

1
2 An act relating to the Department of Health;
3 amending ss. 154.067, 395.1023, 415.501, F.S.;
4 clarifying agency responsibilities with respect
5 to certain child protection functions; amending
6 s. 415.5055, F.S.; requiring an interagency
7 agreement; providing specific agency
8 responsibilities; requiring consultation
9 between agencies for certain functions;
10 providing for the transfer of certain funds;
11 amending s. 20.19, F.S.; conforming provisions
12 to changes made by the act; amending s. 20.43,
13 F.S.; modifying the purposes of the Department
14 of Health; renaming a division within the
15 department; creating a new division; providing
16 for the transfer of the functions for
17 complaints, investigations, and prosecutions to
18 the Department of Health; amending s. 11 of
19 chapter 96-403, Laws of Florida, providing for
20 the transfer of the functions for complaints,
21 investigations, and prosecutions to the
22 Department of Health; authorizing the
23 department to expend funds for certain
24 purposes; amending s. 110.131, F.S.; conforming
25 provisions to changes made by the act; amending
26 s. 154.04, F.S.; authorizing county health
27 departments to establish peer review committees
28 for certain purposes; amending s. 154.06, F.S.;
29 removing requirement that county health
30 department fees cover costs; amending s.
31 216.0172, F.S.; requiring the department to

1 implement performance-based budgeting by a
2 specified date; amending ss. 216.341, 232.032,
3 232.465, 240.4075, 381.0065, 381.0302,
4 381.0405, 381.0406, 381.04065, 392.52, 392.565,
5 395.401, 401.107, 401.111, 401.117, 401.23,
6 401.245, 401.265, 403.703, 404.051, 404.0614,
7 404.131, 404.20, 414.23, 414.38, 458.316,
8 468.301, 468.314, 514.011, F.S.; revising and
9 conforming language and references relating to
10 the public health functions of the department;
11 deleting obsolete provisions; creating a
12 committee to advise the Department of Health
13 concerning medical care for children; amending
14 s. 240.4076, F.S.; revising operation of the
15 nursing scholarship loan program; creating s.
16 381.0021, F.S.; authorizing the Department of
17 Health to establish Client Welfare Accounts;
18 providing for the deposit of funds; providing
19 for use of the funds; amending s. 381.0055,
20 F.S.; deleting a provision relating to
21 confidentiality of certain quality assurance
22 information; amending s. 381.0062, F.S.;
23 revising definitions; revising certain
24 supervisory duties of the department; revising
25 fees; revising requirements to obtain certain
26 exemptions; amending s. 381.0101, F.S.;
27 revising requirements relating to professional
28 standards, continuing education, and
29 certification of environmental health
30 professionals; revising certification fees;
31 providing for denial, suspension, or revocation

1 of a certificate; providing for fines; amending
2 s. 381.0203, F.S.; providing for a
3 contraceptive distribution program; specifying
4 eligibility requirements; providing for fees;
5 providing for rules; amending s. 381.0407,
6 F.S.; clarifying reimbursement to county health
7 departments by Medicaid providers; amending s.
8 383.14, F.S.; conforming the membership of the
9 Infant Screening Advisory Council; amending s.
10 383.3362, F.S., relating to Sudden Infant Death
11 Syndrome; deleting requirement for visits by
12 county public health nurses or social workers;
13 deleting an advisory council; revising duties
14 of the department; amending s. 385.202, F.S.;
15 revising requirements relating to reporting and
16 analysis of reports to the statewide cancer
17 registry; amending s. 385.203, F.S.; deleting
18 requirement for an annual diabetes state plan;
19 amending s. 391.051, F.S.; revising the
20 qualifications and designation of the director
21 of Children's Medical Services; amending s.
22 392.62, F.S.; providing for forensic units in
23 tuberculosis hospitals; amending s. 395.3025,
24 F.S.; expanding the department's authority to
25 examine records of licensed facilities;
26 increasing a penalty for unauthorized
27 disclosure of information; amending s. 401.252,
28 F.S.; providing requirements for interfacility
29 transport of certain infants; providing for
30 rules for interfacility transport; amending s.
31 401.27, F.S.; providing for inactive status of

1 emergency medical technician and paramedic
2 certificates; providing for reactivation and
3 renewal; providing a fee; amending and
4 renumbering s. 402.105, F.S., relating to
5 biomedical and social research; amending and
6 renumbering s. 402.32, F.S., relating to the
7 school health services program; amending and
8 renumbering s. 402.321, F.S., relating to
9 funding for school health services; amending s.
10 402.41, F.S., relating to educational materials
11 and training in human immunodeficiency virus
12 infection and acquired immune deficiency
13 syndrome; amending and renumbering s. 402.475,
14 F.S., relating to the osteoporosis prevention
15 and education program; amending and renumbering
16 s. 402.60, F.S., relating to insect sting
17 emergency treatment; amending and renumbering
18 s. 402.61, F.S., relating to regulation of
19 tanning facilities; amending s. 404.031, F.S.;
20 revising a definition; amending s. 404.056,
21 F.S.; providing penalties for certain fraud,
22 deception, or misrepresentation in performing
23 radon measurements or mitigation; amending s.
24 404.22, F.S.; reducing the frequency of
25 inspections required for certain radiation
26 machines; amending s. 408.033, F.S.; modifying
27 local health planning council staffing
28 requirements; requiring the transfer of
29 specified funds; amending s. 408.701, F.S.;
30 expanding the definition of "health care
31 provider" for purposes of community health

1 purchasing; amending s. 409.905, F.S.;

2 expanding family planning services provided

3 under the Medicaid program; amending s.

4 409.908, F.S.; authorizing a county health

5 department to be reimbursed for certain

6 Medicaid compensable services; deleting

7 obsolete repeal provision; amending s. 409.912,

8 F.S.; postponing licensing requirements for

9 certain entities contracting to provide

10 Medicaid services; amending s. 414.026, F.S.;

11 adding the Secretary of Health to the WAGES

12 board; creating s. 414.391, F.S.; requiring

13 development of an automated fingerprint imaging

14 program for public assistance applicants and

15 recipients by the Department of Children and

16 Family Services, in conjunction with the

17 Department of Labor and Employment Security;

18 providing for rules relating to use of

19 information; requiring a plan for

20 implementation; providing for pilot

21 implementation and evaluation; providing

22 priority for use of funds from reducing fraud

23 to expand the program; authorizing request for

24 federal waivers; creating s. 414.392, F.S.;

25 requiring applicants for public assistance to

26 provide an automated fingerprint image before

27 receiving any benefits; amending s. 468.3101,

28 F.S.; providing additional grounds for

29 disciplinary action against a radiologic

30 technologist; providing penalties; amending s.

31 489.553, F.S.; revising eligibility

1 requirements for septic tank contractors;
2 amending s. 514.028, F.S.; providing for
3 reimbursement for travel expenses for members
4 of the advisory review board on swimming and
5 bathing facilities; amending s. 627.4236, F.S.;
6 transferring rulemaking authority relating to
7 bone marrow transplant procedures to the Agency
8 for Health Care Administration; amending s.
9 766.101, F.S.; including certain committees of
10 a county health department, healthy start
11 coalition, or certified rural health network
12 within the definition of "medical review
13 committee"; amending s. 766.314, F.S.;
14 exempting developmental services and public
15 health physicians from assessments that finance
16 the Florida Birth-Related Neurological Injury
17 Compensation Plan; amending ss. 28.101, 28.222,
18 63.062, 382.003, 382.004, 382.007, 382.011,
19 382.0135, 382.021, 382.022, 382.023, 382.356,
20 383.2161, 402.40, 460.414, 742.10, 742.16,
21 F.S.; revising and conforming language and
22 references relating to the department's
23 responsibility for vital records and
24 statistics; amending s. 63.165, F.S.; revising
25 and expanding provisions relating to the state
26 registry of adoption information; amending s.
27 68.07, F.S.; revising procedures relating to
28 change of name; amending s. 382.002, F.S.;
29 revising definitions; amending s. 382.005,
30 F.S.; revising duties of local registrars;
31 amending s. 382.006, F.S.; revising duties of

1 funeral directors with respect to
2 burial-transit permits; restricting issuance
3 thereof if death occurred from a communicable
4 disease; providing authority of certifications
5 of death certificates issued in other states or
6 countries; eliminating provisions relating to
7 permits for disinterment and reinterment;
8 amending s. 382.008, F.S., relating to death
9 and fetal death certificates; providing for
10 entry of aliases; requiring certain persons to
11 provide medical information regarding a fetal
12 death within a specified period; providing for
13 extensions of time for certification of cause
14 of death; providing for temporary death
15 certificates; requiring certificates to contain
16 information required for legal, social, and
17 health research purposes; amending s. 382.012,
18 F.S.; providing requirements for a petitioner
19 seeking a presumptive death certificate;
20 amending s. 382.013, F.S.; revising provisions
21 and requirements relating to registration of a
22 live birth, paternity, and the name of the
23 child; amending s. 382.015, F.S.; revising
24 provisions relating to new certificates of live
25 birth; revising procedures for annulment of
26 adoptions and determination of paternity;
27 providing for filing of a new birth certificate
28 upon receipt of an order of affirmation of
29 parental status; providing for the form of
30 original, new, and amended birth certificates;
31 providing for rules; amending s. 382.016, F.S.;

1 revising provisions relating to amendment of
2 birth and death records; amending s. 382.017,
3 F.S.; revising procedures relating to
4 registration of birth certificates for adopted
5 children of foreign birth; amending and
6 renumbering s. 382.018, F.S.; revising
7 procedures and requirements relating to
8 issuance of delayed birth certificates;
9 amending s. 382.019, F.S.; revising procedures
10 and requirements relating to the delayed
11 registration of a death or birth certificate;
12 amending s. 382.025, F.S.; revising procedures
13 and requirements relating to issuance of
14 certified copies of birth and death records;
15 providing requirements and restrictions for
16 sharing vital records with a research entity;
17 providing for rules; creating s. 382.0255,
18 F.S.; providing fees for searching and
19 processing vital records; revising and
20 consolidating provisions relating thereto;
21 amending s. 382.026, F.S.; revising and
22 expanding penalties; providing for rules;
23 amending s. 741.041, F.S.; conforming
24 provisions relating to the period of validity
25 of marriage licenses; amending ss. 945.602,
26 945.603, 945.6031, 945.6032, F.S.; conforming
27 provisions to the changes made by the act;
28 transferring certain powers, duties, functions,
29 and assets of the Agency for Health Care
30 Administration with respect to rural health
31 networks and local health councils to the

1 Department of Health; transferring certain
2 powers, duties, functions, and assets of the
3 Correctional Medical Authority to the
4 Department of Health; providing for the
5 continued effect of rules; providing for
6 continuation of judicial and administrative
7 proceedings; providing for severability;
8 repealing s. 110.1125, F.S., relating to a
9 requirement to provide information on human
10 immunodeficiency virus infection and acquired
11 immune deficiency syndrome to state employees;
12 repealing s. 381.698, F.S., relating to "The
13 Florida Blood Transfusion Act"; repealing s.
14 381.81, F.S., relating to the "Minority Health
15 Improvement Act"; repealing s. 382.014, F.S.,
16 relating to contents, form, and disclosure of
17 birth certificates; repealing s. 382.024, F.S.,
18 relating to departmental accounting of
19 dissolution of marriage fees and charges;
20 repealing s. 382.027, F.S., relating to
21 voluntary registration of adoption information;
22 repealing ss. 387.01, 387.02, 387.03, 387.04,
23 387.05, 387.06, 387.07, 387.08, 387.09, and
24 387.10, F.S., relating to permits for draining
25 surface water or sewage into underground waters
26 of the state, penalties for polluting water
27 supplies or surface or underground waters,
28 septic tank construction requirements, and
29 injunction proceedings; repealing s. 402.37,
30 F.S., relating to the medical manpower
31 clearinghouse grant program; repealing s.

