal, state, or local indigent~~  
2647 ~~health care funding mechanisms.~~

2648 (6) To initiate and, ~~coordinate, and request review of~~  
2649 applications to federal agencies and private organizations ~~and~~  
2650 ~~state agencies~~ for funds, services, or commodities relating to  
2651 children's medical programs.

2652 (7) To sponsor or promote grants for projects, programs,



753786

2653 education, or research in the field of ~~medical needs of~~ children  
2654 with special health needs, with an emphasis on early diagnosis  
2655 and treatment.

2656 (8) To oversee and operate the Children's Medical Services  
2657 network.

2658 (9) To establish reimbursement mechanisms for the  
2659 Children's Medical Services network.

2660 (10) To establish Children's Medical Services network  
2661 standards and credentialing requirements for health care  
2662 providers and health care services.

2663 (11) To serve as a provider and principal case manager for  
2664 children with special health care needs under Titles XIX and XXI  
2665 of the Social Security Act.

2666 (12) To monitor the provision of health services in the  
2667 program, including the utilization and quality of health  
2668 services.

2669 (13) To administer the Children with Special Health Care  
2670 Needs program in accordance with Title V of the Social Security  
2671 Act.

2672 (14) To establish and operate a grievance resolution  
2673 process for participants and health care providers.

2674 (15) To maintain program integrity in the Children's  
2675 Medical Services program.

2676 (16) To receive and manage health care premiums, capitation  
2677 payments, and funds from federal, state, local, and private  
2678 entities for the program. The department may contract with a  
2679 third-party administrator for processing claims, monitoring  
2680 medical expenses, and other related services necessary to the  
2681 efficient and cost-effective operation of the Children's Medical



753786

2682 Services network. The department is authorized to maintain a  
2683 minimum reserve for the Children's Medical Services network in  
2684 an amount that is the greater of:

2685 (a) Ten percent of total projected expenditures for Title  
2686 XIX-funded and Title XXI-funded children; or

2687 (b) Two percent of total annualized payments from the  
2688 Agency for Health Care Administration for Title XIX and Title  
2689 XXI of the Social Security Act.

2690 (17) To provide or contract for ~~appoint health care~~  
2691 ~~consultants for the purpose of providing peer review and other~~  
2692 ~~quality-improvement activities making recommendations to enhance~~  
2693 ~~the delivery and quality of services in the Children's Medical~~  
2694 ~~Services program.~~

2695 (18) To adopt rules pursuant to ss. 120.536(1) and 120.54  
2696 to administer the Children's Medical Services Act. ~~The rules may~~  
2697 ~~include requirements for definitions of terms, program~~  
2698 ~~organization, and program description; a process for selecting~~  
2699 ~~an area medical director; responsibilities of applicants and~~  
2700 ~~clients; requirements for service applications, including~~  
2701 ~~required medical and financial information; eligibility~~  
2702 ~~requirements for initial treatment and for continued~~  
2703 ~~eligibility, including financial and custody issues;~~  
2704 ~~methodologies for resource development and allocation, including~~  
2705 ~~medical and financial considerations; requirements for~~  
2706 ~~reimbursement services rendered to a client; billing and payment~~  
2707 ~~requirements for providers; requirements for qualification,~~  
2708 ~~appointments, verification, and emergency exceptions for health-~~  
2709 ~~professional consultants; general and diagnostic specific~~  
2710 ~~standards for diagnostic and treatment facilities; and standards~~



753786

2711 ~~for the method of service delivery, including consultant~~  
2712 ~~services, respect for privacy considerations, examination~~  
2713 ~~requirements, family support plans, and clinic design.~~

2714 Section 78. Section 391.028, Florida Statutes, is amended  
2715 to read:

2716 391.028 Administration. ~~The Children's Medical Services~~  
2717 ~~program shall have a central office and area offices.~~

2718 (1) The Director of Children's Medical Services must be a  
2719 physician licensed under chapter 458 or chapter 459 who has  
2720 specialized training and experience in the provision of health  
2721 care to children and who has recognized skills in leadership and  
2722 the promotion of children's health programs. The director shall  
2723 be the deputy secretary and the Deputy State Health Officer for  
2724 Children's Medical Services and is appointed by and reports to  
2725 the State Surgeon General. The director may appoint such other  
2726 staff as necessary for the operation of the program ~~division~~  
2727 ~~directors~~ subject to the approval of the State Surgeon General.

2728 (2) The director shall provide for operational system using  
2729 such department staff and contract providers as necessary. The  
2730 program shall implement the following program activities under  
2731 physician supervision on a statewide basis ~~designate Children's~~  
2732 ~~Medical Services area offices to perform operational activities,~~  
2733 ~~including, but not limited to:~~

2734 (a) ~~Providing~~ Case management services for ~~the~~ network  
2735 participants;

2736 (b) Management and ~~Providing local~~ oversight of local ~~the~~  
2737 program activities;

2738 (c) ~~Determining an individual's~~ Medical and financial  
2739 eligibility determination for the program in accordance with s.



753786

2740 391.029; ~~;~~

2741 (d) ~~Participating in the~~ Determination of a level of care  
2742 and medical complexity for long-term care services; ~~;~~

2743 (e) Authorizing services in the program and developing  
2744 spending plans; ~~;~~

2745 (f) ~~Participating in the~~ Development of treatment plans;  
2746 and ~~;~~

2747 (g) ~~Taking part in the~~ Resolution of complaints and  
2748 grievances from participants and health care providers.

2749 (3) Each Children's Medical Services area office shall be  
2750 directed by a physician licensed under chapter 458 or chapter  
2751 459 who has specialized training and experience in the provision  
2752 of health care to children. The director of a Children's Medical  
2753 Services area office shall be appointed by the director from the  
2754 active panel of Children's Medical Services physician  
2755 consultants.

2756 Section 79. Section 391.029, Florida Statutes, is amended  
2757 to read:

2758 391.029 Program eligibility.—

2759 (1) Eligibility ~~The department shall establish the medical~~  
2760 ~~criteria to determine if an applicant~~ for the Children's Medical  
2761 Services program is based on the diagnosis of one or more  
2762 chronic and serious medical conditions and the family's need for  
2763 specialized services ~~an eligible individual.~~

2764 (2) The following individuals are ~~financially~~ eligible to  
2765 receive services through the program:

2766 (a) A high-risk pregnant female who is enrolled in ~~eligible~~  
2767 ~~for~~ Medicaid.

2768 (b) Children with serious special health care needs from





753786

2769 birth to 21 years of age who are enrolled in ~~eligible for~~  
2770 Medicaid.

2771 (c) Children with serious special health care needs from  
2772 birth to 19 years of age who are enrolled in ~~eligible for~~ a  
2773 program under Title XXI of the Social Security Act.

2774 (3) Subject to the availability of funds, the following  
2775 individuals may receive services through the program:

2776 (a) Children with serious special health care needs from  
2777 birth to 21 years of age who do not qualify for Medicaid or  
2778 ~~whose family income is above the requirements for financial~~  
2779 ~~eligibility under~~ Title XXI of the Social Security Act but who  
2780 are unable to access, due to lack of providers or lack of  
2781 financial resources, specialized services that are medically  
2782 necessary or essential family support services ~~and whose~~  
2783 ~~projected annual cost of care adjusts the family income to~~  
2784 ~~Medicaid financial criteria.~~ Families ~~In cases where the family~~  
2785 ~~income is adjusted based on a projected annual cost of care, the~~  
2786 ~~family~~ shall participate financially in the cost of care based  
2787 on a sliding fee scale ~~criteria~~ established by the department.

2788 (b) Children with special health care needs from birth to  
2789 21 years of age, as provided in Title V of the Social Security  
2790 Act.

2791 (c) An infant who receives an award of compensation under  
2792 s. 766.31(1). The Florida Birth-Related Neurological Injury  
2793 Compensation Association shall reimburse the Children's Medical  
2794 Services Network the state's share of funding, which must  
2795 thereafter be used to obtain matching federal funds under Title  
2796 XXI of the Social Security Act.

2797 ~~(4) The department shall determine the financial and~~



753786

2798 ~~medical eligibility of children for the program. The department~~  
2799 ~~shall also determine the financial ability of the parents, or~~  
2800 ~~persons or other agencies having legal custody over such~~  
2801 ~~individuals, to pay the costs of health services under the~~  
2802 ~~program. The department may pay reasonable travel expenses~~  
2803 ~~related to the determination of eligibility for or the provision~~  
2804 ~~of health services.~~

2805 (4) ~~(5)~~ Any child who has been provided with surgical or  
2806 medical care or treatment under this act prior to being adopted  
2807 and has serious and chronic special health needs shall continue  
2808 to be eligible to be provided with such care or treatment after  
2809 his or her adoption, regardless of the financial ability of the  
2810 persons adopting the child.

2811 Section 80. Section 391.0315, Florida Statutes, is amended  
2812 to read:

2813 391.0315 Benefits.—Benefits provided under the program for  
2814 children with special health care needs shall be equivalent to  
2815 ~~the same~~ benefits provided to children as specified in ss.  
2816 409.905 and 409.906. The department may offer additional  
2817 benefits for early intervention services, respite services,  
2818 genetic testing, genetic and nutritional counseling, and parent  
2819 support services, if such services are determined to be  
2820 medically necessary. ~~No child or person determined eligible for~~  
2821 ~~the program who is eligible under Title XIX or Title XXI of the~~  
2822 ~~Social Security Act shall receive any service other than an~~  
2823 ~~initial health care screening or treatment of an emergency~~  
2824 ~~medical condition as defined in s. 395.002, until such child or~~  
2825 ~~person is enrolled in Medicaid or a Title XXI program.~~

2826 Section 81. Effective January 1, 2013, section 392.51,



753786

2827 Florida Statutes, is amended to read:

2828       392.51 Tuberculosis control Findings and intent.-A  
2829 statewide system is established to control tuberculosis  
2830 infection and mitigate its effects. The system consists ~~The~~  
2831 ~~Legislature finds and declares that active tuberculosis is a~~  
2832 ~~highly contagious infection that is sometimes fatal and~~  
2833 ~~constitutes a serious threat to the public health. The~~  
2834 ~~Legislature finds that there is a significant reservoir of~~  
2835 ~~tuberculosis infection in this state and that there is a need to~~  
2836 ~~develop community programs to identify tuberculosis and to~~  
2837 ~~respond quickly with appropriate measures. The Legislature finds~~  
2838 ~~that some patients who have active tuberculosis have complex~~  
2839 ~~medical, social, and economic problems that make outpatient~~  
2840 ~~control of the disease difficult, if not impossible, without~~  
2841 ~~posing a threat to the public health. The Legislature finds that~~  
2842 ~~in order to protect the citizenry from those few persons who~~  
2843 ~~pose a threat to the public, it is necessary to establish a~~  
2844 ~~system~~ of mandatory contact identification, treatment to cure,  
2845 hospitalization, and isolation for contagious cases, and ~~to~~  
2846 ~~provide a system~~ of voluntary, community-oriented care and  
2847 surveillance in all other cases. ~~The Legislature finds that the~~  
2848 ~~delivery of Tuberculosis control services~~ shall be provided ~~is~~  
2849 ~~best accomplished~~ by the coordinated efforts of the respective  
2850 county health departments and contracted or other private health  
2851 care providers, ~~the A.G. Holley State Hospital, and the private~~  
2852 ~~health care delivery system.~~

2853       Section 82. Effective January 1, 2013, subsection (4) of  
2854 section 392.61, Florida Statutes, is amended to read:

2855       392.61 Community tuberculosis control programs.-



753786

2856           ~~(4) The department shall develop, by rule, a methodology~~  
2857 ~~for distributing funds appropriated for tuberculosis control~~  
2858 ~~programs. Criteria to be considered in this methodology include,~~  
2859 ~~but are not limited to, the basic infrastructure available for~~  
2860 ~~tuberculosis control, caseload requirements, laboratory support~~  
2861 ~~services needed, and epidemiologic factors.~~

2862           Section 83. Effective January 1, 2013, section 392.62,  
2863 Florida Statutes, is amended to read:

2864           392.62 Hospitalization and placement programs.—

2865           (1) The department shall contract for operation of ~~operate~~  
2866 a program for the treatment hospitalization of persons who have  
2867 active tuberculosis in hospitals licensed under chapter 395 and  
2868 may provide for appropriate placement of persons who have active  
2869 tuberculosis in other health care facilities or residential  
2870 facilities. The department shall require the contractor to use  
2871 existing licensed community hospitals and other facilities for  
2872 the care and treatment to cure of persons who have active  
2873 tuberculosis or a history of noncompliance with prescribed drug  
2874 regimens and require inpatient or other residential services.