1 403.7045(1)(e), F.S., relating to activities
2 regulated under the "Florida Hazardous
3 Substances Law" exempted from environmental
4 regulation; repealing ss. 501.061, 501.065,
5 501.071, 501.075, 501.081, 501.085, 501.091,
6 501.095, 501.101, 501.105, 501.111, 501.115,
7 and 501.121, F.S., relating to the "Florida
8 Hazardous Substances Law"; repealing s.
9 501.124, F.S., relating to art or craft
10 material containing toxic substances and
11 labeling requirements therefor; repealing s.
12 766.1115(12), F.S., as created by section 1 of
13 ch. 92-278, Laws of Florida, relating to the
14 scheduled repeal of the "Access to Health Care
15 Act"; requiring physicians, osteopathic
16 physicians, podiatrists, and chiropractors to
17 furnish specified biographical and other data
18 to the Department of Health; requiring the
19 department to verify certain of the information
20 and compile the information submitted and other
21 public record information into a practitioner
22 profile of each licensee and to make the
23 profiles available to the public; providing for
24 rules; providing duties of practitioners to
25 update information and duties of the department
26 to update profiles; providing for retention of
27 information in superseded profiles; amending
28 ss. 458.311, 458.313, 458.319, F.S.; requiring
29 applicants for licensure or relicensure as
30 physicians to submit information, fingerprints,
31 and fees; providing for citations to, and fines

1 of, certain practitioners; amending ss.
2 459.0055, 459.008, F.S.; requiring applicants
3 for licensure or relicensure as osteopathic
4 physicians to submit information, fingerprints,
5 and fees; providing for citations to, and fines
6 of, certain practitioners; amending ss.
7 460.406, 460.407, F.S.; requiring applicants
8 for licensure or relicensure as chiropractors
9 to submit information, fingerprints, and fees;
10 providing for citations to, and fines of,
11 certain practitioners; amending ss. 461.006,
12 461.007, F.S.; requiring applicants for
13 licensure or relicensure as podiatrists to
14 submit information, fingerprints, and fees;
15 providing for citations to, and fines of,
16 certain practitioners; amending s. 455.225,
17 F.S.; providing legislative intent; revising
18 procedures to discipline professionals;
19 requiring the Agency for Health Care
20 Administration or appropriate regulatory boards
21 to establish plans to resolve incomplete
22 investigations or disciplinary proceedings;
23 amending ss. 458.320, 459.0085, F.S.; requiring
24 the agency to issue an emergency order
25 suspending the license of a physician or
26 osteopathic physician for certain violations;
27 amending s. 455.2285, F.S.; requiring
28 additional information in the annual report by
29 the department and by the agency; creating s.
30 455.2478, F.S.; providing that reports on
31 professional liability actions and information

1 relating to bankruptcy proceedings of specified
2 health care practitioners which are in the
3 possession of the Department of Health are
4 public records; requiring the department to
5 make such information available to persons who
6 request it; amending s. 627.912, F.S.;
7 providing for insurer reporting of professional
8 liability claims and actions; revising the
9 timeframe for reporting; providing penalties;
10 providing for a toll-free telephone number for
11 reporting complaints relating to medical care;
12 providing applicability; amending ss. 458.316,
13 458.3165, 458.317, F.S.; conforming
14 cross-references; providing effective dates.
15

16 Be It Enacted by the Legislature of the State of Florida:
17

18 Section 1. Section 154.067, Florida Statutes, is
19 amended to read:

20 154.067 Child abuse and neglect cases; duties.--The
21 Department of Health ~~and Rehabilitative Services~~ shall adopt,
22 ~~by March 1, 1985, promulgate~~ a rule requiring every county
23 public health department unit, as described in s. 154.01, to
24 adopt a protocol that, at a minimum, requires the county
25 public health department unit to:

26 (1) Incorporate in its health department unit policy a
27 policy that every staff member has an affirmative duty to
28 report, pursuant to chapter 415, any actual or suspected case
29 of child abuse or neglect; and

30 (2) In any case involving suspected child abuse or
31 neglect, designate, at the request of the department, a staff

1 physician to act as a liaison between the county ~~public~~ health
2 department ~~unit~~ and the Department of Children and Family
3 Services office that ~~which~~ is investigating the suspected
4 abuse or neglect, and the child protection team, as defined in
5 s. 415.503, when the case is referred to such a team.

6 Section 2. Section 395.1023, Florida Statutes, is
7 amended to read:

8 395.1023 Child abuse and neglect cases; duties.--Each
9 licensed facility shall adopt a protocol that, at a minimum,
10 requires the facility to:

11 (1) Incorporate a facility policy that every staff
12 member has an affirmative duty to report, pursuant to chapter
13 415, any actual or suspected case of child abuse or neglect;
14 and

15 (2) In any case involving suspected child abuse or
16 neglect, designate, at the request of the department, a staff
17 physician to act as a liaison between the hospital and the
18 Department of Children and Family Services office which is
19 investigating the suspected abuse or neglect, and the child
20 protection team, as defined in s. 415.503, when the case is
21 referred to such a team.

22
23 Each general hospital and appropriate specialty hospital shall
24 comply with the provisions of this section and shall notify
25 the agency and the department of its compliance by sending a
26 copy of its policy to the agency and the department as
27 required by rule. The failure by a general hospital or
28 appropriate specialty hospital to comply shall be punished by
29 a fine not exceeding \$1,000, to be fixed, imposed, and
30 collected by the agency. Each day in violation is considered
31 a separate offense.

1 Section 3. Subsection (2) of section 415.501, Florida
2 Statutes, is amended to read:

3 415.501 Prevention of abuse and neglect of children;
4 state plan.--

5 (2) PLAN FOR COMPREHENSIVE APPROACH.--

6 (a) The Department of Children and Family Health and
7 ~~Rehabilitative~~ Services shall develop a state plan for the
8 prevention of abuse and neglect of children and shall submit
9 the plan to the Speaker of the House of Representatives, the
10 President of the Senate, and the Governor no later than
11 January 1, 1983. The Department of Education and the Division
12 of Children's Medical Services of the Department of Health
13 shall participate and fully cooperate in the development of
14 the state plan at both the state and local levels.
15 Furthermore, appropriate local agencies and organizations
16 shall be provided an opportunity to participate in the
17 development of the state plan at the local level. Appropriate
18 local groups and organizations shall include, but not be
19 limited to, community mental health centers; guardian ad litem
20 programs for children under the circuit court; the school
21 boards of the local school districts; the district human
22 rights advocacy committees; private or public organizations or
23 programs with recognized expertise in working with children
24 who are sexually abused, physically abused, emotionally
25 abused, or neglected and with expertise in working with the
26 families of such children; private or public programs or
27 organizations with expertise in maternal and infant health
28 care; multidisciplinary child protection teams; child day care
29 centers; law enforcement agencies, and the circuit courts,
30 when guardian ad litem programs are not available in the local
31 area. The state plan to be provided to the Legislature and

1 the Governor shall include, as a minimum, the information
2 required of the various groups in paragraph (b).

3 (b) The development of the comprehensive state plan
4 shall be accomplished in the following manner:

5 1. The Department of Children and Family Health and
6 ~~Rehabilitative~~ Services shall establish an interprogram task
7 force comprised of the ~~Deputy~~ Assistant Secretary for Children
8 and Family Services, for Health or a his designee, a
9 representative and representatives from the ~~Children, Youth,~~
10 ~~and Families Program Office,~~ a representative from the
11 ~~Children's Medical Services Program Office,~~ the Alcohol, Drug
12 Abuse, and Mental Health Program Office, a representative from
13 the Developmental Services Program Office, a representative
14 from and the Office of Standards and Evaluation, and a
15 representative from the Division of Children's Medical
16 Services of the Department of Health. Representatives of the
17 Department of Law Enforcement and of the Department of
18 Education shall serve as ex officio members of the
19 interprogram task force. The interprogram task force shall be
20 responsible for:

21 a. Developing a plan of action for better coordination
22 and integration of the goals, activities, and funding
23 pertaining to the prevention of child abuse and neglect
24 conducted by the department in order to maximize staff and
25 resources at the state level. The plan of action shall be
26 included in the state plan.

27 b. Providing a basic format to be utilized by the
28 districts in the preparation of local plans of action in order
29 to provide for uniformity in the district plans and to provide
30 for greater ease in compiling information for the state plan.

31

1 c. Providing the districts with technical assistance
2 in the development of local plans of action, if requested.

3 d. Examining the local plans to determine if all the
4 requirements of the local plans have been met and, if they
5 have not, informing the districts of the deficiencies and
6 requesting the additional information needed.

7 e. Preparing the state plan for submission to the
8 Legislature and the Governor. Such preparation shall include
9 the collapsing of information obtained from the local plans,
10 the cooperative plans with the Department of Education, and
11 the plan of action for coordination and integration of
12 departmental activities into one comprehensive plan. The
13 comprehensive plan shall include a section reflecting general
14 conditions and needs, an analysis of variations based on
15 population or geographic areas, identified problems, and
16 recommendations for change. In essence, the plan shall
17 provide an analysis and summary of each element of the local
18 plans to provide a statewide perspective. The plan shall also
19 include each separate local plan of action.

20 f. Working with the specified state agency in
21 fulfilling the requirements of subparagraphs 2., 3., 4., and
22 5.

23 2. The Department of Education, ~~and~~ the Department of
24 Children and Family Health and Rehabilitative Services, and
25 the Department of Health shall work together in developing
26 ways to inform and instruct parents of school children and
27 appropriate district school personnel in all school districts
28 in the detection of child abuse and neglect and in the proper
29 action that should be taken in a suspected case of child abuse
30 or neglect, and in caring for a child's needs after a report
31

1 is made. The plan for accomplishing this end shall be included
2 in the state plan.

3 3. The Department of Law Enforcement,and the
4 Department of Children and Family ~~Health and Rehabilitative~~
5 Services, and the Department of Health shall work together in
6 developing ways to inform and instruct appropriate local law
7 enforcement personnel in the detection of child abuse and
8 neglect and in the proper action that should be taken in a
9 suspected case of child abuse or neglect.

10 4. Within existing appropriations, the Department of
11 Children and Family ~~Health and Rehabilitative~~ Services shall
12 work with other appropriate public and private agencies to
13 emphasize efforts to educate the general public about the
14 problem of and ways to detect child abuse and neglect and in
15 the proper action that should be taken in a suspected case of
16 child abuse or neglect. The plan for accomplishing this end
17 shall be included in the state plan.

18 5. The Department of Education,and the Department of
19 Children and Family ~~Health and Rehabilitative~~ Services, and
20 the Department of Health shall work together on the
21 enhancement or adaptation of curriculum materials to assist
22 instructional personnel in providing instruction through a
23 multidisciplinary approach on the identification,
24 intervention, and prevention of child abuse and neglect. The
25 curriculum materials shall be geared toward a sequential
26 program of instruction at the four progressional levels, K-3,
27 4-6, 7-9, and 10-12. Strategies for encouraging all school
28 districts to utilize the curriculum are to be included in the
29 comprehensive state plan for the prevention of child abuse and
30 child neglect.