2875           ~~(2) The department may operate a licensed hospital for the~~  
2876 ~~care and treatment to cure of persons who have active~~  
2877 ~~tuberculosis. The hospital may have a forensic unit where, under~~  
2878 ~~medical protocol, a patient can be held in a secure or~~  
2879 ~~protective setting. The department shall also seek to maximize~~  
2880 ~~use of existing licensed community hospitals for the care and~~  
2881 ~~treatment to cure of persons who have active tuberculosis.~~

2882           (2)(3) The program for control of tuberculosis shall  
2883 provide funding for participating facilities and require any  
2884 such facilities to meet the following conditions ~~Any licensed~~



753786

2885 ~~hospital operated by the department, any licensed hospital under~~  
2886 ~~contract with the department, and any other health care facility~~  
2887 ~~or residential facility operated by or under contract with the~~  
2888 ~~department for the care and treatment of patients who have~~  
2889 ~~active tuberculosis shall:~~

2890 (a) Admit patients voluntarily and under court order as  
2891 appropriate for each particular facility;

2892 (b) Require that each patient pay the actual cost of care  
2893 provided whether the patient is admitted voluntarily or by court  
2894 order;

2895 (c) Provide for ~~a method of paying for~~ the care of patients  
2896 in the program regardless of ability to pay who cannot afford to  
2897 ~~do so;~~

2898 (d) Require a primary clinical diagnosis of active  
2899 tuberculosis by a physician licensed under chapter 458 or  
2900 chapter 459 before admitting the patient; provided that there  
2901 may be more than one primary diagnosis;

2902 (e) Provide a method of notification to the county health  
2903 department and to the patient's family, if any, before  
2904 discharging the patient from the hospital or other facility;

2905 (f) Provide for the necessary exchange of medical  
2906 information to assure adequate community treatment to cure and  
2907 followup of discharged patients, as appropriate; and

2908 (g) Provide for a method of medical care and counseling and  
2909 for housing, social service, and employment referrals, if  
2910 appropriate, for ~~all~~ patients discharged from the hospital.

2911 (3)~~(4)~~ A hospital may, pursuant to court order, place a  
2912 patient in temporary isolation for a period of no more than 72  
2913 continuous hours. The department shall obtain a court order in



753786

2914 the same manner as prescribed in s. 392.57. Nothing in this  
2915 subsection precludes a hospital from isolating an infectious  
2916 patient for medical reasons.

2917 ~~(4)~~(5) Any person committed under s. 392.57 who leaves the  
2918 tuberculosis hospital or residential facility without having  
2919 been discharged by the designated medical authority, except as  
2920 provided in s. 392.63, shall be apprehended by the sheriff of  
2921 the county in which the person is found and immediately  
2922 delivered to the facility from which he or she left.

2923 Section 84. Subsection (1) of section 395.1027, Florida  
2924 Statutes, is amended to read:

2925 395.1027 Regional poison control centers.—

2926 (1) There shall be created three certified regional poison  
2927 control centers, one each in the north, central, and southern  
2928 regions of the state. Each regional poison control center shall  
2929 be affiliated with and physically located in a certified Level I  
2930 trauma center. Each regional poison control center shall be  
2931 affiliated with an accredited medical school or college of  
2932 pharmacy. The regional poison control centers shall be  
2933 coordinated under the aegis of the Division of Children's  
2934 Medical Services ~~Prevention and Intervention~~ in the department.

2935 Section 85. The Department of Health shall develop and  
2936 implement a transition plan for the closure of A.G. Holley State  
2937 Hospital. The plan shall include specific steps to end voluntary  
2938 admissions; transfer patients to alternate facilities;  
2939 communicate with families, providers, other affected parties,  
2940 and the general public; enter into any necessary contracts with  
2941 providers; and coordinate with the Department of Management  
2942 Services regarding the disposition of equipment and supplies and



753786

2943 the closure of the facility; and the Agency for Health Care  
2944 Administration is directed to modify its reimbursement plans and  
2945 seek federal approval, if necessary, to continue Medicaid  
2946 funding throughout the treatment period in community hospitals  
2947 and other facilities. The plan shall be submitted to the  
2948 Governor, the Speaker of the House of Representatives, and the  
2949 President of the Senate by May 31, 2012. The department shall  
2950 fully implement the plan by January 1, 2013.

2951 Section 86. Subsection (4) of section 401.243, Florida  
2952 Statutes, is amended to read:

2953 401.243 Injury prevention.—The department shall establish  
2954 an injury-prevention program with responsibility for the  
2955 statewide coordination and expansion of injury-prevention  
2956 activities. The duties of the department under the program may  
2957 include, but are not limited to, data collection, surveillance,  
2958 education, and the promotion of interventions. In addition, the  
2959 department may:

2960 ~~(4) Adopt rules governing the implementation of grant~~  
2961 ~~programs. The rules may include, but need not be limited to,~~  
2962 ~~criteria regarding the application process, the selection of~~  
2963 ~~grantees, the implementation of injury-prevention activities,~~  
2964 ~~data collection, surveillance, education, and the promotion of~~  
2965 ~~interventions.~~

2966 Section 87. Subsection (6) of section 401.245, Florida  
2967 Statutes, is renumbered as subsection (5), and present  
2968 subsection (5) of that section is amended to read:

2969 401.245 Emergency Medical Services Advisory Council.—

2970 ~~(5) The department shall adopt rules to implement this~~  
2971 ~~section, which rules shall serve as formal operating procedures~~



753786

2972 ~~for the Emergency Medical Services Advisory Council.~~

2973 Section 88. Section 401.271, Florida Statutes, is amended  
2974 to read:

2975 401.271 Certification of emergency medical technicians and  
2976 paramedics who are on active duty with the Armed Forces of the  
2977 United States; spouses of members of the Armed Forces.—

2978 ~~(1)~~ Any member of the Armed Forces of the United States on  
2979 active duty who, at the time he or she became a member, was in  
2980 good standing with the department and was entitled to practice  
2981 as an emergency medical technician or paramedic in the state  
2982 remains in good standing without registering, paying dues or  
2983 fees, or performing any other act, as long as he or she is a  
2984 member of the Armed Forces of the United States on active duty  
2985 and for a period of 6 months after his or her discharge from  
2986 active duty as a member of the Armed Forces of the United  
2987 States.

2988 ~~(2) The department may adopt rules exempting the spouse of~~  
2989 ~~a member of the Armed Forces of the United States on active duty~~  
2990 ~~from certification renewal provisions while the spouse is absent~~  
2991 ~~from the state because of the member's active duty with the~~  
2992 ~~Armed Forces.~~

2993 Section 89. Section 402.45, Florida Statutes is repealed.

2994 Section 90. Subsections (3) and (4) of section 403.863,  
2995 Florida Statutes, are amended to read:

2996 403.863 State public water supply laboratory certification  
2997 program.—

2998 (3) The Department of Health shall have the responsibility  
2999 for the operation and implementation of the state laboratory  
3000 certification program. The Department of Health shall contract





753786

3001 for the evaluation and review of laboratory certification  
3002 applications, and laboratory inspections.~~except that,~~ Upon  
3003 completion of the evaluation and review of the laboratory  
3004 certification application, the evaluation shall be forwarded,  
3005 along with recommendations, to the department for review and  
3006 comment, prior to final approval or disapproval by the  
3007 Department of Health.

3008 (4) The following acts constitute grounds for which the  
3009 disciplinary actions specified in subsection (5) may be taken:

3010 (a) Making false statements on an application or on any  
3011 document associated with certification.

3012 (b) Making consistent errors in analyses or erroneous  
3013 reporting.

3014 (c) Permitting personnel who are not qualified, as required  
3015 by rules of the Department of Health, to perform analyses.

3016 (d) Falsifying the results of analyses.

3017 (e) Failing to employ approved laboratory methods in  
3018 performing analyses as outlined in rules of the Department of  
3019 Health.

3020 (f) Failing to properly maintain facilities and equipment  
3021 according to the laboratory's quality assurance plan.

3022 (g) Failing to report analytical test results or maintain  
3023 required records of test results as outlined in rules of the  
3024 Department of Health.

3025 (h) Failing to participate successfully in a performance  
3026 evaluation program approved by the Department of Health.

3027 (i) Violating any provision of this section or of the rules  
3028 adopted under this section.

3029 (j) Falsely advertising services or credentials.



753786

3030 (k) Failing to pay fees for initial certification or  
3031 renewal certification or to pay inspection expenses incurred by  
3032 ~~the Department of Health.~~

3033 (l) Failing to report any change of an item included in the  
3034 initial or renewal certification application.

3035 (m) Refusing to allow representatives of the department or  
3036 the Department of Health to inspect a laboratory and its records  
3037 during normal business hours.

3038 Section 91. Subsection (1) of section 400.914, Florida  
3039 Statutes, is amended to read:

3040 400.914 Rules establishing standards.-

3041 (1) Pursuant to the intention of the Legislature to provide  
3042 safe and sanitary facilities and healthful programs, the agency  
3043 in conjunction with the Division of Children's Medical Services  
3044 ~~Prevention and Intervention~~ of the Department of Health shall  
3045 adopt and publish rules to implement the provisions of this part  
3046 and part II of chapter 408, which shall include reasonable and  
3047 fair standards. Any conflict between these standards and those  
3048 that may be set forth in local, county, or city ordinances shall  
3049 be resolved in favor of those having statewide effect. Such  
3050 standards shall relate to:

3051 (a) The assurance that PPEC services are family centered  
3052 and provide individualized medical, developmental, and family  
3053 training services.

3054 (b) The maintenance of PPEC centers, not in conflict with  
3055 the provisions of chapter 553 and based upon the size of the  
3056 structure and number of children, relating to plumbing, heating,  
3057 lighting, ventilation, and other building conditions, including  
3058 adequate space, which will ensure the health, safety, comfort,



753786

3059 and protection from fire of the children served.

3060 (c) The appropriate provisions of the most recent edition  
3061 of the "Life Safety Code" (NFPA-101) shall be applied.

3062 (d) The number and qualifications of all personnel who have  
3063 responsibility for the care of the children served.

3064 (e) All sanitary conditions within the PPEC center and its  
3065 surroundings, including water supply, sewage disposal, food  
3066 handling, and general hygiene, and maintenance thereof, which  
3067 will ensure the health and comfort of children served.

3068 (f) Programs and basic services promoting and maintaining  
3069 the health and development of the children served and meeting  
3070 the training needs of the children's legal guardians.

3071 (g) Supportive, contracted, other operational, and  
3072 transportation services.

3073 (h) Maintenance of appropriate medical records, data, and  
3074 information relative to the children and programs. Such records  
3075 shall be maintained in the facility for inspection by the  
3076 agency.

3077 Section 92. Paragraph (f) of subsection (8) of section  
3078 411.203, Florida Statutes, is amended to read:

3079 411.203 Continuum of comprehensive services.—The Department  
3080 of Education and the Department of Health ~~and Rehabilitative~~  
3081 ~~Services~~ shall utilize the continuum of prevention and early  
3082 assistance services for high-risk pregnant women and for high-  
3083 risk and handicapped children and their families, as outlined in  
3084 this section, as a basis for the intraagency and interagency  
3085 program coordination, monitoring, and analysis required in this  
3086 chapter. The continuum shall be the guide for the comprehensive  
3087 statewide approach for services for high-risk pregnant women and



753786

3088 for high-risk and handicapped children and their families, and  
3089 may be expanded or reduced as necessary for the enhancement of  
3090 those services. Expansion or reduction of the continuum shall be  
3091 determined by intraagency or interagency findings and agreement,  
3092 whichever is applicable. Implementation of the continuum shall  
3093 be based upon applicable eligibility criteria, availability of  
3094 resources, and interagency prioritization when programs impact  
3095 both agencies, or upon single agency prioritization when  
3096 programs impact only one agency. The continuum shall include,  
3097 but not be limited to:

3098 (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND PARENTS  
3099 OF HIGH-RISK CHILDREN.—

3100 (f) Parent support groups, such as ~~the community resource~~  
3101 ~~mother or father program as established in s. 402.45,~~ or parents  
3102 as first teachers, to strengthen families and to enable families  
3103 of high-risk children to better meet their needs.