31

1 6. Each district of the Department of Children and
2 Family Health and Rehabilitative Services shall develop a plan
3 for its specific geographical area. The plan developed at the
4 district level shall be submitted to the interprogram task
5 force for utilization in preparing the state plan. The
6 district local plan of action shall be prepared with the
7 involvement and assistance of the local agencies and
8 organizations listed in paragraph (a) as well as
9 representatives from those departmental district offices
10 participating in the treatment and prevention of child abuse
11 and neglect. In order to accomplish this, the district
12 administrator in each district shall establish a task force on
13 the prevention of child abuse and neglect. The district
14 administrator shall appoint the members of the task force in
15 accordance with the membership requirements of this section.
16 In addition, the district administrator shall ensure that each
17 subdistrict is represented on the task force; and, if the
18 district does not have subdistricts, the district
19 administrator shall ensure that both urban and rural areas are
20 represented on the task force. The task force shall develop a
21 written statement clearly identifying its operating
22 procedures, purpose, overall responsibilities, and method of
23 meeting responsibilities. The district plan of action to be
24 prepared by the task force shall include, but shall not be
25 limited to:

26 a. Documentation of the magnitude of the problems of
27 child abuse, including sexual abuse, physical abuse, and
28 emotional abuse, and child neglect in its geographical area.

29 b. A description of programs currently serving abused
30 and neglected children and their families and a description of
31 programs for the prevention of child abuse and neglect,

1 including information on the impact, cost-effectiveness, and
2 sources of funding of such programs.

3 c. A continuum of programs and services necessary for
4 a comprehensive approach to the prevention of all types of
5 child abuse and neglect as well as a brief description of such
6 programs and services.

7 d. A description, documentation, and priority ranking
8 of local needs related to child abuse and neglect prevention
9 based upon the continuum of programs and services.

10 e. A plan for steps to be taken in meeting identified
11 needs, including the coordination and integration of services
12 to avoid unnecessary duplication and cost, and for alternative
13 funding strategies for meeting needs through the reallocation
14 of existing resources, utilization of volunteers, contracting
15 with local universities for services, and local government or
16 private agency funding.

17 f. A description of barriers to the accomplishment of
18 a comprehensive approach to the prevention of child abuse and
19 neglect.

20 g. Recommendations for changes that can be
21 accomplished only at the state program level or by legislative
22 action.

23

24 ~~The district local plan of action shall be submitted to the~~
25 ~~interprogram task force by November 1, 1982.~~

26 Section 4. Section 415.5055, Florida Statutes, 1996
27 Supplement, is amended to read:

28 415.5055 Child protection teams; services; eligible
29 cases.--The department shall develop, maintain, and coordinate
30 the services of one or more multidisciplinary child protection
31 teams in each of the service districts of the department.

1 Such teams may be composed of representatives of appropriate
2 health, mental health, social service, legal service, and law
3 enforcement agencies. The Legislature finds that optimal
4 coordination of child protection teams and sexual abuse
5 treatment programs requires collaboration between the
6 Department of Health and the Department of Children and Family
7 Services. The two departments shall maintain an interagency
8 agreement that establishes protocols for oversight and
9 operations of child protection teams and sexual abuse
10 treatment programs. The Secretary of Health and the Director
11 of the Division of Children's Medical Services, in
12 consultation with the Secretary of Children and Family
13 Services, shall maintain the responsibility for the screening,
14 employment, and, if necessary, the termination of child
15 protection team medical directors, at headquarters and in the
16 15 districts. Child protection team medical directors shall be
17 responsible for oversight of the teams in the districts.

18 (1) The department shall utilize and convene the teams
19 to supplement the assessment and protective supervision
20 activities of the children, youth, and families program of the
21 department. Nothing in this section shall be construed to
22 remove or reduce the duty and responsibility of any person to
23 report pursuant to s. 415.504 all suspected or actual cases of
24 child abuse or neglect or sexual abuse of a child. The role
25 of the teams shall be to support activities of the program and
26 to provide services deemed by the teams to be necessary and
27 appropriate to abused and neglected children upon referral.
28 The specialized diagnostic assessment, evaluation,
29 coordination, consultation, and other supportive services that
30 a child protection team shall be capable of providing include,
31 but are not limited to, the following:

1 (a) Medical diagnosis and evaluation services,
2 including provision or interpretation of X rays and laboratory
3 tests, and related services, as needed, and documentation of
4 findings relative thereto.

5 (b) Telephone consultation services in emergencies and
6 in other situations.

7 (c) Medical evaluation related to abuse or neglect, as
8 defined by department policy or rule.

9 (d) Such psychological and psychiatric diagnosis and
10 evaluation services for the child or his parent or parents,
11 guardian or guardians, or other caregivers, or any other
12 individual involved in a child abuse or neglect case, as the
13 team may determine to be needed.

14 (e) Short-term psychological treatment. It is the
15 intent of the Legislature that short-term psychological
16 treatment be limited to no more than 6 months' duration after
17 treatment is initiated, except that the appropriate district
18 administrator may authorize such treatment for individual
19 children beyond this limitation if the administrator deems it
20 appropriate.

21 (f) Expert medical, psychological, and related
22 professional testimony in court cases.

23 (g) Case staffings to develop, implement, and monitor
24 treatment plans for children whose cases have been referred to
25 the team. A child protection team may provide consultation
26 with respect to a child who has not been referred to the team,
27 but who is alleged or is shown to be abused, which
28 consultation shall be provided at the request of a
29 representative of the children, youth, and families program or
30 at the request of any other professional involved with a child
31 or his parent or parents, guardian or guardians, or other

1 caregivers. In every such child protection team case
2 staffing, consultation, or staff activity involving a child, a
3 children, youth, and families program representative shall
4 attend and participate.

5 (h) Case service coordination and assistance,
6 including the location of services available from other public
7 and private agencies in the community.

8 (i) Such training services for program and other
9 department employees as is deemed appropriate to enable them
10 to develop and maintain their professional skills and
11 abilities in handling child abuse and neglect cases.

12 (j) Educational and community awareness campaigns on
13 child abuse and neglect in an effort to enable citizens more
14 successfully to prevent, identify, and treat child abuse and
15 neglect in the community.

16 (2) The child abuse and neglect cases that are
17 appropriate for referral by the children, youth, and families
18 program to child protection teams for support services as set
19 forth in subsection (1) include, but are not limited to, cases
20 involving:

21 (a) Bruises, burns, or fractures in a child under the
22 age of 3 years or in a nonambulatory child of any age.

23 (b) Unexplained or implausibly explained bruises,
24 burns, fractures, or other injuries in a child of any age.

25 (c) Sexual abuse of a child in which vaginal or anal
26 penetration is alleged or in which other unlawful sexual
27 conduct has been determined to have occurred.

28 (d) Venereal disease, or any other sexually
29 transmitted disease, in a prepubescent child.

30 (e) Reported malnutrition of a child and failure of a
31 child to thrive.

1 (f) Reported medical, physical, or emotional neglect
2 of a child.

3 (g) Any family in which one or more children have been
4 pronounced dead on arrival at a hospital or other health care
5 facility, or have been injured and later died, as a result of
6 suspected abuse or neglect, when any sibling or other child
7 remains in the home.

8 (h) Symptoms of serious emotional problems in a child
9 when emotional or other abuse or neglect is suspected.

10 (3) All records and reports of the child protection
11 team are confidential and exempt from the provisions of ss.
12 119.07(1) and 455.241, and shall not be disclosed, except,
13 upon request, to the state attorney, law enforcement, the
14 department, and necessary professionals, in furtherance of the
15 treatment or additional evaluative needs of the child or by
16 order of the court.

17

18 In all instances in which a child protection team is providing
19 certain services to abused or neglected children, other
20 offices and units of the department shall avoid duplicating
21 the provision of those services.

22 Section 5. The sum of \$814,833 from the General
23 Revenue Fund is transferred from the Department of Children
24 and Family Services to the Department of Health to fund the
25 medical director portion of the child protection team and
26 sexual abuse treatment functions specified in this act.

27 Section 6. Paragraph (b) of subsection (4) of section
28 20.19, Florida Statutes, 1996 Supplement, is amended to read:

29 20.19 Department of Children and Family
30 Services.--There is created a Department of Children and
31 Family Services.

1 (4) PROGRAM OFFICES.--

2 (b) The following program offices are established and
3 may be consolidated, restructured, or rearranged by the
4 secretary; provided any such consolidation, restructuring, or
5 rearranging is for the purpose of encouraging service
6 integration through more effective and efficient performance
7 of the program offices or parts thereof:

8 1. Economic Self-Sufficiency Program Office.--The
9 responsibilities of this office encompass income support
10 programs within the department, such as temporary assistance
11 to families with dependent children, food stamps, welfare
12 reform, and state supplementation of the supplemental security
13 income (SSI) program.

14 2. Developmental Services Program Office.--The
15 responsibilities of this office encompass programs operated by
16 the department for developmentally disabled persons.
17 Developmental disabilities include any disability defined in
18 s. 393.063.

19 3. Children and Families Program Office.--The
20 responsibilities of this program office encompass early
21 intervention services for children and families at risk;
22 intake services for protective investigation of abandoned,
23 abused, and neglected children; interstate compact on the
24 placement of children programs; adoption; child care;
25 out-of-home care programs and other specialized services to
26 families; and child protection and sexual abuse treatment
27 teams created under chapter 415, excluding medical direction
28 functions.

29 4. Alcohol, Drug Abuse, and Mental Health Program
30 Office.--The responsibilities of this office encompass all

31

1 alcohol, drug abuse, and mental health programs operated by
2 the department.

3 Section 7. Present paragraphs (h)-(l) of subsection
4 (1) of section 20.43, Florida Statutes, 1996 Supplement, are
5 redesignated as paragraphs (i)-(m), respectively, and a new
6 paragraph (h) is added to that subsection; paragraph (d) of
7 subsection (3) of that section is amended, present paragraph
8 (f) of that subsection is redesignated as paragraph (g) and
9 amended, and a new paragraph (f) is added to that subsection;
10 and subsection (6) is added to that section, to read:

11 20.43 Department of Health.--There is created a
12 Department of Health.

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

18 (h) Provide medical direction for child protection
19 team and sexual abuse treatment functions created under
20 chapter 415.

21 (3) The following divisions of the Department of
22 Health are established:

23 (d) Division of Family Health Services.

24 (f) Division of Local Health Planning, Education, and
25 Workforce Development.

26 ~~(g)(f) Effective July 1, 1997,~~ Division of Medical
27 Quality Assurance, which is responsible for the following
28 boards and professions established within the division:

- 29 1. Nursing assistants, as provided under s. 400.211.
- 30 2. Health care services pools, as provided under s.
- 31 402.48.

- 1 3. The Board of Acupuncture, created under chapter
2 457.
- 3 4. The Board of Medicine, created under chapter 458.
- 4 5. The Board of Osteopathic Medicine, created under
5 chapter 459.
- 6 6. The Board of Chiropractic, created under chapter
7 460.
- 8 7. The Board of Podiatric Medicine, created under
9 chapter 461.
- 10 8. Naturopathy, as provided under chapter 462.
- 11 9. The Board of Optometry, created under chapter 463.
- 12 10. The Board of Nursing, created under chapter 464.
- 13 11. The Board of Pharmacy, created under chapter 465.
- 14 12. The Board of Dentistry, created under chapter 466.
- 15 13. Midwifery, as provided under chapter 467.
- 16 14. The Board of Speech-Language Pathology and
17 Audiology, created under part I of chapter 468.
- 18 15. The Board of Nursing Home Administrators, created
19 under part II of chapter 468.
- 20 16. Occupational therapy, as provided under part III
21 of chapter 468.
- 22 17. Respiratory therapy, as provided under part V of
23 chapter 468.
- 24 18. Dietetics and nutrition practice, as provided
25 under part X of chapter 468.
- 26 19. Athletic trainers, as provided under part XIV of
27 chapter 468.
- 28 20. Electrolysis, as provided under chapter 478.
- 29 21. The Board of Massage, created under chapter 480.
- 30 22. The Board of Clinical Laboratory Personnel,
31 created under part IV of chapter 483.

1 23. Medical physicists, as provided under part V of
2 chapter 483.

3 24. The Board of Opticianry, created under part I of
4 chapter 484.

5 25. The Board of Hearing Aid Specialists, created
6 under part II of chapter 484.

7 26. The Board of Physical Therapy Practice, created
8 under chapter 486.

9 27. The Board of Psychology, created under chapter
10 490.

11 28. The Board of Clinical Social Work, Marriage and
12 Family Therapy, and Mental Health Counseling, created under
13 chapter 491.

14

15 The department may ~~shall~~ contract with the Agency for Health
16 Care Administration who shall provide consumer complaint,
17 investigative, and prosecutorial services required by the
18 Division of Medical Quality Assurance, councils, or boards, as
19 appropriate.

20 (6) To protect and improve the public health, the
21 department may use state or federal funds to:

22 (a) Provide incentives, including food coupons or
23 payment for travel expenses, for encouraging disease
24 prevention and patient compliance with medical treatment, such
25 as tuberculosis therapy.

26 (b) Plan and conduct health education campaigns for
27 the purpose of protecting or improving public health. The
28 department may purchase promotional items and advertising,
29 such as space on billboards or in publications or radio or
30 television time, for health information and promotional
31 messages that recognize that the following behaviors, among

1 others, are detrimental to public health: unprotected sexual
2 intercourse, other than with one's spouse; cigarette smoking;
3 alcohol consumption or other substance abuse during pregnancy;
4 alcohol abuse or other substance abuse; lack of exercise and
5 poor diet and nutrition habits; and failure to recognize and
6 address a genetic tendency to suffer from sickle-cell anemia,
7 diabetes, high blood pressure, cardiovascular disease, or
8 cancer. For purposes of activities under this paragraph, the
9 Department of Health may establish requirements for local
10 matching funds or in-kind contributions to create and
11 distribute advertisements, in either print or electronic
12 format, which are concerned with each of the targeted
13 behaviors, establish an independent evaluation and feedback
14 system for the public health communication campaign, and
15 monitor and evaluate the efforts to determine which of the
16 techniques and methodologies are most effective.

17 (c) Plan and conduct promotional campaigns to recruit
18 health professionals to be employed by the department or to
19 recruit participants in departmental programs for health
20 practitioners, such as scholarship, loan repayment, or
21 volunteer programs. To this effect the department may purchase
22 promotional items and advertising.

23 Section 8. Section 11 of chapter 96-403, Laws of
24 Florida, is amended to read:

25 Section 11. Effective July 1, 1997, the regulation of
26 nursing assistants, as provided under s. 400.211, Florida
27 Statutes; health care services pools, as provided under s.
28 402.48, Florida Statutes; the Board of Acupuncture, created
29 under chapter 457, Florida Statutes; the Board of Medicine,
30 created under chapter 458, Florida Statutes; the Board of
31 Osteopathic Medicine, created under chapter 459, Florida

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1 Statutes; the Board of Chiropractic, created under chapter
2 460, Florida Statutes; the Board of Podiatric Medicine,
3 created under chapter 461, Florida Statutes; naturopathy, as
4 provided under chapter 462, Florida Statutes; the Board of
5 Optometry, created under chapter 463, Florida Statutes; the
6 Board of Nursing, created under chapter 464, Florida Statutes;
7 the Board of Pharmacy, created under chapter 465, Florida
8 Statutes; the Board of Dentistry, created under chapter 466,
9 Florida Statutes; midwifery, as provided under chapter 467,
10 Florida Statutes; the Board of Speech-Language Pathology and
11 Audiology, created under part I of chapter 468, Florida
12 Statutes; the Board of Nursing Home Administrators, created
13 under part II of chapter 468, Florida Statutes; occupational
14 therapy, as provided under part III of chapter 468, Florida
15 Statutes; respiratory therapy, as provided under part V of
16 chapter 468, Florida Statutes; dietetics and nutrition
17 practice, as provided under part X of chapter 468, Florida
18 Statutes; electrolysis, as provided under chapter 478, Florida
19 Statutes; the Board of Clinical Laboratory Personnel, created
20 under part IV of chapter 483, Florida Statutes; medical
21 physicists, as provided under part V of chapter 483, Florida
22 Statutes; the Board of Opticianry, created under part I of
23 chapter 484, Florida Statutes; the Board of Physical Therapy
24 Practice, created under chapter 486, Florida Statutes; the
25 Board of Psychology, created under chapter 490, Florida
26 Statutes; and the Board of Clinical Social Work, Marriage and
27 Family Therapy, and Mental Health Counseling, created under
28 chapter 491, Florida Statutes, under the Division of Health
29 Quality Assurance of the Agency for Health Care
30 Administration, or under the agency, within the Department of
31 Business and Professional Regulation, but not including

1 personnel, property, and unexpended balances of appropriations
2 related to consumer complaints, investigative and
3 prosecutorial services, including all licensing, examination,
4 publication, administrative, and management information
5 services, but not consumer complaint, investigative, or
6 prosecutorial services, provided by the Agency for Health Care
7 Administration, is transferred by a type two transfer, as
8 defined in s. 20.06(2), Florida Statutes, and assigned to the
9 Division of Medical Quality Assurance within the Department of
10 Health, as created by this act.

11 Section 9. Paragraph (c) of subsection (6) of section
12 110.131, Florida Statutes, 1996 Supplement, is amended to
13 read:

14 110.131 Other-personal-services temporary
15 employment.--

16 (6)

17 (c) Notwithstanding the provisions of this section,
18 the secretary of the Department of Health ~~and Rehabilitative~~
19 ~~Services~~ or the secretary's delegate may extend the
20 other-personal-services employment of a health care
21 practitioner licensed pursuant to chapter 458, chapter 459,
22 chapter 460, chapter 461, chapter 463, chapter 464, chapter
23 466, chapter 468, chapter 483, chapter 486, or chapter 490
24 beyond 2,080 hours and may employ such practitioner on an
25 hourly or other basis.

26 Section 10. Paragraph (c) of subsection (1) of section
27 154.04, Florida Statutes, 1996 Supplement, is amended to read:

28 154.04 Personnel of county health departments; duties;
29 compensation.--

30 (1)

31

1 (c)1. A registered nurse or certified physician
2 assistant working in a county health department is authorized
3 to assess a patient and order medications, provided that:

4 a. No licensed physician is on the premises;

5 b. The patient is assessed and medication ordered in
6 accordance with rules promulgated by the department and
7 pursuant to a protocol approved by a physician who supervises
8 the patient care activities of the registered nurse or
9 certified physician assistant;

10 c. The patient is being assessed by the registered
11 nurse or certified physician assistant as a part of a program
12 approved by the department; and

13 d. The medication ordered appears on a formulary
14 approved by the department and is prepackaged and prelabeled
15 with dosage instructions and distributed from a source
16 authorized under chapter 499 to repackage and distribute
17 drugs, which source is under the supervision of a consultant
18 pharmacist employed by the department.

19 2. Each county health department shall adopt written
20 protocols which provide for supervision of the registered
21 nurse or certified physician assistant by a physician licensed
22 pursuant to chapter 458 or chapter 459 and for the procedures
23 by which patients may be assessed, and medications ordered and
24 delivered, by the registered nurse or certified physician
25 assistant. Such protocols shall be signed by the supervising
26 physician, the director of the county health department, and
27 the registered nurse or certified physician assistant.

28 3. Each county health department shall maintain and
29 have available for inspection by representatives of the
30 Department of Health all medical records and patient care
31

1 protocols, including records of medications delivered to
2 patients, in accordance with rules of the department.

3 4. The Department of Health shall adopt rules which
4 establish the conditions under which a registered nurse or
5 certified physician assistant may assess patients and order
6 and deliver medications, based upon written protocols of
7 supervision by a physician licensed pursuant to chapter 458 or
8 chapter 459, and which establish the formulary from which
9 medications may be ordered.

10 5. The department shall require that a consultant
11 pharmacist conduct a periodic inspection of each county health
12 department in meeting the requirements of this paragraph.

13 6. A county health department may establish or
14 contract with peer review committees or organizations to
15 review the quality of communicable disease control and primary
16 care services provided by the county health department.

17 Section 11. Section 154.06, Florida Statutes, is
18 amended to read:

19 154.06 Fees and services rendered; authority.--

20 (1) The Department of Health ~~and Rehabilitative~~
21 ~~Services~~ is authorized to establish by rule, ~~pursuant to~~
22 ~~chapter 120~~, fee schedules for public health services rendered
23 through the county health departments ~~public health units~~. In
24 addition, the department shall adopt by rule a uniform
25 statewide fee schedule for all regulatory activities performed
26 through the environmental health program. ~~By July 1, 1985,~~
27 ~~the fees charged for these regulatory activities shall, at a~~
28 ~~minimum, be sufficient to cover all costs for providing such~~
29 ~~activities~~. Each county may establish, and each county health
30 department ~~public health unit~~ may collect, fees for primary
31 care services, provided that a schedule of such fees is

1 established by resolution of the board of county commissioners
2 or by rule of the department, respectively. Fees for primary
3 care services and communicable disease control services may
4 not be less than Medicaid reimbursement rates unless otherwise
5 required by federal or state law or regulation.

6 (2) All funds collected under this section shall be
7 expended solely for the purpose of providing health services
8 and facilities within the county served by the county health
9 department ~~public health unit~~. Fees collected by county health
10 departments ~~public health units~~ pursuant to department rules
11 shall be deposited with the Treasurer and credited to the
12 County Health Department ~~Public Health Unit~~ Trust Fund. Fees
13 collected by the county health department ~~public health unit~~
14 for public health services or personal health services shall
15 be allocated to the state and the county based upon the pro
16 rata share of funding for each such service. The board of
17 county commissioners, if it has so contracted, shall provide
18 for the transmittal of funds collected for its pro rata share
19 of personal health services or primary care services rendered
20 under the provisions of this section to the State Treasury for
21 credit to the County Health Department ~~Public Health Unit~~
22 Trust Fund, but in any event the proceeds from such fees may
23 only be used to fund county health department ~~public health~~
24 ~~unit~~ services.

25 (3) The foregoing provisions notwithstanding, any
26 county which charges fees for any services delivered through
27 county health departments ~~public health units~~ prior to July 1,
28 1983, and which has pledged or committed the fees yet to be
29 collected toward the retirement of outstanding obligations
30 relating to county health department ~~public health unit~~
31 facilities may be exempted from the provisions of subsection

1 (1) until such commitment or obligation has been satisfied or
2 discharged.

3 Section 12. Subsection (6) of section 216.0172,
4 Florida Statutes, 1996 Supplement, is amended to read:

5 216.0172 Schedule for submission of performance-based
6 program budgets.--In order to implement the provisions of
7 chapter 94-249, Laws of Florida, state agencies shall submit
8 performance-based program budgets for programs approved
9 pursuant to s. 216.0166 to the Executive Office of the
10 Governor and the Legislature based on the following schedule:

11 (6) By September 1, 1999, for the 2000-2001 fiscal
12 year, by the following:

13 (a) Division of Administrative Hearings.