3104 Section 93. Paragraph (d) of subsection (11) of section  
3105 409.256, Florida Statutes, is amended to read:

3106 409.256 Administrative proceeding to establish paternity or  
3107 paternity and child support; order to appear for genetic  
3108 testing.—

3109 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND  
3110 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL  
3111 STATISTICS.—

3112 (d) Upon rendering a final order of paternity or a final  
3113 order of paternity and child support, the department shall  
3114 notify the Office ~~Division~~ of Vital Statistics of the Department  
3115 of Health that the paternity of the child has been established.

3116 Section 94. Effective January 3, 2013, subsection (3) of



753786

3117 section 458.309, Florida Statutes, is amended to read:

3118 458.309 Rulemaking authority.—

3119 (3) A physician ~~All physicians~~ who performs liposuction  
3120 procedures in which more than 1,000 cubic centimeters of  
3121 supernatant fat is removed, ~~perform~~ level 2 procedures lasting  
3122 more than 5 minutes, and all level 3 surgical procedures in an  
3123 office setting must register the office with the department  
3124 unless that office is licensed as a facility under ~~pursuant to~~  
3125 chapter 395. The department shall inspect the physician's office  
3126 annually unless the office is accredited by a nationally  
3127 recognized accrediting agency or an accrediting organization  
3128 subsequently approved by the Board of Medicine. The actual costs  
3129 for registration and inspection or accreditation shall be paid  
3130 by the person seeking to register and operate the office setting  
3131 in which office surgery is performed.

3132 Section 95. Effective January 3, 2013, subsection (2) of  
3133 section 459.005, Florida Statutes, is amended to read:

3134 459.005 Rulemaking authority.—

3135 (2) A physician ~~All physicians~~ who performs liposuction  
3136 procedures in which more than 1,000 cubic centimeters of  
3137 supernatant fat is removed, ~~perform~~ level 2 procedures lasting  
3138 more than 5 minutes, and all level 3 surgical procedures in an  
3139 office setting must register the office with the department  
3140 unless that office is licensed as a facility under ~~pursuant to~~  
3141 chapter 395. The department shall inspect the physician's office  
3142 annually unless the office is accredited by a nationally  
3143 recognized accrediting agency or an accrediting organization  
3144 subsequently approved by the Board of Osteopathic Medicine. The  
3145 actual costs for registration and inspection or accreditation



753786

3146 shall be paid by the person seeking to register and operate the  
3147 office setting in which office surgery is performed.

3148 Section 96. Section 458.346, Florida Statutes, is repealed.

3149 Section 97. Subsection (3) of section 462.19, Florida  
3150 Statutes, is renumbered as subsection (2), and present  
3151 subsection (2) of that section is amended to read:

3152 462.19 Renewal of license; inactive status.—

3153 ~~(2) The department shall adopt rules establishing a~~  
3154 ~~procedure for the biennial renewal of licenses.~~

3155 Section 98. Subsection (6) of section 464.019, Florida  
3156 Statutes, is amended to read:

3157 464.019 Approval of nursing education programs.—

3158 (6) ACCOUNTABILITY.—

3159 (a)1. An approved program must achieve a graduate passage  
3160 rate that is not lower than 10 percentage points less than the  
3161 average passage rate for graduates of comparable degree programs  
3162 who are United States educated first-time test takers on the  
3163 National Council of State Boards of Nursing Licensing  
3164 Examination during a calendar year, as calculated by the  
3165 contract testing service of the National Council of State Boards  
3166 of Nursing. For purposes of this subparagraph, an approved  
3167 program is comparable to all degree programs of the same program  
3168 type from among the following program types:

3169 a. Professional nursing education programs that terminate  
3170 in a bachelor's degree.

3171 b. Professional nursing education programs that terminate  
3172 in an associate degree.

3173 c. Professional nursing education programs that terminate  
3174 in a diploma.



753786

3175           d. Practical nursing education programs.  
3176           2. Beginning with graduate passage rates for calendar year  
3177 2010, if an approved program's graduate passage rates do not  
3178 equal or exceed the required passage rates for 2 consecutive  
3179 calendar years, the board shall place the program on  
3180 probationary status pursuant to chapter 120 and the program  
3181 director must appear before the board to present a plan for  
3182 remediation. The program shall remain on probationary status  
3183 until it achieves a graduate passage rate that equals or exceeds  
3184 the required passage rate for any 1 calendar year. The board  
3185 shall deny a program application for a new prelicensure nursing  
3186 education program submitted by an educational institution if the  
3187 institution has an existing program that is already on  
3188 probationary status.  
3189           3. Upon the program's achievement of a graduate passage  
3190 rate that equals or exceeds the required passage rate, the  
3191 board, at its next regularly scheduled meeting following release  
3192 of the program's graduate passage rate by the National Council  
3193 of State Boards of Nursing, shall remove the program's  
3194 probationary status. However, if the program, during the 2  
3195 calendar years following its placement on probationary status,  
3196 does not achieve the required passage rate for any 1 calendar  
3197 year, the board shall terminate the program pursuant to chapter  
3198 120.  
3199           (b) If an approved program fails to submit the annual  
3200 report required in subsection (4), the board shall notify the  
3201 program director and president or chief executive officer of the  
3202 educational institution in writing within 15 days after the due  
3203 date of the annual report. The program director must appear



753786

3204 before the board at the board's next regularly scheduled meeting  
3205 to explain the reason for the delay. The board shall terminate  
3206 the program pursuant to chapter 120 if it does not submit the  
3207 annual report within 6 months after the due date.

3208 (c) An approved program on probationary status shall  
3209 disclose its probationary status in writing to the program's  
3210 students and applicants.

3211 Section 99. Section 464.0197, Florida Statutes, is  
3212 repealed.

3213 Section 100. Subsection (1) of section 464.203, Florida  
3214 Statutes, is amended to read:

3215 464.203 Certified nursing assistants; certification  
3216 requirement.—

3217 (1) The board shall issue a certificate to practice as a  
3218 certified nursing assistant to any person who demonstrates a  
3219 minimum competency to read and write and successfully passes the  
3220 required background screening pursuant to s. 400.215 and meets  
3221 one of the following requirements:

3222 (a) Has successfully completed an approved training program  
3223 and achieved a minimum score, established by rule of the board,  
3224 on the nursing assistant competency examination, which consists  
3225 of a written portion and skills-demonstration portion approved  
3226 by the board and administered at a site and by personnel  
3227 approved by the department.

3228 (b) Has achieved a minimum score, established by rule of  
3229 the board, on the nursing assistant competency examination,  
3230 which consists of a written portion and skills-demonstration  
3231 portion, approved by the board and administered at a site and by  
3232 personnel approved by the department and:





753786

3233           1. Has a high school diploma, or its equivalent; or  
3234           2. Is at least 18 years of age.

3235           (c) Is currently certified in another state; is listed on  
3236 that state's certified nursing assistant registry; and has not  
3237 been found to have committed abuse, neglect, or exploitation in  
3238 that state.

3239           (d) Has completed the curriculum developed under the  
3240 Enterprise Florida Jobs and Education Partnership Grant ~~by the~~  
3241 ~~Department of Education~~ and achieved a minimum score,  
3242 established by rule of the board, on the nursing assistant  
3243 competency examination, which consists of a written portion and  
3244 skills-demonstration portion, approved by the board and  
3245 administered at a site and by personnel approved by the  
3246 department.

3247           Section 101. Subsection (4) of section 464.208, Florida  
3248 Statutes, is amended to read:

3249           464.208 Background screening information; rulemaking  
3250 authority.—

3251           ~~(4) The board shall adopt rules to administer this part.~~

3252           Section 102. Section 466.00775, Florida Statutes, is  
3253 repealed.

3254           Section 103. Subsection (4) of section 514.011, Florida  
3255 Statutes, is amended to read:

3256           514.011 Definitions.—As used in this chapter:

3257           (4) "Public bathing place" means a body of water, natural  
3258 or modified by humans, for swimming, diving, and recreational  
3259 bathing, ~~together with adjacent shoreline or land area,~~  
3260 ~~buildings, equipment, and appurtenances pertaining thereto,~~ used  
3261 by consent of the owner or owners and held out to the public by



753786

3262 any person or public body, irrespective of whether a fee is  
3263 charged for the use thereof. The bathing water areas of public  
3264 bathing places include, but are not limited to, lakes, ponds,  
3265 rivers, streams, artificial impoundments, and waters along the  
3266 coastal and intracoastal beaches and shores of the state.

3267 Section 104. Section 514.021, Florida Statutes, is amended  
3268 to read:

3269 514.021 Department authorization.—

3270 (1) The department may adopt and enforce rules, ~~which may~~  
3271 ~~include definitions of terms,~~ to protect the health, safety, or  
3272 welfare of persons by setting sanitation and safety standards  
3273 for using public swimming pools and public bathing places. The  
3274 department shall review and revise such rules as necessary, but  
3275 not less than biennially. Sanitation and safety standards shall  
3276 ~~include, but not be limited to,~~ matters relating to ~~structure;~~  
3277 ~~appurtenances; operation;~~ source of water supply;  
3278 microbiological bacteriological, chemical, and physical quality  
3279 of water in the pool or bathing area; method of water  
3280 purification, treatment, and disinfection; lifesaving apparatus;  
3281 and measures to ensure safety of bathers; ~~and measures to ensure~~  
3282 ~~the personal cleanliness of bathers.~~

3283 (2) The department may not establish by rule any regulation  
3284 governing the design, alteration, modification, or repair of  
3285 public swimming pools and bathing places which has no impact on  
3286 sanitation and safety ~~the health, safety, and welfare~~ of persons  
3287 using public swimming pools and bathing places. Further, the  
3288 department may not adopt by rule any regulation governing the  
3289 construction, erection, or demolition of public swimming pools  
3290 and bathing places. It is the intent of the Legislature to



753786

3291 preempt those functions to the Florida Building Commission  
3292 through adoption and maintenance of the Florida Building Code.  
3293 The department shall provide technical assistance to the  
3294 commission in updating the construction standards of the Florida  
3295 Building Code which govern public swimming pools ~~and bathing~~  
3296 ~~places. Further, the department is authorized to conduct plan~~  
3297 ~~reviews, to issue approvals, and to enforce the special-~~  
3298 ~~occupancy provisions of the Florida Building Code which apply to~~  
3299 ~~public swimming pools and bathing places in conducting any~~  
3300 ~~inspections authorized by this chapter.~~ This subsection does not  
3301 abrogate the authority of the department to adopt and enforce  
3302 appropriate sanitary regulations and requirements as authorized  
3303 in subsection (1).

3304 Section 105. Section 514.023, Florida Statutes, is amended  
3305 to read:

3306 514.023 Sampling of beach waters and public bathing places;  
3307 health advisories.-

3308 (1) As used in this section, the term "beach waters" means  
3309 the waters along the coastal and intracoastal beaches and shores  
3310 of the state, and includes salt water and brackish water.

3311 (2) The department may adopt and enforce rules to protect  
3312 the health, safety, and welfare of persons using the beach  
3313 waters and public bathing places of the state. The rules must  
3314 establish health standards and prescribe procedures and  
3315 timeframes for bacteriological sampling of beach waters and  
3316 public bathing places.

3317 (3) The department may issue health advisories if the  
3318 quality of beach waters or a public bathing place fails to meet  
3319 standards established by the department. The issuance of health



753786

3320 advisories related to the results of bacteriological sampling of  
3321 beach waters is preempted to the state.

3322 (4) When the department issues a health advisory against  
3323 swimming in beach waters or a public bathing place on the basis  
3324 of finding elevated levels of fecal coliform, Escherichia coli,  
3325 or enterococci bacteria in a water sample, the department shall  
3326 concurrently notify the municipality or county in which the  
3327 affected beach waters are located, whichever has jurisdiction,  
3328 and the local office of the Department of Environmental  
3329 Protection, of the advisory. The local office of the Department  
3330 of Environmental Protection shall promptly investigate  
3331 wastewater treatment facilities within 1 mile of the affected  
3332 beach waters or public bathing place to determine if a facility  
3333 experienced an incident that may have contributed to the  
3334 contamination and provide the results of the investigation in  
3335 writing or by electronic means to the municipality or county, as  
3336 applicable.

3337 ~~(5) Contingent upon legislative appropriation to the~~  
3338 ~~department in the amount of \$600,000 nonrecurring, the~~  
3339 ~~department will perform a 3-year study to determine the water~~  
3340 ~~quality at beaches throughout the state. The study will be~~  
3341 ~~performed in all counties that have public-access saltwater and~~  
3342 ~~brackish water beaches.~~

3343 Section 106. Section 514.025, Florida Statutes, is amended  
3344 to read:

3345 514.025 Assignment of authority to county health  
3346 departments.—

3347 (1) The department shall assign to county health  
3348 departments that are staffed with qualified engineering



753786

3349 personnel the functions of reviewing applications and plans for  
3350 the construction, development, or modification of public  
3351 swimming pools or bathing places; of conducting inspections ~~for~~  
3352 ~~and issuance of initial operating permits;~~ and of issuing all  
3353 permits. If the county health department determines that  
3354 qualified staff are not available ~~is not assigned the functions~~  
3355 ~~of application and plan review and the issuance of initial~~  
3356 ~~operating permits,~~ the department shall be responsible for such  
3357 functions. ~~The department shall make the determination~~  
3358 ~~concerning the qualifications of county health department~~  
3359 ~~personnel to perform these functions and may make and enforce~~  
3360 ~~such rules pertaining thereto as it shall deem proper.~~

3361 (2) ~~After the initial operating permit is issued, the~~  
3362 County health departments are responsible ~~shall assume full~~  
3363 ~~responsibility~~ for routine surveillance of water quality in all  
3364 public swimming pools and bathing places, including  
3365 ~~responsibility for a minimum of two~~ routine inspections  
3366 ~~annually,~~ complaint investigations, enforcement procedures, and  
3367 ~~reissuance of operating permits, and renewal of~~ operating  
3368 permits.

3369 (3) The department may assign the responsibilities and  
3370 functions specified in this section to any multicounty  
3371 independent special district created by the Legislature to  
3372 perform multiple functions, to include municipal services and  
3373 improvements, to the same extent and under the same conditions  
3374 as provided in subsections (1) and (2), upon request of the  
3375 special district.

3376 Section 107. Section 514.03, Florida Statutes, is amended  
3377 to read:



753786

3378           514.03 ~~Construction plans~~ Approval necessary to construct,  
3379 develop, or modify public swimming pools or public bathing  
3380 places. ~~It is unlawful for any person or public body to~~  
3381 ~~construct, develop, or modify any public swimming pool or~~  
3382 ~~bathing place, other than coastal or intracoastal beaches,~~  
3383 ~~without a valid construction plans approval from the department.~~  
3384 ~~This section does not preempt the authority of~~ Local governments  
3385 or local enforcement districts may determine to conduct plan  
3386 ~~reviews and inspections of public swimming pools and bathing~~  
3387 ~~places for compliance with the general construction standards of~~  
3388 the Florida Building Code, pursuant to s. 553.80. Local  
3389 governments or local enforcement districts may conduct plan  
3390 reviews and inspections of public swimming pools and public  
3391 bathing places for this purpose.

3392           ~~(1) Any person or public body desiring to construct,~~  
3393 ~~develop, or modify any public swimming pool or bathing place~~  
3394 ~~shall file an application for a construction plans approval with~~  
3395 ~~the department on application forms provided by the department~~  
3396 ~~and shall accompany such application with:~~

3397           ~~(a) Engineering drawings, specifications, descriptions, and~~  
3398 ~~detailed maps of the structure, its appurtenances, and its~~  
3399 ~~intended operation.~~

3400           ~~(b) A description of the source or sources of water supply~~  
3401 ~~and amount and quality of water available and intended to be~~  
3402 ~~used.~~

3403           ~~(c) A description of the method and manner of water~~  
3404 ~~purification, treatment, disinfection, and heating.~~

3405           ~~(d) Other applicable information deemed necessary by the~~  
3406 ~~department to fulfill the requirements of this chapter.~~



753786

3407           ~~(2) If the proposed construction of, development of, or~~  
3408 ~~modification of a public swimming pool or bathing place meets~~  
3409 ~~standards of public health and safety as defined in this chapter~~  
3410 ~~and rules adopted hereunder, the department shall grant the~~  
3411 ~~application for the construction plans approval within 30 days~~  
3412 ~~after receipt of a complete submittal. If engineering plans~~  
3413 ~~submitted are in substantial compliance with the standards~~  
3414 ~~aforementioned, the department may approve the plans with~~  
3415 ~~provisions for corrective action to be completed prior to~~  
3416 ~~issuance of the operating permit.~~

3417           ~~(3) If the proposed construction, development, or~~  
3418 ~~modification of a public swimming pool or bathing place fails to~~  
3419 ~~meet standards of public health and safety as defined in this~~  
3420 ~~chapter and rules adopted hereunder, the department shall deny~~  
3421 ~~the application for construction plans approval pursuant to the~~  
3422 ~~provisions of chapter 120. Such denial shall be issued in~~  
3423 ~~writing within 30 days and shall list the circumstances for~~  
3424 ~~denial. Upon correction of such circumstances, an applicant~~  
3425 ~~previously denied permission to construct, develop, or modify a~~  
3426 ~~public swimming pool or bathing place may reapply for~~  
3427 ~~construction plans approval.~~

3428           ~~(4) An approval of construction plans issued by the~~  
3429 ~~department under this section becomes void 1 year after the date~~  
3430 ~~the approval was issued if the construction is not commenced~~  
3431 ~~within 1 year after the date of issuance.~~

3432           Section 108. Section 514.031, Florida Statutes, is amended  
3433 to read:

3434           514.031 Permit necessary to operate public swimming pool or  
3435 bathing place.—



753786

3436 (1) It is unlawful for any person or public body to operate  
3437 or continue to operate any public swimming pool ~~or bathing place~~  
3438 without a valid permit from the department, such permit to be  
3439 obtained in the following manner:

3440 (a) Any person or public body desiring to operate any  
3441 public swimming pool ~~or bathing place~~ shall file an application  
3442 for a permit with the department, on application forms provided  
3443 by the department, and shall accompany such application with:

3444 ~~1. Descriptions of the structure, its appurtenances, and~~  
3445 ~~its operation.~~

3446 ~~1.2.~~ Description of the source or sources of water supply,  
3447 and the amount and quality of water available and intended to be  
3448 used.

3449 ~~2.3.~~ Method and manner of water purification, treatment,  
3450 disinfection, and heating.

3451 ~~3.4.~~ Safety equipment and standards to be used.

3452 ~~5. Measures to ensure personal cleanliness of bathers.~~

3453 ~~4.6.~~ Any other pertinent information deemed necessary by  
3454 the department ~~to fulfill the requirements of this chapter.~~

3455 (b) If the department determines that the public swimming  
3456 pool ~~or bathing place~~ is or may reasonably be expected to be  
3457 operated in compliance with this chapter and the rules adopted  
3458 hereunder, the department shall grant the application for  
3459 permit.

3460 (c) If the department determines that the public swimming  
3461 pool ~~or bathing place~~ does not meet the provisions outlined in  
3462 this chapter or the rules adopted hereunder, the department  
3463 shall deny the application for a permit pursuant to the  
3464 provisions of chapter 120. Such denial shall be in writing and





753786

3465 shall list the circumstances for the denial. Upon correction of  
3466 such circumstances, an applicant previously denied permission to  
3467 operate a public swimming pool or bathing place may reapply for  
3468 a permit.

3469 (2) Operating permits shall not be required for coastal or  
3470 intracoastal beaches.

3471 (3) Operating permits may be transferred ~~shall not be~~  
3472 ~~transferable~~ from one name or owner to another. When the  
3473 ownership or name of an existing public swimming pool ~~or bathing~~  
3474 ~~place~~ is changed and such establishment is operating at the time  
3475 of the change with a valid permit from the department, the new  
3476 owner of the establishment shall apply to the department, upon  
3477 forms provided by the department, within 30 days after such a  
3478 change, ~~for a reissuance of the existing permit.~~

3479 (4) Each such operating permit shall be renewed annually  
3480 and the permit must be posted in a conspicuous place.

3481 (5) An owner or operator of a public swimming pool,  
3482 including, but not limited to, a spa, wading, or special purpose  
3483 pool, to which admittance is obtained by membership for a fee  
3484 shall post in a prominent location within the facility the most  
3485 recent pool inspection report issued by the department  
3486 pertaining to the health and safety conditions of such facility.  
3487 The report shall be legible and readily accessible to members or  
3488 potential members. The department shall adopt rules to enforce  
3489 this subsection. A portable pool may not be used as a public  
3490 pool.

3491 Section 109. Section 514.033, Florida Statutes, is amended  
3492 to read:

3493 514.033 Creation of fee schedules authorized.—



753786

3494 (1) The department is authorized to establish a schedule of  
3495 fees to be charged by the department or by any authorized county  
3496 health department as detailed in s. 514.025 ~~for the review of~~  
3497 ~~applications and plans to construct, develop, or modify a public~~  
3498 ~~swimming pool or bathing place, for the issuance of permits to~~  
3499 ~~operate such establishments, and for the review of variance~~  
3500 ~~applications for public swimming pools and bathing places.~~ Fees  
3501 assessed under this chapter shall be in an amount sufficient to  
3502 meet the cost of carrying out the provisions of this chapter.

3503 (2) The fee schedule shall be: for original construction or  
3504 development plan approval, not less than \$275 and not more than  
3505 \$500; for modification of original construction, not less than  
3506 \$100 and not more than \$150; for an initial operating permit,  
3507 not less than \$125 and not more than \$250; and for review of  
3508 variance applications, not less than \$240 and not more than  
3509 \$400. The department shall assess the minimum fees provided in  
3510 this subsection until a fee schedule is promulgated by rule of  
3511 the department.

3512 (3) Fees shall be ~~Any person or public body operating a~~  
3513 ~~public swimming pool or bathing place shall pay to the~~  
3514 ~~department an annual operating permit fee based on pool or~~  
3515 ~~bathing place aggregate gallonage, which shall be: up to and~~  
3516 including 25,000 gallons, not less than \$75 and not more than  
3517 \$125; and in excess of 25,000 gallons, not less than \$160 and  
3518 not more than \$265, except for a pool inspected pursuant to s.  
3519 514.0115(2) (b) for which the annual fee shall be \$50.

3520 (4) Fees collected by the department in accordance with  
3521 this chapter shall be deposited into the Grants and Donations  
3522 Trust Fund or ~~Public Swimming Pool and Bathing Place Trust Fund~~



753786

3523 ~~for the payment of costs incurred in the administration of this~~  
3524 ~~chapter. Fees collected by county health departments performing~~  
3525 ~~functions pursuant to s. 514.025 shall be deposited into the~~  
3526 County Health Department Trust Fund. Any fee collected under  
3527 this chapter is nonrefundable.

3528 (5) The department may not charge any fees for services  
3529 provided under this chapter other than those fees authorized in  
3530 this section. However, the department shall prorate the initial  
3531 annual fee for an operating permit on a half-year basis.

3532 Section 110. Subsections (4) and (5) of section 514.05,  
3533 Florida Statutes, are amended to read:

3534 514.05 Denial, suspension, or revocation of permit;  
3535 administrative fines.-

3536 (4) All amounts collected pursuant to this section shall be  
3537 deposited into the Grants and Donations Trust Fund ~~Public~~  
3538 ~~Swimming Pool and Bathing Place Trust Fund~~ or into the County  
3539 Health Department Trust Fund, whichever is applicable.

3540 (5) Under conditions specified by rule, the department may  
3541 close a public pool that is not in compliance with this chapter  
3542 or the rules adopted under this chapter.