14 (b) Department of Business and Professional
15 Regulation.

16 (c) Parole and Probation Commission.

17 (d) Public Service Commission.

18 (e) Department of Health.

19 Section 13. Section 216.341, Florida Statutes, is
20 amended to read:

21 216.341 Disbursement of county health department ~~unit~~
22 trust funds.--County health department ~~unit~~ trust funds may be
23 expended by the Department of Health ~~and Rehabilitative~~
24 ~~Services~~ for the respective county health departments in
25 accordance with budgets and plans agreed upon by the county
26 authorities of each county and the Department of Health ~~and~~
27 ~~Rehabilitative Services~~. The limitations on appropriations
28 provided in s. 216.262(1) shall not apply to county health
29 department ~~unit~~ trust funds.

30 Section 14. Section 232.032, Florida Statutes, is
31 amended to read:

1 232.032 Immunization against communicable diseases;
2 school attendance requirements; exemptions.--

3 (1) The Department of Health ~~and Rehabilitative~~
4 ~~Services~~, after consultation with the Department of Education,
5 shall promulgate rules governing the immunization of children
6 against, the testing for, and the control of preventable
7 communicable diseases. Immunizations shall be required for
8 poliomyelitis, diphtheria, rubeola, rubella, pertussis, mumps,
9 tetanus, and other communicable diseases as determined by
10 rules of the Department of Health ~~and Rehabilitative Services~~.
11 The manner and frequency of administration of the immunization
12 or testing shall conform to recognized standards of medical
13 practice. The Department of Health ~~and Rehabilitative~~
14 ~~Services~~ shall supervise and secure the enforcement of the
15 required immunization. Immunizations required by this act
16 shall be available at no cost from the ~~local~~ county health
17 departments units.

18 ~~(2) The Department of Health and Rehabilitative~~
19 ~~Services, in conjunction with the Department of Education, the~~
20 ~~Florida Parent-Teacher Association, and the American Lung~~
21 ~~Association of Florida, shall investigate the incidence of~~
22 ~~tuberculosis among school-age children in the state. As part~~
23 ~~of this investigation, the department shall determine if there~~
24 ~~is a need to establish a threshold incidence rate of~~
25 ~~tuberculosis in schools at which time specific action should~~
26 ~~be taken to address these concerns, and an indication of what~~
27 ~~specific action is necessary. A report on these activities is~~
28 ~~due to the Legislature by December 15, 1994. Nothing in this~~
29 ~~paragraph shall be construed to limit the existing authority~~
30 ~~of the Department of Health and Rehabilitative Services to~~
31 ~~control the transmission of communicable diseases.~~

1 (2)~~(3)~~ The school board of each district and the
2 governing authority of each nonpublic school shall establish
3 and enforce as policy that, prior to admittance to or
4 attendance in a public or nonpublic school, grades preschool
5 through 12, each child present or have on file with the school
6 a certification of immunization for the prevention of those
7 communicable diseases for which immunization is required by
8 the Department of Health ~~and Rehabilitative Services~~ and
9 further shall provide for appropriate screening of its pupils
10 for scoliosis at the proper age. Such certification shall be
11 made on forms approved and provided by the Department of
12 Health ~~and Rehabilitative Services~~ and shall become a part of
13 each student's permanent record, to be transferred when the
14 student transfers, is promoted, or changes schools. ~~Effective~~
15 ~~July 1, 1994,~~The transfer of such immunization certification
16 by Florida public schools shall be accomplished using the
17 Florida Automated System for Transferring Education Records
18 and shall be deemed to meet the requirements of this section.

19 (3)~~(4)~~ The provisions of this section shall not apply
20 if:

21 (a) The parent or guardian of the child objects in
22 writing that the administration of immunizing agents conflicts
23 with his or her religious tenets or practices;

24 (b) A physician licensed under the provisions of
25 chapter 458 or chapter 459 certifies in writing, on a form
26 approved and provided by the Department of Health ~~and~~
27 ~~Rehabilitative Services~~, that the child should be permanently
28 exempt from the required immunization for medical reasons
29 stated in writing, based upon valid clinical reasoning or
30 evidence, demonstrating the need for the permanent exemption;

31

1 (c) A physician licensed under the provisions of
2 chapter 458, chapter 459, or chapter 460 certifies in writing,
3 on a form approved and provided by the Department of Health
4 ~~and Rehabilitative Services~~, that the child has received as
5 many immunizations as are medically indicated at the time and
6 is in the process of completing necessary immunizations;

7 (d) The Department of Health ~~and Rehabilitative~~
8 ~~Services~~ determines that, according to recognized standards of
9 medical practice, any required immunization is unnecessary or
10 hazardous; or

11 (e) An authorized school official issues a temporary
12 exemption, for a period not to exceed 30 school days, to
13 permit a child who transfers into a new county to attend class
14 until his or her records can be obtained. The public school
15 health nurse or authorized nonpublic school official is
16 responsible for followup of each such child until proper
17 documentation or immunizations are obtained.

18 (4)~~(5)~~(a) No person licensed by this state as a
19 physician or nurse shall be liable for any injury caused by
20 his or her action or failure to act in the administration of a
21 vaccine or other immunizing agent pursuant to the provisions
22 of this section if the person acts as a reasonably prudent
23 person with similar professional training would have acted
24 under the same or similar circumstances.

25 (b) No member of a school board, or any of its
26 employees, or member of a governing board of a nonpublic
27 school, or any of its employees, shall be liable for any
28 injury caused by the administration of a vaccine to any
29 student who is required to be so immunized or for a failure to
30 diagnose scoliosis pursuant to the provisions of this section.

31

1 (5)~~(6)~~ The parents or guardians of any child admitted
2 to or in attendance at a Florida public or nonpublic school,
3 grades preschool through 12, are responsible for assuring that
4 the child is in compliance with the provisions of this
5 section.

6 (6)~~(7)~~ Each public school, kindergarten, or preschool,
7 and each nonpublic school, kindergarten, or preschool shall be
8 required to provide to the county ~~public health~~ department
9 ~~unit~~ director or administrator annual reports of compliance
10 with the provisions of this section. Reports shall be
11 completed on forms provided by the Department of Health ~~and~~
12 ~~Rehabilitative Services~~ for each preschool, kindergarten, and
13 other grade as specified; and the reports shall include the
14 status of children who were admitted at the beginning of the
15 school year. After consultation with the Department of
16 Education, the Department of Health ~~and Rehabilitative~~
17 ~~Services~~ shall establish by administrative rule the dates for
18 submission of these reports, the grades for which the reports
19 shall be required, and the forms to be used.

20 (7)~~(8)~~ The presence of any of the communicable
21 diseases for which immunization is required by the Department
22 of Health ~~and Rehabilitative Services~~ in a Florida public or
23 nonpublic school shall permit the county ~~public health~~
24 department ~~unit~~ director or administrator or the State Health
25 Officer to declare a communicable disease emergency. The
26 declaration of such emergency shall mandate that all children
27 in attendance in the school who are not in compliance with the
28 provisions of this section be identified by the district
29 school board or by the governing authority of the nonpublic
30 school; and the school health and immunization records of such
31 children shall be made available to the county ~~public health~~

1 department ~~unit~~ director or administrator. Those children
2 identified as not being immunized against the disease for
3 which the emergency has been declared shall be temporarily
4 excluded from school by the district school board, or the
5 governing authority, until such time as is specified by the
6 county ~~public~~ health department ~~unit~~ director or
7 administrator.

8 ~~(8)(9)~~ The school board of each district and the
9 governing authority of each private school shall:

10 (a) Refuse admittance to any child otherwise entitled
11 to admittance to kindergarten, or any other initial entrance
12 into a Florida public or nonpublic school, who is not in
13 compliance with the provisions of subsection (2).

14 (b) ~~Effective August 1, 1982,~~ Temporarily exclude from
15 attendance any student who is not in compliance with the
16 provisions of subsection (2).

17 ~~(9)(10)~~ The provisions of this section do not apply to
18 those persons admitted to or attending adult education classes
19 unless the adult students are under 21 years of age.

20 Section 15. Subsection (4) of section 232.465, Florida
21 Statutes, 1996 Supplement, is amended to read:

22 232.465 Provision of medical services; restrictions.--

23 (4) Each district school board shall establish
24 emergency procedures in accordance with s. 381.0056(5)~~s.~~
25 ~~402.32(5)~~for life-threatening emergencies.

26 Section 16. Subsections (4) through (10) of section
27 240.4075, Florida Statutes, are amended to read:

28 240.4075 Nursing Student Loan Forgiveness Program.--

29 (4) Receipt of funds pursuant to this program shall be
30 contingent upon continued proof of employment in the
31 designated facilities in this state. Loan principal payments

1 shall be made by the Department of Health ~~and Rehabilitative~~
2 ~~Services~~ directly to the federal or state programs or
3 commercial lending institutions holding the loan as follows:
4 (a) Twenty-five percent of the loan principal and
5 accrued interest shall be retired after the first year of
6 nursing;
7 (b) Fifty percent of the loan principal and accrued
8 interest shall be retired after the second year of nursing;
9 (c) Seventy-five percent of the loan principal and
10 accrued interest shall be retired after the third year of
11 nursing; and
12 (d) The remaining loan principal and accrued interest
13 shall be retired after the fourth year of nursing.
14
15 In no case may payment for any nurse exceed \$4,000 in any
16 12-month period.
17 (5) There is created the Nursing Student Loan
18 Forgiveness Trust Fund to be administered by the Department of
19 Health ~~and Rehabilitative Services~~ pursuant to this section
20 and s. 240.4076 and department rules ~~of the Department of~~
21 ~~Health and Rehabilitative Services~~. The Comptroller shall
22 authorize expenditures from the trust fund upon receipt of
23 vouchers approved by the Department of Health ~~and~~
24 ~~Rehabilitative Services~~. All moneys collected from the
25 private health care industry and other private sources for the
26 purposes of this section shall be deposited into the Nursing
27 Student Loan Forgiveness Trust Fund. Any balance in the trust
28 fund at the end of any fiscal year shall remain therein and
29 shall be available for carrying out the purposes of this
30 section and s. 240.4076.
31

1 (6) In addition to licensing fees imposed under the
2 ~~licensing fee as determined by~~ chapter 464, there is hereby
3 levied and imposed an additional ~~a license~~ fee of \$5 ~~for the~~
4 ~~practice of nursing~~, which fee shall be paid to the ~~Department~~
5 ~~of Business and Professional Regulation~~ upon licensure or
6 renewal of nursing licensure. Revenues collected from the fee
7 imposed in this subsection ~~section~~ shall be deposited in the
8 Nursing Student Loan Forgiveness Trust Fund of the Department
9 of Health ~~and Rehabilitative Services~~ and will be used solely
10 for the purpose of carrying out the provisions of this section
11 and s. 240.4076. Up to 50 percent of the revenues appropriated
12 to implement this subsection may be used for the nursing
13 scholarship ~~loan~~ program established pursuant to s. 240.4076.

14 (7)(a) Funds contained in the Nursing Student Loan
15 Forgiveness Trust Fund which are to be used for loan
16 forgiveness for those nurses employed by hospitals, birth
17 centers, and nursing homes must be matched on a
18 dollar-for-dollar basis by contributions from the employing
19 institutions, except that this provision shall not apply to
20 state-operated medical and health care facilities, county
21 health departments ~~public health units~~, federally sponsored
22 community health centers, or teaching hospitals as defined in
23 s. 408.07.