3543 Section 111. Section 514.06, Florida Statutes, is amended  
3544 to read:

3545 514.06 Injunction to restrain violations.-Any public  
3546 swimming pool or public bathing place presenting a significant  
3547 risk to public health by failing to meet sanitation and safety  
3548 standards established pursuant to ~~constructed, developed,~~  
3549 ~~operated, or maintained contrary to the provisions of this~~  
3550 chapter is declared to be a public nuisance, dangerous to health  
3551 or safety. Such nuisances may be abated or enjoined in an action



753786

3552 brought by the county health department or the department.

3553 Section 112. Subsections (1) and (2) of section 633.115,  
3554 Florida Statutes, are amended to read:

3555 633.115 Fire and Emergency Incident Information Reporting  
3556 Program; duties; fire reports.—

3557 (1) (a) The Fire and Emergency Incident Information  
3558 Reporting Program is created within the Division of State Fire  
3559 Marshal. The program shall:

3560 1. Establish and maintain an electronic communication  
3561 system capable of transmitting fire and emergency incident  
3562 information to and between fire protection agencies.

3563 2. Initiate a Fire and Emergency Incident Information  
3564 Reporting System that shall be responsible for:

3565 a. Receiving fire and emergency incident information from  
3566 fire protection agencies.

3567 b. Preparing and disseminating annual reports to the  
3568 Governor, the President of the Senate, the Speaker of the House  
3569 of Representatives, fire protection agencies, and, upon request,  
3570 the public. Each report shall include, but not be limited to,  
3571 the information listed in the National Fire Incident Reporting  
3572 System.

3573 c. Upon request, providing other states and federal  
3574 agencies with fire and emergency incident data of this state.

3575 3. Adopt rules to effectively and efficiently implement,  
3576 administer, manage, maintain, and use the Fire and Emergency  
3577 Incident Information Reporting Program. The rules shall be  
3578 considered minimum requirements and shall not preclude a fire  
3579 protection agency from implementing its own requirements which  
3580 shall not conflict with the rules of the Division of State Fire



753786

3581 Marshal.

3582 4. By rule, establish procedures and a format for each fire  
3583 protection agency to voluntarily monitor its records and submit  
3584 reports to the program.

3585 5. Establish an electronic information database which is  
3586 accessible and searchable by fire protection agencies.

3587 (b) The Division of State Fire Marshal shall consult with  
3588 the Division of Forestry of the Department of Agriculture and  
3589 Consumer Services and the State Surgeon General ~~Bureau of~~  
3590 ~~Emergency Medical Services~~ of the Department of Health to  
3591 coordinate data, ensure accuracy of the data, and limit  
3592 duplication of efforts in data collection, analysis, and  
3593 reporting.

3594 (2) The Fire and Emergency Incident Information System  
3595 Technical Advisory Panel is created within the Division of State  
3596 Fire Marshal. The panel shall advise, review, and recommend to  
3597 the State Fire Marshal with respect to the requirements of this  
3598 section. The membership of the panel shall consist of the  
3599 following 15 members:

3600 (a) The current 13 members of the Firefighters Employment,  
3601 Standards, and Training Council as established in s. 633.31.

3602 (b) One member from the Division of Forestry of the  
3603 Department of Agriculture and Consumer Services, appointed by  
3604 the division director.

3605 (c) One member from ~~the Bureau of Emergency Medical~~  
3606 ~~Services~~ of the Department of Health, appointed by the State  
3607 Surgeon General ~~bureau chief~~.

3608 Section 113. Subsections (4), (5), (6), (8), (9), (10),  
3609 (11), and (12) of section 1009.66, Florida Statutes, are amended



753786

3610 to read:

3611 1009.66 Nursing Student Loan Forgiveness Program.—

3612 (4) From the funds available, the Department of Education  
3613 ~~Health~~ may make loan principal repayments of up to \$4,000 a year  
3614 for up to 4 years on behalf of selected graduates of an  
3615 accredited or approved nursing program. All repayments shall be  
3616 contingent upon continued proof of employment in the designated  
3617 facilities in this state and shall be made directly to the  
3618 holder of the loan. The state shall bear no responsibility for  
3619 the collection of any interest charges or other remaining  
3620 balance. In the event that the designated facilities are  
3621 changed, a nurse shall continue to be eligible for loan  
3622 forgiveness as long as he or she continues to work in the  
3623 facility for which the original loan repayment was made and  
3624 otherwise meets all conditions of eligibility.

3625 (5) There is created the Nursing Student Loan Forgiveness  
3626 Trust Fund to be administered by the Department of Education  
3627 ~~Health~~ pursuant to this section and s. 1009.67 and department  
3628 rules. The Chief Financial Officer shall authorize expenditures  
3629 from the trust fund upon receipt of vouchers approved by the  
3630 Department of Education ~~Health~~. All moneys collected from the  
3631 private health care industry and other private sources for the  
3632 purposes of this section shall be deposited into the Nursing  
3633 Student Loan Forgiveness Trust Fund. Any balance in the trust  
3634 fund at the end of any fiscal year shall remain therein and  
3635 shall be available for carrying out the purposes of this section  
3636 and s. 1009.67.

3637 (6) In addition to licensing fees imposed under part I of  
3638 chapter 464, there is hereby levied and imposed an additional



753786

3639 fee of \$5, which fee shall be paid upon licensure or renewal of  
3640 nursing licensure. Revenues collected from the fee imposed in  
3641 this subsection shall be deposited in the Nursing Student Loan  
3642 Forgiveness Trust Fund of the Department of Education ~~Health~~ and  
3643 will be used solely for the purpose of carrying out the  
3644 provisions of this section and s. 1009.67. Up to 50 percent of  
3645 the revenues appropriated to implement this subsection may be  
3646 used for the nursing scholarship program established pursuant to  
3647 s. 1009.67.

3648 ~~(8) The Department of Health may solicit technical~~  
3649 ~~assistance relating to the conduct of this program from the~~  
3650 ~~Department of Education.~~

3651 ~~(8)-(9)~~ The Department of Education ~~Health~~ is authorized to  
3652 recover from the Nursing Student Loan Forgiveness Trust Fund its  
3653 costs for administering the Nursing Student Loan Forgiveness  
3654 Program.

3655 ~~(9)-(10)~~ The Department of Education ~~Health~~ may adopt rules  
3656 necessary to administer this program.

3657 ~~(10)-(11)~~ This section shall be implemented only as  
3658 specifically funded.

3659 ~~(11)-(12)~~ Students receiving a nursing scholarship pursuant  
3660 to s. 1009.67 are not eligible to participate in the Nursing  
3661 Student Loan Forgiveness Program.

3662 Section 114. Section 1009.67, Florida Statutes, is amended  
3663 to read:

3664 1009.67 Nursing scholarship program.—

3665 (1) There is established within the Department of Education  
3666 ~~Health~~ a scholarship program for the purpose of attracting  
3667 capable and promising students to the nursing profession.



753786

3668 (2) A scholarship applicant shall be enrolled in an  
3669 approved nursing program leading to the award of an associate  
3670 degree, a baccalaureate degree, or a graduate degree in nursing.

3671 (3) A scholarship may be awarded for no more than 2 years,  
3672 in an amount not to exceed \$8,000 per year. However, registered  
3673 nurses pursuing a graduate degree for a faculty position or to  
3674 practice as an advanced registered nurse practitioner may  
3675 receive up to \$12,000 per year. These amounts shall be adjusted  
3676 by the amount of increase or decrease in the consumer price  
3677 index for urban consumers published by the United States  
3678 Department of Commerce.

3679 (4) Credit for repayment of a scholarship shall be as  
3680 follows:

3681 (a) For each full year of scholarship assistance, the  
3682 recipient agrees to work for 12 months in a faculty position in  
3683 a college of nursing or Florida College System institution  
3684 nursing program in this state or at a health care facility in a  
3685 medically underserved area as designated ~~approved~~ by the  
3686 Department of Health. Scholarship recipients who attend school  
3687 on a part-time basis shall have their employment service  
3688 obligation prorated in proportion to the amount of scholarship  
3689 payments received.

3690 (b) Eligible health care facilities include nursing homes  
3691 and hospitals in this state, state-operated medical or health  
3692 care facilities, public schools, county health departments,  
3693 federally sponsored community health centers, colleges of  
3694 nursing in universities in this state, and Florida College  
3695 System institution nursing programs in this state, family  
3696 practice teaching hospitals as defined in s. 395.805, or





753786

3697 specialty children's hospitals as described in s. 409.9119. The  
3698 recipient shall be encouraged to complete the service obligation  
3699 at a single employment site. If continuous employment at the  
3700 same site is not feasible, the recipient may apply to the  
3701 department for a transfer to another approved health care  
3702 facility.

3703 (c) Any recipient who does not complete an appropriate  
3704 program of studies, who does not become licensed, who does not  
3705 accept employment as a nurse at an approved health care  
3706 facility, or who does not complete 12 months of approved  
3707 employment for each year of scholarship assistance received  
3708 shall repay to the Department of Education ~~Health~~, on a schedule  
3709 to be determined by the department, the entire amount of the  
3710 scholarship plus 18 percent interest accruing from the date of  
3711 the scholarship payment. Moneys repaid shall be deposited into  
3712 the Nursing Student Loan Forgiveness Trust Fund established in  
3713 s. 1009.66. However, the department may provide additional time  
3714 for repayment if the department finds that circumstances beyond  
3715 the control of the recipient caused or contributed to the  
3716 default.

3717 (5) Scholarship payments shall be transmitted to the  
3718 recipient upon receipt of documentation that the recipient is  
3719 enrolled in an approved nursing program. The Department of  
3720 Education ~~Health~~ shall develop a formula to prorate payments to  
3721 scholarship recipients so as not to exceed the maximum amount  
3722 per academic year.

3723 (6) The Department of Education ~~Health~~ shall adopt rules,  
3724 including rules to address extraordinary circumstances that may  
3725 cause a recipient to default on either the school enrollment or



753786

3726 employment contractual agreement, to implement this section.  
3727 (7) The Department of Education ~~Health~~ may recover from the  
3728 Nursing Student Loan Forgiveness Trust Fund its costs for  
3729 administering the nursing scholarship program.  
3730 Section 115. Department of Health; type two transfer.-  
3731 (1) All powers, duties, functions, records, offices,  
3732 personnel, associated administrative support positions,  
3733 property, pending issues, existing contracts, administrative  
3734 authority, administrative rules, and unexpended balances of  
3735 appropriations, allocations, and other funds relating to the  
3736 Nursing Student Loan Forgiveness Program and the nursing  
3737 scholarship program in the Department of Health are transferred  
3738 by a type two transfer, as defined in s. 20.06(2), Florida  
3739 Statutes, to the Department of Education.  
3740 (2) The Nursing Student Loan Forgiveness Trust Fund is  
3741 transferred from the Department of Health to the Department of  
3742 Education.  
3743 (3) Any binding contract or interagency agreement related  
3744 to the Nursing Student Loan Forgiveness Program existing before  
3745 July 1, 2012, between the Department of Health, or an entity or  
3746 agent of the agency, and any other agency, entity, or person  
3747 shall continue as a binding contract or agreement for the  
3748 remainder of the term of such contract or agreement on the  
3749 successor department, agency, or entity responsible for the  
3750 program, activity, or functions relative to the contract or  
3751 agreement.  
3752 (4) Notwithstanding s. 216.292 and pursuant to s. 216.351,  
3753 Florida Statutes, upon approval by the Legislative Budget  
3754 Commission, the Executive Office of the Governor may transfer



753786

3755 funds and positions between agencies to implement this act.

3756 (5) The transfer of any program, activity, duty, or  
3757 function under this act includes the transfer of any records and  
3758 unexpended balances of appropriations, allocations, or other  
3759 funds related to such program, activity, duty, or function.  
3760 Unless otherwise provided, the successor organization to any  
3761 program, activity, duty, or function transferred under this act  
3762 shall become the custodian of any property of the organization  
3763 that was responsible for the program, activity, duty, or  
3764 function immediately before the transfer.

3765 Section 116. The Division of Medical Quality Assurance  
3766 shall develop a plan to improve the efficiency of its functions.  
3767 Specifically, the plan shall delineate methods to: reduce the  
3768 average length of time for a qualified applicant to receive  
3769 initial and renewal licensure, certification, or registration,  
3770 by one-third; improve the agenda process for board meetings to  
3771 increase transparency, timeliness, and usefulness for board  
3772 decisionmaking; and improve the cost-effectiveness and  
3773 efficiency of the joint functions of the division and the  
3774 regulatory boards. In developing the plan, the division shall  
3775 identify and analyze best practices found within the division  
3776 and other state agencies with similar functions, options for  
3777 information technology improvements, options for contracting  
3778 with outside entities, and any other option the division deems  
3779 useful. The division shall consult with and solicit  
3780 recommendations from the regulatory boards in developing the  
3781 plan. The division shall submit the plan to the Governor, the  
3782 Speaker of the House of Representatives, and the President of  
3783 the Senate by November 1, 2012. All executive branch agencies



753786

3784 are instructed, and all other state agencies are requested, to  
3785 assist the division in accomplishing its purposes under this  
3786 section.

3787 Section 117. Paragraph (e) of subsection (2) of section  
3788 154.503, Florida Statutes, is amended to read:

3789 154.503 Primary Care for Children and Families Challenge  
3790 Grant Program; creation; administration.-

3791 (2) The department shall:

3792 (e) Coordinate with the primary care program developed  
3793 pursuant to s. 154.011, the Florida Healthy Kids Corporation  
3794 program created in s. 624.91, the school health services program  
3795 created in ss. 381.0056 and 381.0057, ~~the Healthy Communities,~~  
3796 ~~Healthy People Program created in s. 381.734,~~ and the volunteer  
3797 health care provider program developed pursuant to s. 766.1115.

3798 Section 118. Subsection (1), paragraph (c) of subsection  
3799 (3), and subsection (9) of section 381.0041, Florida Statutes,  
3800 are amended to read:

3801 381.0041 Donation and transfer of human tissue; testing  
3802 requirements.-

3803 (1) Every donation of blood, plasma, organs, skin, or other  
3804 human tissue for transfusion or transplantation to another shall  
3805 be tested prior to transfusion or other use for human  
3806 immunodeficiency virus infection and other communicable diseases  
3807 specified by rule of the Department of Health. Tests for the  
3808 human immunodeficiency virus infection shall be performed only  
3809 after obtaining written, informed consent from the potential  
3810 donor or the donor's legal representative. Such consent may be  
3811 given by a minor pursuant to s. 743.06. Obtaining consent shall  
3812 include a fair explanation of the procedures to be followed and



753786

3813 the meaning and use of the test results. Such explanation shall  
3814 include a description of the confidential nature of the test as  
3815 described in s. 381.004(2) ~~381.004(3)~~. If consent for testing is  
3816 not given, then the person shall not be accepted as a donor  
3817 except as otherwise provided in subsection (3).

3818 (3) No person shall collect any blood, organ, skin, or  
3819 other human tissue from one human being and hold it for, or  
3820 actually perform, any implantation, transplantation,  
3821 transfusion, grafting, or any other method of transfer to  
3822 another human being without first testing such tissue for the  
3823 human immunodeficiency virus and other communicable diseases  
3824 specified by rule of the Department of Health, or without  
3825 performing another process approved by rule of the Department of  
3826 Health capable of killing the causative agent of those diseases  
3827 specified by rule. Such testing shall not be required:

3828 (c) When there is insufficient time to obtain the results  
3829 of a confirmatory test for any tissue or organ which is to be  
3830 transplanted, notwithstanding the provisions of s. 381.004(2)(d)  
3831 ~~381.004(3)(d)~~. In such circumstances, the results of preliminary  
3832 screening tests may be released to the potential recipient's  
3833 treating physician for use in determining organ or tissue  
3834 suitability.

3835 (9) All blood banks shall be governed by the  
3836 confidentiality provisions of s. 381.004(2) ~~381.004(3)~~.

3837 Section 119. Paragraph (b) of subsection (3) of section  
3838 384.25, Florida Statutes, is amended to read:

3839 384.25 Reporting required.—

3840 (3) To ensure the confidentiality of persons infected with  
3841 the human immunodeficiency virus (HIV), reporting of HIV



753786

3842 infection and AIDS must be conducted using a system developed by  
3843 the Centers for Disease Control and Prevention of the United  
3844 States Public Health Service or an equivalent system.

3845 (b) The reporting may not affect or relate to anonymous HIV  
3846 testing programs conducted pursuant to s. 381.004(3) ~~381.004(4)~~.

3847 Section 120. Subsection (5) of section 392.56, Florida  
3848 Statutes, is amended to read:

3849 392.56 Hospitalization, placement, and residential  
3850 isolation.—

3851 (5) If the department petitions the circuit court to order  
3852 that a person who has active tuberculosis be hospitalized in a  
3853 facility operated under s. 392.62~~(2)~~, the department shall  
3854 notify the facility of the potential court order.

3855 Section 121. Subsection (2) of section 456.032, Florida  
3856 Statutes, is amended to read:

3857 456.032 Hepatitis B or HIV carriers.—

3858 (2) Any person licensed by the department and any other  
3859 person employed by a health care facility who contracts a blood-  
3860 borne infection shall have a rebuttable presumption that the  
3861 illness was contracted in the course and scope of his or her  
3862 employment, provided that the person, as soon as practicable,  
3863 reports to the person's supervisor or the facility's risk  
3864 manager any significant exposure, as that term is defined in s.  
3865 381.004(1)(c) ~~381.004(2)(e)~~, to blood or body fluids. The  
3866 employer may test the blood or body fluid to determine if it is  
3867 infected with the same disease contracted by the employee. The  
3868 employer may rebut the presumption by the preponderance of the  
3869 evidence. Except as expressly provided in this subsection, there  
3870 shall be no presumption that a blood-borne infection is a job-



753786

3871 related injury or illness.

3872 Section 122. Subsection (15) of section 499.003, Florida  
3873 Statutes, is amended to read:

3874 499.003 Definitions of terms used in this part.—As used in  
3875 this part, the term:

3876 (15) "Department" means the Department of Business and  
3877 Professional Regulation ~~Department of Health~~.

3878 Section 123. Subsection (2) of section 499.601, Florida  
3879 Statutes, is amended to read:

3880 499.601 Legislative intent; construction.—

3881 (2) The provisions of this part are cumulative and shall  
3882 not be construed as repealing or affecting any powers, duties,  
3883 or authority of the department ~~of Health~~ under any other law of  
3884 this state; except that, with respect to the regulation of ether  
3885 as herein provided, in instances in which the provisions of this  
3886 part may conflict with any other such law, the provisions of  
3887 this part shall control.

3888 Section 124. Subsection (2) of section 499.61, Florida  
3889 Statutes, is amended to read:

3890 499.61 Definitions.—As used in this part:

3891 (2) "Department" means the Department of Business and  
3892 Professional Regulation ~~Department of Health~~.

3893 Section 125. Subsection (2) of section 513.10, Florida  
3894 Statutes, is amended to read:

3895 513.10 Operating without permit; enforcement of chapter;  
3896 penalties.—

3897 (2) This chapter or rules adopted under this chapter may be  
3898 enforced in the manner provided in s. 381.0012 and as provided  
3899 in this chapter. Violations of this chapter and the rules



753786

3900 adopted under this chapter are subject to the penalties provided  
3901 in this chapter and in s. ~~ss. 381.0025~~ and 381.0061.

3902 Section 126. Paragraph (b) of subsection (9) of section  
3903 768.28, Florida Statutes, is amended to read:

3904 768.28 Waiver of sovereign immunity in tort actions;  
3905 recovery limits; limitation on attorney fees; statute of  
3906 limitations; exclusions; indemnification; risk management  
3907 programs.—

3908 (9)

3909 (b) As used in this subsection, the term:

3910 1. "Employee" includes any volunteer firefighter.

3911 2. "Officer, employee, or agent" includes, but is not  
3912 limited to, any health care provider when providing services  
3913 pursuant to s. 766.1115; ~~any member of the Florida Health~~  
3914 ~~Services Corps, as defined in s. 381.0302, who provides~~  
3915 ~~uncompensated care to medically indigent persons referred by the~~  
3916 ~~Department of Health;~~ any nonprofit independent college or  
3917 university located and chartered in this state which owns or  
3918 operates an accredited medical school, and its employees or  
3919 agents, when providing patient services pursuant to paragraph  
3920 (10) (f); and any public defender or her or his employee or  
3921 agent, including, among others, an assistant public defender and  
3922 an investigator.

3923 Section 127. Subsection (1) of section 775.0877, Florida  
3924 Statutes, is amended to read:

3925 775.0877 Criminal transmission of HIV; procedures;  
3926 penalties.—

3927 (1) In any case in which a person has been convicted of or  
3928 has pled nolo contendere or guilty to, regardless of whether





753786

3929 adjudication is withheld, any of the following offenses, or the  
3930 attempt thereof, which offense or attempted offense involves the  
3931 transmission of body fluids from one person to another:

3932 (a) Section 794.011, relating to sexual battery;

3933 (b) Section 826.04, relating to incest;

3934 (c) Section 800.04, relating to lewd or lascivious offenses  
3935 committed upon or in the presence of persons less than 16 years  
3936 of age;

3937 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),  
3938 relating to assault;

3939 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),  
3940 relating to aggravated assault;

3941 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),  
3942 relating to battery;

3943 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),  
3944 relating to aggravated battery;

3945 (h) Section 827.03(1), relating to child abuse;

3946 (i) Section 827.03(2), relating to aggravated child abuse;

3947 (j) Section 825.102(1), relating to abuse of an elderly  
3948 person or disabled adult;

3949 (k) Section 825.102(2), relating to aggravated abuse of an  
3950 elderly person or disabled adult;

3951 (l) Section 827.071, relating to sexual performance by  
3952 person less than 18 years of age;

3953 (m) Sections 796.03, 796.07, and 796.08, relating to  
3954 prostitution; or

3955 (n) Section 381.0041(11)(b), relating to donation of blood,  
3956 plasma, organs, skin, or other human tissue,

3957



753786

3958 the court shall order the offender to undergo HIV testing, to be  
3959 performed under the direction of the Department of Health in  
3960 accordance with s. 381.004, unless the offender has undergone  
3961 HIV testing voluntarily or pursuant to procedures established in  
3962 s. 381.004(2)(h)6. ~~381.004(3)(h)6.~~ or s. 951.27, or any other  
3963 applicable law or rule providing for HIV testing of criminal  
3964 offenders or inmates, subsequent to her or his arrest for an  
3965 offense enumerated in paragraphs (a)-(n) for which she or he was  
3966 convicted or to which she or he pled nolo contendere or guilty.  
3967 The results of an HIV test performed on an offender pursuant to  
3968 this subsection are not admissible in any criminal proceeding  
3969 arising out of the alleged offense.

3970 Section 128. Except as otherwise expressly provided in this  
3971 act, this act shall take effect upon becoming a law.