24 (b) All Nursing Student Loan Forgiveness Trust Fund
25 moneys shall be invested pursuant to s. 18.125. Interest
26 income accruing to that portion of the trust fund not matched
27 shall increase the total funds available for loan forgiveness
28 and scholarships. Pledged contributions shall not be eligible
29 for matching prior to the actual collection of the total
30 private contribution for the year.

31

1 (8) The Department of Health ~~and Rehabilitative~~
2 ~~Services~~ may solicit technical assistance relating to the
3 conduct of this program from the Department of Education.

4 (9) The Department of Health ~~and Rehabilitative~~
5 ~~Services~~ is authorized to recover from the Nursing Student
6 Loan Forgiveness Trust Fund its costs for administering the
7 Nursing Student Loan Forgiveness Program.

8 (10) The Department of Health ~~and Rehabilitative~~
9 ~~Services~~ may adopt rules necessary to administer this program.

10 Section 17. Section 240.4076, Florida Statutes, is
11 amended to read:

12 240.4076 Nursing scholarship ~~loan~~ program.--

13 (1) There is established within the Department of
14 Health ~~and Rehabilitative Services~~ a scholarship ~~loan~~ program
15 for the purpose of attracting capable and promising students
16 to the nursing profession.

17 (2) A scholarship ~~loan~~ applicant shall be enrolled as
18 a full-time or part-time student in the upper division of an
19 approved nursing program leading to the award of a
20 baccalaureate or any advanced registered nurse practitioner
21 degree or be enrolled as a full-time or part-time student in
22 an approved program leading to the award of an associate
23 degree in nursing or a diploma in nursing.

24 (3) A scholarship ~~loan~~ may be awarded for no more than
25 2 years, in an amount not to exceed \$8,000 per year. However,
26 registered nurses pursuing an advanced registered nurse
27 practitioner degree may receive up to \$12,000 per year.
28 Beginning July 1, 1998, these amounts shall be adjusted by the
29 amount of increase or decrease in the consumer price index for
30 urban consumers published by the United States Department of
31 Commerce.

1 (4) Credit for repayment of a scholarship ~~loan~~ shall
2 be ~~on a year-for-year basis~~ as follows:

3 (a) For each full year of scholarship ~~loan~~ assistance,
4 the recipient agrees to work for 12 months at a health care
5 facility in a medically underserved area as approved by the
6 Department of Health ~~and Rehabilitative Services~~. Scholarship
7 recipients who attend school on a part-time basis shall have
8 their employment service obligation prorated in proportion to
9 the amount of scholarship payments received.

10 (b) Eligible health care facilities include
11 state-operated medical or health care facilities, county
12 health departments ~~public health units~~, federally sponsored
13 community health centers, or teaching hospitals as defined in
14 s. 408.07~~(49)~~.

15 ~~(b) When repaying scholarship loans,~~The recipient
16 shall be encouraged to complete the service obligation at a
17 single employment site. If ~~and when such~~ continuous
18 employment at the same site is not feasible, the recipient may
19 apply to the department for a transfer to another approved
20 health care facility.

21 (c) Any recipient who does not complete an appropriate
22 program of studies or who does not become licensed shall repay
23 to the Department of Health ~~and Rehabilitative Services~~, on a
24 schedule to be determined by the department, the entire amount
25 of the scholarship ~~loan~~ plus 18 percent interest accruing from
26 the date of the scholarship ~~loan~~ payment. Moneys repaid shall
27 be deposited into the Nursing Student Loan Forgiveness Trust
28 Fund established in s. 240.4075. However, the department may
29 provide additional time for repayment if the department finds
30 that circumstances beyond the control of the recipient caused
31 or contributed to the default.

1 (d) Any recipient who does not accept employment as a
2 nurse at an approved health care facility or who does not
3 complete 12 months of approved employment for each year of
4 scholarship ~~loan~~ assistance received shall repay to the
5 Department of Health ~~and Rehabilitative Services~~ an amount
6 equal to two ~~three~~ times the entire amount of the scholarship
7 ~~loan~~ plus interest accruing from the date of the scholarship
8 ~~loan~~ payment at the maximum allowable interest rate permitted
9 by law. ~~Such~~ Repayment shall be made within 1 year of notice
10 that the recipient ~~loan~~ is considered to be in default.
11 However, the department may provide additional time for
12 repayment if the department finds that circumstances beyond
13 the control of the recipient caused or contributed to the
14 default.

15 (5) ~~Payment of~~ Scholarship payments ~~loans~~ shall be
16 transmitted to the recipient upon receipt of documentation
17 that the recipient is enrolled ~~as a full-time student~~ in an
18 approved nursing program. The Department of Health ~~and~~
19 ~~Rehabilitative Services~~ shall develop a formula to prorate
20 payments to scholarship ~~loan~~ recipients so as not to exceed
21 the maximum amount per academic year.

22 (6) The Department of Health ~~and Rehabilitative~~
23 ~~Services~~ shall adopt rules, including rules to address
24 extraordinary circumstances that may cause a recipient to
25 default on either the school enrollment or employment
26 contractual agreement, to implement this section and may
27 solicit technical assistance relating to the conduct of this
28 program from the Department of Education.

29 (7) The Department of Health ~~and Rehabilitative~~
30 ~~Services~~ is authorized to recover from the Nursing Student
31

1 Loan Forgiveness Trust Fund its costs for administering the
2 nursing scholarship ~~loan~~ program.

3 Section 18. Section 381.0021, Florida Statutes, is
4 created to read:

5 381.0021 Client welfare accounts.--The Department of
6 Health may establish one or more client welfare accounts in
7 any bank, savings and loan association, or credit union. If
8 one account is created, separate revenue and expense accounts
9 shall be maintained in the department's accounting system for
10 each client, program, facility, or institution. Funds to be
11 deposited in the account shall consist of client funds,
12 private donations, and revenue from any auxiliary, canteen, or
13 similar endeavor in a department program, facility, or
14 institution. The interest or increment accruing on such funds
15 shall be the property of the client when such funds are
16 deposited on behalf of a client. Nonclient funds shall be used
17 for the benefit, education, and general welfare of clients.
18 The general welfare of clients includes, but is not limited
19 to, the establishment of, maintenance of, employment of
20 personnel for, and the purchase of items for resale at
21 canteens or through vending machines maintained by a
22 department program, facility, or institution and for programs
23 and activities that benefit clients such as canteens; hobby
24 shops; recreational, entertainment, or activity centers; or
25 similar programs.

26 Section 19. Section 381.0055, Florida Statutes, 1996
27 Supplement, is amended to read:

28 381.0055 Confidentiality and quality assurance
29 activities.--

30 (1) All information which is confidential by operation
31 of law and which is obtained by the Department of Health, a

1 county health department ~~public health unit~~, healthy start
2 coalition, or certified rural health network, or a panel or
3 committee assembled by the department, a county health
4 department ~~public health unit~~, healthy start coalition, or
5 certified rural health network pursuant to this section, shall
6 retain its confidential status and be exempt from the
7 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
8 Constitution.

9 (2) All information which is confidential by operation
10 of law and which is obtained by a hospital or health care
11 provider from the department, a county health department
12 ~~public health unit~~, healthy start coalition, or certified
13 rural health network, or a panel or committee assembled by the
14 department, a county health department ~~public health unit~~,
15 healthy start coalition, or certified rural health network
16 pursuant to this section, shall retain its confidential status
17 and be exempt from the provisions of s. 119.07(1) and s.
18 24(a), Art. I of the State Constitution.

19 (3) Portions of meetings, proceedings, reports, and
20 records of the department, a county health department ~~public~~
21 ~~health unit~~, healthy start coalition, or certified rural
22 health network, or a panel or committee assembled by the
23 department, a county health department ~~public health unit~~,
24 healthy start coalition, or certified rural health network
25 pursuant to this section, which relate solely to patient care
26 quality assurance and where specific persons or incidents are
27 discussed are confidential and exempt from the provisions of
28 s. 286.011, and s. 24(b), Art. I of the State Constitution and
29 are confidential and exempt from the provisions of s.
30 119.07(1) and s. 24(a), Art. I of the State Constitution,
31

1 respectively. ~~Patient care quality assurance includes medical~~
2 ~~peer review activities and fetal infant mortality reviews.~~

3 Section 20. Section 381.0062, Florida Statutes, 1996
4 Supplement, is amended to read:

5 381.0062 Supervision; private and certain public water
6 systems.--

7 (1) LEGISLATIVE INTENT.--It is the intent of the
8 Legislature to protect the public's health by requiring
9 ~~permits or~~ establishing standards for the construction,
10 modification, and operation of limited use community and
11 ~~limited use commercial public and private water systems, and~~
12 ~~private water systems in order~~ to assure consumers that the
13 water provided by those systems is potable ~~meets satisfactory~~
14 ~~standards for human consumption.~~

15 (2) DEFINITIONS.--As used in this section:

16 (a) "Contaminant" means any physical, biological,
17 chemical, or radiological substance or matter in water.

18 (b) "Department" means the Department of Health ~~and~~
19 ~~Rehabilitative Services~~, including the county ~~public~~ health
20 departments units.

21 (c) "Florida Safe Drinking Water Act" means part VI of
22 chapter 403.

23 (d) "Health hazard" means any condition, contaminant,
24 device, or practice in a water system or its operation which
25 will create or has the potential to create an acute or chronic
26 threat to the health and well-being of the water consumer.

27 (e) "Limited use commercial public water system" means
28 a public water system not covered or included in the Florida
29 Safe Drinking Water Act, which serves one or more
30 nonresidential establishments and provides piped ~~potable~~
31 water.

1 (f) "Limited use community public water system" means
2 a public water system not covered or included in the Florida
3 Safe Drinking Water Act, which serves five or more private
4 residences or two or more rental residences, and provides
5 piped ~~potable~~ water.

6 (g) "Maximum contaminant level" means the maximum
7 permissible level of a contaminant in potable water delivered
8 to consumers.

9 (h) "Person" means an individual, public or private
10 corporation, company, association, partnership, municipality,
11 agency of the state, district, federal, or any other legal
12 entity, or its legal representative, agent, or assignee.

13 (i) "Potable water" means water that is satisfactory
14 for human consumption, dermal contact, culinary purposes, or
15 dishwashing as approved by the department.

16 (j) "Private water system" means a water system that
17 provides piped ~~potable~~ water for no more than four nonrental
18 residences.

19 (k) "Public consumption" means oral ingestion or
20 physical contact with water by a person for any purpose other
21 than cleaning work areas or simple handwashing. Examples of
22 public consumption include, when making food or beverages
23 available to the general public, water used for washing food,
24 cooking utensils, or food service areas and water used for
25 preparing food or beverages; ~~hairwashing; showers;~~washing
26 surfaces accessed by children as in a child care center or
27 similar setting; washing medical instruments or surfaces
28 accessed by a patient; any water usage in health care
29 facilities; emergency washing devices such as eye washing
30 sinks; washing in food processing plants or establishments

31

1 like slaughterhouses and packinghouses; and water used in
2 schools.

3 (1) "Public water system" means a water system that is
4 not included or covered under the Florida Safe Drinking Water
5 Act, provides piped water to the public and is not a private
6 water system. For purposes of this section, public water
7 systems are classified as limited use community or limited use
8 commercial.

9 (m)~~(l)~~ "Supplier of water" means the person, company,
10 or corporation that owns or operates a limited use community
11 or limited use commercial public water system, or a private
12 water system.