3972

3973 ===== T I T L E A M E N D M E N T =====

3974 And the title is amended as follows:

3975 Delete everything before the enacting clause  
3976 and insert:

3977 A bill to be entitled  
3978 An act relating to the Department of Health; amending  
3979 s. 20.43, F.S.; revising the purpose of the  
3980 department; revising duties of the State Surgeon  
3981 General; eliminating the Officer of Women's Health  
3982 Strategy; revising divisions within the department;  
3983 amending s. 20.435, F.S.; eliminating the Florida  
3984 Drug, Device, and Cosmetic Trust Fund as a trust fund  
3985 under the department; amending s. 154.05, F.S.;  
3986 providing that two or more counties may combine for



753786

3987 the operation of a county health department under  
3988 certain circumstances; providing criteria for such an  
3989 agreement; specifying that an interlocal agreement may  
3990 only be terminated at the end of a contract year;  
3991 requiring the parties to give written notice to the  
3992 department no less than 90 days before the  
3993 termination; amending s. 215.5602, F.S.; conforming  
3994 references; amending s. 381.001, F.S.; revising  
3995 legislative intent; requiring the Department of Health  
3996 to be responsible for the state public health system;  
3997 requiring the department to provide leadership for a  
3998 partnership involving federal, state, and local  
3999 government and the private sector to accomplish public  
4000 health goals; amending s. 381.0011, F.S.; revising  
4001 duties and powers of the department; repealing s.  
4002 381.0013, F.S., relating to the department's authority  
4003 to exercise the power of eminent domain; repealing s.  
4004 381.0014, F.S., relating to department rules that  
4005 superseded regulations and ordinances enacted by other  
4006 state departments, boards or commissions, or  
4007 municipalities; repealing s. 381.0015, F.S., relating  
4008 to judicial presumptions regarding the department's  
4009 authority to enforce public health rules; amending s.  
4010 381.0016, F.S.; allowing a county to enact health  
4011 regulations and ordinances consistent with state law;  
4012 repealing s. 381.0017, F.S., relating to the purchase,  
4013 lease, and sale of real property by the department;  
4014 repealing s. 381.0025, F.S., relating to penalties;  
4015 amending s. 381.003, F.S.; revising provisions



753786

4016 relating to the department's responsibility for  
4017 communicable disease prevention and control programs;  
4018 amending s. 381.0031, F.S.; permitting the department  
4019 to conduct studies concerning epidemiology of diseases  
4020 of public health significance; specifying that the  
4021 list of diseases of public health significance is  
4022 based on the recommendations to be nationally  
4023 notifiable by the Council of State and Territorial  
4024 Epidemiologists and the Centers for Disease Control  
4025 and Prevention; authorizing the department to expand  
4026 the list if a disease emerges for which regular,  
4027 frequent and timely information regarding individual  
4028 cases is considered necessary for the prevention and  
4029 control of a disease specific to Florida; amending s.  
4030 381.00315, F.S.; authorizing the department to  
4031 declare, enforce, modify, and abolish quarantines of  
4032 persons, animals, and premises for controlling  
4033 communicable diseases or providing protection from  
4034 unsafe conditions that pose a threat to public health;  
4035 requiring the department to establish rules for  
4036 conditions and procedures for imposing and releasing a  
4037 quarantine; requiring specific provisions to be  
4038 included in rules; providing that the rules  
4039 established under this section supersede all rules  
4040 enacted by other state agencies, boards, or political  
4041 subdivisions; providing that a violation of the rules  
4042 established under the section, a quarantine, or  
4043 requirement adopted pursuant to a declared public  
4044 health emergency is a second-degree misdemeanor;



753786

4045 providing penalties; repealing s. 381.0032, F.S.,  
4046 relating to epidemiological research; repealing s.  
4047 381.00325, F.S., relating to the Hepatitis A awareness  
4048 program; amending s. 381.0034, F.S.; deleting an  
4049 obsolete qualifying date reference; repealing s.  
4050 381.0037, F.S., relating to legislative findings and  
4051 intent with respect to AIDS; amending s. 381.004,  
4052 F.S.; deleting legislative intent; conforming cross-  
4053 references; amending 381.0046, F.S.; requiring the  
4054 department to establish dedicated HIV and AIDS  
4055 regional and statewide minority coordinators; deleting  
4056 the requirement that the statewide director report to  
4057 the chief of the Bureau of HIV and AIDS within the  
4058 department; amending s. 381.0051, F.S.; deleting  
4059 legislative intent for the Comprehensive Family  
4060 Planning Act; amending s. 381.0052, F.S., relating to  
4061 the "Public Health Dental Program Act"; repealing  
4062 unused department rulemaking authority; amending s.  
4063 381.0053, F.S., relating to the comprehensive  
4064 nutrition program; repealing unused department  
4065 rulemaking authority; repealing s. 381.0054, F.S.,  
4066 relating to healthy lifestyles promotion by the  
4067 department; amending s. 381.0056, F.S., relating to  
4068 the "School Health Services Act"; deleting legislative  
4069 findings; deleting the requirement that school health  
4070 programs funded by health care districts or entities  
4071 be supplementary to and consistent with the act and  
4072 other applicable statutes; amending s. 381.0057, F.S.,  
4073 relating to funding for school health services;



753786

4074 deleting legislative intent; amending s. 381.00591,  
4075 F.S.; permitting the department to apply for and  
4076 become a National Environmental Laboratory  
4077 Accreditation Program accreditation body; eliminating  
4078 rulemaking authority of the department to implement  
4079 standards of the National Environmental Laboratory  
4080 Accreditation Program; amending s. 381.00593, F.S.;  
4081 removing unused rulemaking authority relating to the  
4082 public school volunteer health care practitioner  
4083 program; amending s. 381.0062, F.S., relating to the  
4084 "Comprehensive Family Planning Act"; deleting  
4085 legislative intent; conforming a cross-reference;  
4086 amending s. 381.0065, F.S., relating to regulation of  
4087 onsite sewage treatment and disposal systems; deleting  
4088 legislative intent; defining the term "bedroom";  
4089 conforming cross-references; conforming provisions to  
4090 changes made by the act; providing for any permit  
4091 issued and approved by the Department of Health for  
4092 the installation, modification, or repair of an onsite  
4093 sewage treatment and disposal system to transfer with  
4094 the title of the property; providing conditions under  
4095 which governmental entities are prohibited from  
4096 requiring certain inspections and systems; providing  
4097 applicability; providing an exception; providing  
4098 circumstances in which an onsite sewage treatment and  
4099 disposal system is not considered abandoned; providing  
4100 for the validity of an onsite sewage treatment and  
4101 disposal system permit if rules change before final  
4102 approval of the constructed system, under certain



753786

4103 conditions; providing that a system modification,  
4104 replacement, or upgrade is not required unless a  
4105 bedroom is added to a single-family home; deleting  
4106 provisions requiring the department to administer an  
4107 evaluation and assessment program of onsite sewage  
4108 treatment and disposal systems and requiring property  
4109 owners to have such systems evaluated at least once  
4110 every 5 years; deleting obsolete provisions; creating  
4111 s. 381.00651, F.S.; requiring a county or municipality  
4112 containing a first magnitude spring to adopt by  
4113 ordinance, under certain circumstances, the program  
4114 for the periodic evaluation and assessment of onsite  
4115 sewage treatment and disposal systems; requiring the  
4116 county or municipality to notify the Secretary of  
4117 State of the ordinance; authorizing a county or  
4118 municipality, in specified circumstances, to opt out  
4119 by a vote of 60 percent of the governing board;  
4120 authorizing a county or municipality to adopt or  
4121 repeal, after a specified date, an ordinance creating  
4122 an evaluation and assessment program, subject to  
4123 notification of the Secretary of State; providing  
4124 criteria for evaluations, qualified contractors, and  
4125 repair of systems; providing for certain procedures  
4126 and exemptions in special circumstances; defining the  
4127 term "system failure"; requiring that certain  
4128 procedures be used for conducting tank and drainfield  
4129 evaluations; providing for certain procedures in  
4130 special circumstances; providing for contractor  
4131 immunity from liability under certain conditions;



753786

4132 providing for assessment procedures; providing  
4133 requirements for county health departments; requiring  
4134 the Department of Health to allow county health  
4135 departments and qualified contractors to access the  
4136 state database to track data and evaluation reports;  
4137 requiring counties and municipalities to notify the  
4138 Secretary of Environmental Protection and the  
4139 Department of Health when an evaluation program  
4140 ordinance is adopted; requiring the Department of  
4141 Environmental Protection to notify those counties or  
4142 municipalities of the use of, and access to, certain  
4143 state and federal program funds and to provide certain  
4144 guidance and technical assistance upon request;  
4145 prohibiting the adoption of certain rules by the  
4146 Department of Health; providing for applicability;  
4147 repealing s. 381.00656, F.S., relating to a grant  
4148 program for the repair of onsite sewage treatment and  
4149 disposal systems; amending s. 381.0066, F.S.; lowering  
4150 the fees imposed by the department for certain  
4151 permits; conforming cross-references; amending s.  
4152 381.0068, F.S.; deleting a date by which a technical  
4153 review and advisory panel must be established within  
4154 the department for assistance with rule adoption;  
4155 deleting the authority of the chair of the panel to  
4156 advise affected persons or the Legislature of the  
4157 panel's position on legislation, proposed state  
4158 policy, or other issue; amending s. 381.0072, F.S.;  
4159 revising the definition of the term "food  
4160 establishment" to include certain facilities





753786

4161 participating in the United States Department of  
4162 Agriculture Afterschool Meal Program; amending s.  
4163 381.00781, F.S.; eliminating authority of the  
4164 department to annually adjust maximum fees according  
4165 to the Consumer Price Index; amending s. 381.0086,  
4166 F.S.; revising department rulemaking authority  
4167 relating to migrant farmworkers and other migrant  
4168 labor camp or residential migrant housing occupants;  
4169 removing lighting and maintenance and operation of  
4170 roads from the list of health and safety standards to  
4171 be created by the department; conforming a cross-  
4172 reference; amending s. 381.0098, F.S.; deleting  
4173 legislative intent with respect to standards for the  
4174 safe packaging, transport, storage, treatment, and  
4175 disposal of biomedical waste; conforming a cross-  
4176 reference; amending s. 381.0101, F.S.; deleting  
4177 legislative intent regarding certification of  
4178 environmental health professionals; providing for the  
4179 State Surgeon General, rather than the Division  
4180 Director for Emergency Preparedness and Community  
4181 Support, to serve on an environmental health  
4182 professionals advisory board; conforming a cross-  
4183 reference; amending s. 381.0203, F.S.; eliminating the  
4184 regulation of drugs, cosmetics, and household products  
4185 under ch. 499, F.S., from the pharmacy services  
4186 program; eliminating the contraception distribution  
4187 program at county health departments; amending s.  
4188 381.0261, F.S.; requiring the department, rather than  
4189 the Agency for Health Care Administration, to publish



753786

4190 a summary of the Florida Patient's Bill of Rights and  
4191 Responsibilities on its Internet website; deleting the  
4192 requirement to print and distribute the summary;  
4193 repealing s. 381.0301, F.S., relating to the Centers  
4194 for Disease Control and Prevention, the State  
4195 University System, Florida medical schools, and the  
4196 College of Public Health of the University of South  
4197 Florida; deleting the requirement that the College of  
4198 Public Health be consulted by state officials in the  
4199 management of public health; repealing s. 381.0302,  
4200 F.S.; eliminating the Florida Health Services Corps;  
4201 amending s. 381.0303, F.S.; eliminating the  
4202 requirement that the Special Needs Shelter Interagency  
4203 Committee submit recommendations to the Legislature;  
4204 repealing s. 381.04015, F.S.; eliminating the Women's  
4205 Health Strategy Office and Officer of Women's Health  
4206 Strategy; amending s. 381.0403, F.S., relating to the  
4207 "Community Hospital Education Act"; deleting  
4208 legislative findings and intent; revising the mission  
4209 of the program; requiring minimum funding for graduate  
4210 education in family practice; deleting reference to an  
4211 intent to establish a statewide graduate medical  
4212 education program; amending s. 381.0405, F.S. ;  
4213 deleting an appropriation to the Office of Rural  
4214 Health; amending s. 381.0406, F.S.; deleting  
4215 unnecessary introductory language in provisions  
4216 relating to rural health networks; repealing s.  
4217 381.0407, F.S., to eliminate the mandatory payment of  
4218 claims from public health care providers and county



753786

4219 health departments by managed care plans; repealing s.  
4220 381.045, F.S.; eliminating department authority to  
4221 provide services to certain health care providers  
4222 infected with Hepatitis B or HIV; amending s.  
4223 381.06015, F.S.; deleting obsolete provision that  
4224 requires the department, the Agency for Health Care  
4225 Administration, and private consortium members seeking  
4226 private or federal funds to initiate certain program  
4227 actions relating to the Public Cord Blood Tissue Bank;  
4228 repealing s. 381.0605, F.S., relating to designating  
4229 the Agency for Health Care Administration as the state  
4230 agency to administer the Federal Hospital and Medical  
4231 Facilities Amendments of 1964; eliminating authority  
4232 of the Governor to provide for administration of the  
4233 amendments; repealing ss. 381.1001-381.103, F.S., the  
4234 Florida Community Health Protection Act; amending s.  
4235 381.4018, F.S.; deleting legislative findings and  
4236 intent with respect to physician workforce assessment  
4237 and development; conforming a cross-reference;  
4238 repealing s. 381.60225, F.S., to eliminate background  
4239 screening requirements for health care professionals  
4240 and owners, operators, and employees of certain health  
4241 care providers, services, and programs; repealing ss.  
4242 381.732-381.734, F.S., the "Healthy People, Healthy  
4243 Communities Act"; amending s. 381.7352, F.S.; deleting  
4244 legislative findings relating to the "Reducing Racial  
4245 and Ethnic Health Disparities: Closing the Gap Act";  
4246 amending s. 381.7353, F.S.; removing the authority of  
4247 the State Surgeon General to appoint an ad hoc



753786

4248 committee to study certain aspects of racial and  
4249 ethnic health outcome disparities and make  
4250 recommendations; amending s. 381.7356, F.S.; deleting  
4251 a provision requiring dissemination of Closing the Gap  
4252 grant awards to begin on a date certain; amending s.  
4253 381.765, F.S.; repealing unused rulemaking authority  
4254 relating to records and recordkeeping for department-  
4255 owned property; repealing s. 381.77, F.S., to  
4256 eliminate the annual survey of nursing home residents  
4257 age 55 and under; repealing s. 381.795, F.S., to  
4258 eliminate the requirement that the department  
4259 establish a program of long-term community-based  
4260 supports and services for individuals with traumatic  
4261 brain or spinal cord injuries; amending s. 381.853,  
4262 F.S.; deleting legislative findings relating to brain  
4263 tumor research; repealing s. 381.855, F.S., which  
4264 established the Florida Center for Universal Research  
4265 to Eradicate Disease; repealing s. 381.87, F.S., to  
4266 eliminate the osteoporosis prevention and education  
4267 program; repealing s. 381.90, F.S., to eliminate the  
4268 Health Information Systems Council; amending s.  
4269 381.91, F.S., relating to the Jesse Trice Cancer  
4270 Program; revising legislative intent; amending  
4271 381.922, F.S.; conforming a reference; amending s.  
4272 383.011, F.S.; requiring the Department of Health to  
4273 establish an interagency agreement with the Department  
4274 of Children and Family Services for management of the  
4275 Special Supplemental Nutrition program for Women,  
4276 Infants, and Children; specifying responsibilities of



753786

4277 each department; creating s. 383.141, F.S.; providing  
4278 legislative findings; providing definitions; requiring  
4279 that health care providers provide pregnant women with  
4280 current information about the nature of the  
4281 developmental disabilities tested for in certain  
4282 prenatal tests, the accuracy of such tests, and  
4283 resources for obtaining support services for Down  
4284 syndrome and other prenatally diagnosed developmental  
4285 disabilities; providing duties for the Department of  
4286 Health concerning establishment of an information  
4287 clearinghouse; creating an advocacy council within the  
4288 Department of Health to provide technical assistance  
4289 in forming the clearinghouse; providing membership for  
4290 the council; providing duties of the council;  
4291 providing terms for members of the council; providing  
4292 for election of a chairperson and vice chairperson;  
4293 providing meeting times for the council; requiring the  
4294 members to serve without compensation or reimbursement  
4295 for travel expenses; authorizing meetings by  
4296 teleconference or other electronic means; requiring  
4297 the Department of Health to provide administrative  
4298 support; repealing s. 385.210, F.S., the Arthritis  
4299 Prevention and Education Act by a specific date;  
4300 amending s. 391.016, F.S.; clarifying the purposes and  
4301 functions of the Children's Medical Services program;  
4302 requiring the coordination and maintenance of a  
4303 medical home for participating children; amending s.  
4304 391.021, F.S.; revising definitions; amending s.  
4305 391.025, F.S.; revising the components of the



753786

4306 Children's Medical Services program; amending s.  
4307 391.026, F.S.; revising the powers and duties of the  
4308 department in administering the Children's Medical  
4309 Services network; amending s. 391.028, F.S.;  
4310 eliminating the central office and area offices of the  
4311 Children's Medical Services program; authorizing the  
4312 Director of Children's Medical Services to appoint  
4313 necessary staff and contract with providers to  
4314 establish a system to provide certain program  
4315 activities on a statewide basis; amending s. 391.029,  
4316 F.S.; specifying eligibility for services provided  
4317 under the Children's Medical Services program;  
4318 clarifying who may receive services under the program;  
4319 deleting the requirement that the department determine  
4320 financial and medical eligibility for program;  
4321 deleting the requirement that the department determine  
4322 the financial ability of parents to pay for services;  
4323 eliminating discretion of the department to pay  
4324 reasonable travel expenses; amending s. 391.0315,  
4325 F.S.; deleting a prohibition against a child eligible  
4326 under Title XIX or XXI of the Social Security Act from  
4327 receiving services under the program until the child  
4328 is enrolled in Medicaid or a Title XXI program;  
4329 amending s. 392.51, F.S., relating to tuberculosis  
4330 control; removing legislative findings and intent;  
4331 amending s. 392.61, F.S.; eliminating the requirement  
4332 that the department develop a methodology for  
4333 distributing funds appropriated for community  
4334 tuberculosis control programs; amending s. 392.62,



753786

4335 F.S.; requiring a contractor to use licensed community  
4336 hospitals and other facilities for the care and  
4337 treatment of persons who have active tuberculosis or a  
4338 history of noncompliance with prescribed drug regimens  
4339 and require inpatient or other residential services;  
4340 removing authority of the department to operate a  
4341 licensed hospital to treat tuberculosis patients;  
4342 requiring the tuberculosis control program to fund  
4343 participating facilities; requiring facilities to meet  
4344 specific conditions; requiring the department to  
4345 develop a transition plan for the closure of A.G.  
4346 Holley State Hospital; specifying content of  
4347 transition plan; requiring submission of the plan to  
4348 the Governor and Legislature; requiring full  
4349 implementation of the transition plan by a certain  
4350 date; amending s. 401.243, F.S.; repealing unused  
4351 rulemaking authority governing the implementation of  
4352 injury-prevention grant programs; amending s. 401.245,  
4353 F.S.; repealing unused rulemaking authority relating  
4354 to operating procedures for the Emergency Medical  
4355 Services Advisory Council; amending s. 401.271, F.S.;  
4356 repealing unused rulemaking authority relating to an  
4357 exemption for the spouse of a member of the Armed  
4358 Forces of the United States on active duty from  
4359 certification renewal provisions while the spouse is  
4360 absent from the state because of the member's active  
4361 duty with the Armed Forces; repealing s. 402.45, F.S.;  
4362 repealing unused rulemaking authority relating to the  
4363 community resource mother or father program; amending



753786

4364 s. 403.863, F.S.; directing the department to contract  
4365 to perform state public water supply laboratory  
4366 certification application review and evaluation and  
4367 laboratory inspections; adding certain actions to the  
4368 list of acts constituting grounds for which  
4369 disciplinary actions may be taken under the section;  
4370 amending ss. 400.914 and 409.256, F.S.; conforming  
4371 references; amending ss. 458.309 and 459.005, F.S.;  
4372 requiring that a physician or osteopathic physician  
4373 who performs certain medical procedures in an office  
4374 setting register the office with the Department of  
4375 Health unless that office is licensed as a facility  
4376 under ch. 395, F.S., relating to hospital licensing  
4377 and regulation; repealing s. 458.346, F.S., which  
4378 created the Public Sector Physician Advisory Committee  
4379 and established its responsibilities; amending s.  
4380 462.19, F.S., relating to the renewal of licenses for  
4381 practitioners of naturopathy; repealing unused  
4382 rulemaking authority; amending s. 464.019, F.S.,  
4383 requiring the Board of Nursing to deny a program  
4384 application for new prelicensure nursing education  
4385 program while the existing program is on probationary  
4386 status; repealing s. 464.0197, F.S., relating to state  
4387 budget support for the Florida Center for Nursing;  
4388 amending s. 464.203, F.S.; revising the certification  
4389 requirements for certified nursing assistants;  
4390 amending s. 464.208, F.S.; repealing unused rulemaking  
4391 authority relating to background screening information  
4392 of certified nursing assistants; repealing s.





753786

4393 466.00775, F.S., relating to unused rulemaking  
4394 authority relating to dental health access and dental  
4395 laboratory registration provisions; amending ss.  
4396 212.08, 499.003, 499.601, and 499.61, F.S.; updating  
4397 departmental designation; amending s. 514.011, F.S.;  
4398 revising the definition of "public bathing place";  
4399 amending s. 514.021, F.S.; restricting rulemaking  
4400 authority of the department; limiting scope of  
4401 standards for public pools and public bathing places;  
4402 prohibiting the department from adopting by rule any  
4403 regulation regarding the design, alteration, or repair  
4404 of a public pool or public bathing; eliminating  
4405 authority of the department to review plans, issue  
4406 approvals, and enforce occupancy provisions of the  
4407 Florida Building Code; amending s. 514.023, F.S.;  
4408 adding public bathing places to the provisions  
4409 allowing sampling of beach waters to determine  
4410 sanitation and allowing health advisories to be issued  
4411 for elevated levels of bacteria in such waters;  
4412 deleting an obsolete provision; amending s. 514.025,  
4413 F.S.; requiring the department to review applications  
4414 and plans for the construction or placement of public  
4415 pools or bathing places; providing for the department  
4416 to review applications and plans if no qualified staff  
4417 are employed at the county health department;  
4418 establishing that the department is responsible to  
4419 monitor water quality in public pools and bathing  
4420 places; amending s. 514.03, F.S.; permitting local  
4421 governments or local enforcement districts to



753786

4422 determine compliance with general construction  
4423 provisions of the Florida Building Code; permitting  
4424 local governments or local enforcement districts to  
4425 conduct plan reviews and inspections of public pools  
4426 and bathing places to determine compliance;  
4427 eliminating an application process for review of  
4428 building plans for a public pool or bathing place by  
4429 the department; amending s. 514.031, F.S.; requiring a  
4430 valid permit from the department to operate a public  
4431 pool; revising the list of documents that must  
4432 accompany an application for a permit to operate a  
4433 public pool; providing the department with authority  
4434 to review, approve, and deny an application for a  
4435 permit to operate a public pool; amending s. 514.033,  
4436 F.S.; deleting authority of the department to  
4437 establish a fee schedule; requiring fees collected by  
4438 the department or county health department to be  
4439 deposited into the Grants and Donations Trust Fund or  
4440 the County Health Department Trust Fund; amending s.  
4441 514.05, F.S.; requiring all amounts collected to be  
4442 deposited in the Grants and Donations Trust Fund or  
4443 the County Health Department Trust Fund; granting the  
4444 county health department the authority to close a  
4445 public pool that is not in compliance with ch. 514,  
4446 F.S., or applicable rules; amending s. 514.06, F.S.;  
4447 deeming a public pool or bathing place to present a  
4448 significant risk to public health by failing to meet  
4449 sanitation and safety to be a public nuisance;  
4450 allowing for a public nuisance to be abated or



753786

4451 enjoined; amending s. 633.115, F.S.; making conforming  
4452 changes; amending s. 1009.66, F.S.; reassigning  
4453 responsibility for the Nursing Student Loan  
4454 Forgiveness Program from the Department of Health to  
4455 the Department of Education; amending s. 1009.67,  
4456 F.S.; reassigning responsibility for the nursing  
4457 scholarship program from the Department of Health to  
4458 the Department of Education; providing type two  
4459 transfers of the programs; providing for transfer of a  
4460 trust fund; providing applicability to contracts;  
4461 authorizing transfer of funds and positions between  
4462 departments; requiring the Division of Medical Quality  
4463 and Assurance to create a plan to improve efficiency  
4464 of the function of the division; directing the  
4465 division to take certain actions in creating the plan;  
4466 directing the division to address particular topics in  
4467 the plan; requiring all executive branch agencies to  
4468 assist the department in creating the plan; requesting  
4469 all other state agencies to assist the department in  
4470 creating the plan; amending ss. 154.503, 381.0041,  
4471 384.25, 392.56, 395.1027, 411.203, 456.032, 513.10,  
4472 768.28, and 775.0877, F.S.; conforming cross-  
4473 references; providing effective dates.