13 (n)~~(m)~~ "Variance" means a sanction from the department
14 affording a supplier of water an extended time to correct a
15 maximum contaminant level violation caused by the raw water or
16 to deviate from construction standards established by rule of
17 the department.

18 (3) SUPERVISION.--The department and its agents shall
19 have general supervision and control over all private water
20 systems, and public water systems not covered or included in
21 the Florida Safe Drinking Water Act (part VI of chapter 403),
22 and over those aspects of the public water supply program for
23 which it has the duties and responsibilities provided for in
24 part VI of chapter 403. The department shall:

25 (a) Administer and enforce the provisions of this
26 section and all rules and orders adopted or issued under this
27 section, including water quality and monitoring standards.

28 (b) Require any person wishing to construct, modify,
29 or operate a limited use community or limited use commercial
30 public water system or a private water system to first make
31

1 application to and obtain approval from the department on
2 forms adopted by rule of the department.

3 (c) Review and act upon any application for the
4 construction, modification, operation, or change of ownership
5 of, and conduct surveillance, enforcement, and compliance
6 investigations of, limited use community and limited use
7 commercial public water systems, and private water systems.

8 (d) Require a fee from the supplier of water in an
9 amount sufficient to cover the costs of reviewing and acting
10 upon any application for the construction, modification, or
11 operation of a limited use community and limited use
12 commercial public water system, of not less than \$10~~\$40~~ or
13 more than \$90 annually.

14 (e) Require a fee from the supplier of water in an
15 amount sufficient to cover the costs of reviewing and acting
16 upon any application for the construction or change of
17 ownership of a private water system serving more than one
18 residence, of not less than \$10~~\$40~~ or more than \$90.

19 (f) Require a fee from the supplier of water in an
20 amount sufficient to cover the costs of sample collection,
21 review of analytical results, health-risk interpretations, and
22 coordination with other agencies when such work is not
23 included in paragraphs (b) and (c) and is requested by the
24 supplier of water, of not less than \$10~~\$40~~ or more than \$90.

25 (g) Require suppliers of water to collect samples of
26 water, to submit such samples to a department-certified
27 drinking water laboratory for contaminant analysis, and to
28 keep sampling records as required by rule of the department.

29 (h) Require all fees collected by the department in
30 accordance with the provisions of this section to be deposited
31 in an appropriate trust fund of the department, and used

1 exclusively for the payment of costs incurred in the
2 administration of this section.

3 (i) Prohibit any supplier of water from, intentionally
4 or otherwise, introducing any contaminant which poses a health
5 hazard into a drinking water system.

6 (4) RIGHT OF ENTRY.--For purposes of this section,
7 department personnel may enter, at any reasonable time and if
8 they have reasonable cause to believe a violation of this
9 section is occurring or about to occur, upon any and all parts
10 of the premises of such limited use public and private
11 drinking water systems serving more than one residence, to
12 make an examination and investigation to determine the
13 sanitary and safety conditions of such systems. Any person
14 who interferes with, hinders, or opposes any employee of the
15 department in the discharge of his or her duties pursuant to
16 the provisions of this section is subject to the penalties
17 provided in s. 381.0025.

18 (5) ENFORCEMENT AND PENALTIES.--

19 (a) Any person who constructs, modifies, or operates a
20 limited use community or limited use commercial public water
21 system, or a private water system, without first complying
22 with the requirements of this section, who operates a water
23 system in violation of department order, or who maintains or
24 operates a water system after revocation of the permit is
25 guilty of a misdemeanor of the second degree, punishable as
26 provided in s. 775.082 or s. 775.083.

27 (b) This section and rules adopted pursuant to this
28 section may be enforced by injunction or restraining order
29 granted by a circuit court as provided in s. 381.0012(2).

30 (c) Additional remedies available to county public
31 health unit staff through any county or municipal ordinance

1 may be applied, over and above the penalties set forth in this
2 section, to any violation of this section or the rules adopted
3 pursuant to this section.

4 (6) VARIANCES AND EXEMPTIONS.--

5 (a) The department may grant variances and exemptions
6 from the rules promulgated under the provisions of this
7 section through procedures set forth by the rule of the
8 department.

9 (b) Any establishment with a limited-use commercial
10 public water system which does not make tap water available
11 for public consumption and meets the water quality standards
12 established by the department shall be exempt from obtaining
13 an annual operating permit from the department, if provided
14 the supplier of water:

15 1. Registers with the department; if the establishment
16 changes ownership or business activity, it must register; and
17 pay a \$15 registration fee; and

18 2. Performs an initial water quality clearance of the
19 water supply system.~~well; and~~

20 3. ~~Conducts~~

21

22 A system exempt under this subsection may, in order to retain
23 potable water status, conduct annual testing for bacteria in
24 the form of one satisfactory microbiological sample per
25 calendar year. In the event that the establishment changes
26 ownership or business activity, reregistration is required. A
27 fee of \$15 shall be assessed for registration.

28 Section 21. Subsections (3) and (4) of section
29 381.0065, Florida Statutes, 1996 Supplement, are amended to
30 read:

31

1 381.0065 Onsite sewage treatment and disposal systems;
2 regulation.--

3 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH ~~AND~~
4 ~~REHABILITATIVE SERVICES~~.--The department shall:

5 (a) Adopt rules to administer ss. 381.0065-381.0067.

6 (b) Perform application reviews and site evaluations,
7 issue permits, and conduct inspections and complaint
8 investigations associated with the construction, installation,
9 maintenance, modification, abandonment, or repair of an onsite
10 sewage treatment and disposal system for a residence or
11 establishment with an estimated domestic sewage flow of 10,000
12 gallons or less per day which is not currently regulated under
13 chapter 403.

14 (c) Develop a comprehensive program to ensure that
15 onsite sewage treatment and disposal systems regulated by the
16 department are sized, designed, constructed, installed,
17 repaired, modified, abandoned, and maintained in compliance
18 with this section and rules adopted under this section to
19 prevent groundwater contamination and surface water
20 contamination and to preserve the public health. The
21 department ~~State Health Office~~ is the final administrative
22 interpretive authority regarding rule interpretation. In the
23 event of a conflict regarding rule interpretation, the
24 Division Director ~~Assistant Health Officer~~ for Environmental
25 Health of the department ~~of Health and Rehabilitative~~
26 ~~Services~~, or his or her designee, shall timely assign a staff
27 person to resolve the dispute.

28 (d) Grant variances in hardship cases under the
29 conditions prescribed in this section and rules adopted under
30 this section.

31

1 (e) Permit the use of a limited number of innovative
2 systems for a specific period of time, when there is
3 compelling evidence that the system will function properly and
4 reliably to meet the requirements of this section and rules
5 adopted under this section.

6 (f) Issue annual operating permits under this section.

7 (g) Establish and collect fees as established under s.
8 381.0066 for services provided with respect to onsite sewage
9 treatment and disposal systems.

10 (h) Conduct enforcement activities, including imposing
11 fines, issuing citations, suspensions, revocations,
12 injunctions, and emergency orders for violations of this
13 section, part I of chapter 386, or part III of chapter 489 or
14 for a violation of any rule adopted under this section, part I
15 of chapter 386, or part III of chapter 489.

16 (i) Provide or conduct education and training of
17 department personnel, service providers, and the public
18 regarding onsite sewage treatment and disposal systems.

19 (j) Supervise research on, demonstration of, and
20 training on the performance, environmental impact, and public
21 health impact of onsite sewage treatment and disposal systems
22 within this state. Research fees collected under s.
23 381.0066(2)(k) must be used to develop and fund hands-on
24 training centers designed to provide practical information
25 about onsite sewage treatment and disposal systems to septic
26 tank contractors, master septic tank contractors, contractors,
27 inspectors, engineers, and the public and must also be used to
28 fund research projects which focus on improvements of onsite
29 sewage treatment and disposal systems, including use of
30 performance-based standards and reduction of environmental
31 impact. Research projects shall be initially approved by the

1 technical advisory panel and shall be applicable to and
2 reflect the soil conditions specific to Florida. Such
3 projects shall be awarded through competitive negotiation,
4 using the procedures provided in s. 287.055, to public or
5 private entities that have experience in onsite sewage
6 treatment and disposal systems in Florida and that are
7 principally located in Florida. Research projects shall not
8 be awarded to firms or entities that employ or are associated
9 with persons who serve on either the technical advisory panel
10 or the research review and advisory committee.

11 (k) Approve the installation of individual graywater
12 disposal systems in which blackwater is treated by a central
13 sewerage system.

14 (l) Regulate septage-stabilization and disposal
15 facilities not regulated by the Department of Environmental
16 Protection.

17 (m) Permit and inspect portable or temporary toilet
18 services.

19 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person
20 may not construct, repair, modify, abandon, or operate an
21 onsite sewage treatment and disposal system without first
22 obtaining a permit approved by the department of ~~Health and~~
23 ~~Rehabilitative Services~~. The department may issue permits to
24 carry out this section. A construction permit is valid for 18
25 months from the issuance date and may be extended by the
26 department for one 90-day period under rules adopted by the
27 department. A repair permit is valid for 90 days from the
28 date of issuance. An operating permit is valid for 1 year
29 from the date of issuance and must be renewed annually. If
30 all information pertaining to the siting, location, and
31 installation conditions or repair of an onsite sewage

1 treatment and disposal system remains the same, a construction
2 or repair permit for the onsite sewage treatment and disposal
3 system may be transferred to another person, if the transferee
4 files, within 60 days after the transfer of ownership, an
5 amended application providing all corrected information and
6 proof of ownership of the property. There is no fee
7 associated with the processing of this supplemental
8 information. A person may not contract to construct, modify,
9 alter, repair, service, abandon, or maintain any portion of an
10 onsite sewage treatment and disposal system without being
11 registered under part III of chapter 489. A property owner
12 who personally performs construction, maintenance, or repairs
13 to a system serving his or her own owner-occupied
14 single-family residence is exempt from registration
15 requirements for performing such construction, maintenance, or
16 repairs on that residence, but is subject to all permitting
17 requirements.

18 (a) Subdivisions and lots in which each lot has a
19 minimum area of at least one-half acre and either a minimum
20 dimension of 100 feet or a mean of at least 100 feet of the
21 side bordering the street and the distance formed by a line
22 parallel to the side bordering the street drawn between the
23 two most distant points of the remainder of the lot may be
24 developed with a water system regulated under s. 381.0062 and
25 onsite sewage treatment and disposal systems, provided the
26 projected daily domestic sewage flow does not exceed an
27 average of 1,500 gallons per acre per day, and provided
28 satisfactory drinking water can be obtained and all distance
29 and setback, soil condition, water table elevation, and other
30 related requirements of this section and rules adopted under
31 this section can be met.

1 (b) Subdivisions and lots using a public water system
2 as defined in s. 403.852 may use onsite sewage treatment and
3 disposal systems, provided there are no more than four lots
4 per acre, provided the projected daily domestic sewage flow
5 does not exceed an average of 2,500 gallons per acre per day,
6 and provided that all distance and setback, soil condition,
7 water table elevation, and other related requirements that are
8 generally applicable to the use of onsite sewage treatment and
9 disposal systems are met.

10 (c) Notwithstanding the provisions of paragraphs (a)
11 and (b), for subdivisions platted of record on or before
12 October 1, 1991, when a developer or other appropriate entity
13 has previously made or makes provisions, including financial
14 assurances or other commitments, acceptable to the Department
15 of Health and Rehabilitative Services, that a central water
16 system will be installed by a regulated public utility based
17 on a density formula, private potable wells may be used with
18 onsite sewage treatment and disposal systems until the agreed
19 upon densities are reached. The department may consider
20 assurances filed with the Department of Business and
21 Professional Regulation under chapter 498 in determining the
22 adequacy of the financial assurance required by this
23 paragraph. In a subdivision regulated by this paragraph, the
24 average daily domestic sewage flow may not exceed 2,500
25 gallons per acre per day. This section does not affect the
26 validity of existing prior agreements. After October 1, 1991,
27 the exception provided under this paragraph is not available
28 to a developer or other appropriate entity.

29 (d) Paragraphs (a) and (b) do not apply to any
30 proposed residential subdivision with more than 50 lots or to
31 any proposed commercial subdivision with more than 5 lots

1 where a publicly owned or investor-owned sewerage system is
2 available. It is the intent of this paragraph not to allow
3 development of additional proposed subdivisions in order to
4 evade the requirements of this paragraph. The department
5 shall report to the Legislature by February 1 of each
6 odd-numbered year concerning the success in meeting this
7 intent.

8 (e) Onsite sewage treatment and disposal systems must
9 not be placed closer than:

- 10 1. Seventy-five feet from a private potable well.
- 11 2. Two hundred feet from a public potable well serving
12 a residential or nonresidential establishment having a total
13 sewage flow of greater than 2,000 gallons per day.
- 14 3. One hundred feet from a public potable well serving
15 a residential or nonresidential establishment having a total
16 sewage flow of less than or equal to 2,000 gallons per day.
- 17 4. Seventy-five feet from surface waters.
- 18 5. Fifty feet from any nonpotable well.
- 19 6. Ten feet from any storm sewer pipe, to the maximum
20 extent possible, but in no instance shall the setback be less
21 than 5 feet.
- 22 7. Fifteen feet from the design high-water line of
23 retention areas, detention areas, or swales designed to
24 contain standing or flowing water for less than 72 hours after
25 a rainfall or the design high-water level of normally dry
26 drainage ditches or normally dry individual-lot
27 stormwater-retention areas.

28 (f) All provisions of this section and rules adopted
29 under this section relating to soil condition, water table
30 elevation, distance, and other setback requirements must be
31 equally applied to all lots, with the following exceptions:

1 1. Any residential lot that was platted and recorded
2 on or after January 1, 1972, or that is part of a residential
3 subdivision that was approved by the appropriate permitting
4 agency on or after January 1, 1972, and that was eligible for
5 an onsite sewage treatment and disposal system construction
6 permit on the date of such platting and recording or approval
7 shall be eligible for an onsite sewage treatment and disposal
8 system construction permit, regardless of when the application
9 for a permit is made. If rules in effect at the time the
10 permit application is filed cannot be met, residential lots
11 platted and recorded or approved on or after January 1, 1972,
12 shall, to the maximum extent possible, comply with the rules
13 in effect at the time the permit application is filed. At a
14 minimum, however, those residential lots platted and recorded
15 or approved on or after January 1, 1972, but before January 1,
16 1983, shall comply with those rules in effect on January 1,
17 1983, and those residential lots platted and recorded or
18 approved on or after January 1, 1983, shall comply with those
19 rules in effect at the time of such platting and recording or
20 approval. In determining the maximum extent of compliance
21 with current rules that is possible, the department shall
22 allow structures and appurtenances thereto which were
23 authorized at the time such lots were platted and recorded or
24 approved.

25 2. Lots platted before 1972 are subject to a 50-foot
26 minimum surface water setback and are not subject to lot size
27 requirements. The projected daily flow for domestic onsite
28 sewage treatment and disposal systems for lots platted before
29 1972 may not exceed:

30
31

1 a. Two thousand five hundred gallons per acre per day
2 for lots served by public water systems as defined in s.
3 403.852.

4 b. One thousand five hundred gallons per acre per day
5 for lots served by water systems regulated under s. 381.0062.

6 (g)1. The department may grant variances in hardship
7 cases which may be less restrictive than the provisions
8 specified in this section. If a variance is granted and the
9 onsite sewage treatment and disposal system construction
10 permit has been issued, the variance may be transferred with
11 the system construction permit, if the transferee files,
12 within 60 days after the transfer of ownership, an amended
13 construction permit application providing all corrected
14 information and proof of ownership of the property and if the
15 same variance would have been required for the new owner of
16 the property as was originally granted to the original
17 applicant for the variance. There is no fee associated with
18 the processing of this supplemental information. A variance
19 may not be granted under this section until the department is
20 satisfied that:

21 a. The hardship was not caused intentionally by the
22 action of the applicant;

23 b. No reasonable alternative exists for the treatment
24 of the sewage; and

25 c. The discharge from the onsite sewage treatment and
26 disposal system will not adversely affect the health of the
27 applicant or the public or significantly degrade the
28 groundwater or surface waters.

29

30 Where soil conditions, water table elevation, and setback
31 provisions are determined by the department to be

1 satisfactory, special consideration must be given to those
2 lots platted before 1972.

3 2. The department shall appoint a variance review and
4 advisory committee, which shall meet monthly to recommend
5 agency action on variance requests. The board consists of the
6 following:

- 7 a. The Division Director ~~Assistant Health Officer~~ for
8 Environmental Health of the department ~~of Health and~~
9 ~~Rehabilitative Services~~ or his or her designee.
10 b. A representative from the county public health
11 units.
12 c. A representative from the home building industry.
13 d. A representative from the septic tank industry.
14 e. A representative from the Department of
15 Environmental Protection.

16
17 Members shall be appointed for a term of 3 years, with such
18 appointments being staggered so that the terms of no more than
19 two members expire in any one year. Members shall serve
20 without remuneration, but may be reimbursed for per diem and
21 travel expenses as provided in s. 112.061.

22 (h) A construction permit may not be issued for an
23 onsite sewage treatment and disposal system in any area zoned
24 or used for industrial or manufacturing purposes, or its
25 equivalent, where a publicly owned or investor-owned sewage
26 treatment system is available, or where a likelihood exists
27 that the system will receive toxic, hazardous, or industrial
28 waste. An existing onsite sewage treatment and disposal
29 system may be repaired if a publicly owned or investor-owned
30 sewerage system is not available within 500 feet of the
31 building sewer stub-out and if system construction and

1 operation standards can be met. This paragraph does not
2 require publicly owned or investor-owned sewerage treatment
3 systems to accept anything other than domestic wastewater.

4 1. A building located in an area zoned or used for
5 industrial or manufacturing purposes, or its equivalent, when
6 such building is served by an onsite sewage treatment and
7 disposal system, must not be occupied until the owner or
8 tenant has obtained written approval from the department. The
9 department shall not grant approval when the proposed use of
10 the system is to dispose of toxic, hazardous, or industrial
11 wastewater or toxic or hazardous chemicals.

12 2. Each person who owns or operates a business or
13 facility in an area zoned or used for industrial or
14 manufacturing purposes, or its equivalent, or who owns or
15 operates a business that has the potential to generate toxic,
16 hazardous, or industrial wastewater or toxic or hazardous
17 chemicals, and uses an onsite sewage treatment and disposal
18 system that is installed on or after July 5, 1989, must obtain
19 an annual system operating permit from the department. A
20 person who owns or operates a business that uses an onsite
21 sewage treatment and disposal system that was installed and
22 approved before July 5, 1989, need not obtain a system
23 operating permit. However, upon change of ownership or
24 tenancy, the new owner or operator must notify the department
25 of the change, and the new owner or operator must obtain an
26 annual system operating permit, regardless of the date that
27 the system was installed or approved.

28 3. The department shall periodically review and
29 evaluate the continued use of onsite sewage treatment and
30 disposal systems in areas zoned or used for industrial or
31 manufacturing purposes, or its equivalent, and may require the

1 collection and analyses of samples from within and around such
2 systems. If the department finds that toxic or hazardous
3 chemicals or toxic, hazardous, or industrial wastewater have
4 been or are being disposed of through an onsite sewage
5 treatment and disposal system, the department shall initiate
6 enforcement actions against the owner or tenant to ensure
7 adequate cleanup, treatment, and disposal.

8 (i) An onsite sewage treatment and disposal system for
9 a single-family residence that is designed by a professional
10 engineer registered in the state and certified by such
11 engineer as complying with performance criteria adopted by the
12 department must be approved by the department subject to the
13 following:

14 1. The performance criteria applicable to
15 engineer-designed systems must be limited to those necessary
16 to ensure that such systems do not adversely affect the public
17 health or significantly degrade the groundwater or surface
18 water. Such performance criteria shall include consideration
19 of the quality of system effluent, the proposed total sewage
20 flow per acre, wastewater treatment capabilities of the
21 natural or replaced soil, water quality classification of the
22 potential surface-water-receiving body, and the structural and
23 maintenance viability of the system for the treatment of
24 domestic wastewater. However, performance criteria shall
25 address only the performance of a system and not a system's
26 design.

27 2. The technical review and advisory panel shall
28 assist the department in the development of performance
29 criteria applicable to engineer-designed systems. Workshops
30 on the development of the rules delineating such criteria
31 shall commence not later than September 1, 1996, and the

1 department shall advertise such rules for public hearing no
2 later than October 1, 1997.

3 3. A person electing to utilize an engineer-designed
4 system shall, upon completion of the system design, submit
5 such design, certified by a registered professional engineer,
6 to the county health department ~~local public health unit~~. The
7 county health department ~~local public health unit~~ may utilize
8 an outside consultant to review the engineer-designed system,
9 with the actual cost of such review to be borne by the
10 applicant. Within 5 working days after receiving an
11 engineer-designed system permit application, the county health
12 department ~~local public health unit~~ shall request additional
13 information if the application is not complete. Within 15
14 working days after receiving a complete application for an
15 engineer-designed system, the county health department ~~local~~
16 ~~public health unit~~ either shall issue the permit or, if it
17 determines that the system does not comply with the
18 performance criteria, shall notify the applicant of that
19 determination and refer the application to ~~the State Health~~
20 ~~Office~~ of the department for a determination as to whether the
21 system should be approved, disapproved, or approved with
22 modification. The department ~~State Health Office~~ engineer's
23 determination shall prevail over the action of the county
24 health department ~~local public health unit~~. The applicant
25 shall be notified in writing of the department's determination
26 and of the applicant's rights to pursue a variance or seek
27 review under the provisions of chapter 120.

28 4. The owner of an engineer-designed performance-based
29 system must obtain an annual system operating permit from the
30 department. The department shall inspect the system at least
31 annually and may collect system-effluent samples if

1 appropriate to determine compliance with the performance
2 criteria. The fee for the annual operating permit shall be
3 collected beginning with the second year of system operation.

4 5. If an engineer-designed system fails to properly
5 function or fails to meet performance standards, the system
6 shall be re-engineered, if necessary, to bring the system into
7 compliance with the provisions of this section.

8 (j) An innovative system may be approved in
9 conjunction with an engineer-designed site-specific system
10 which is certified by the engineer to meet the
11 performance-based criteria adopted by the department.

12 (k) For the Florida Keys, the department shall adopt a
13 special rule for the construction, installation, modification,
14 operation, repair, maintenance, and performance of onsite
15 sewage treatment and disposal systems which considers the
16 unique soil conditions and which considers water table
17 elevations, densities, and setback requirements. On lots
18 where a setback distance of 75 feet from surface waters,
19 saltmarsh, and buttonwood association habitat areas cannot be
20 met, an injection well, approved and permitted by the
21 department, may be used for disposal of effluent from onsite
22 sewage treatment and disposal systems. The department shall
23 require effluent from onsite sewage treatment and disposal
24 systems to meet advanced waste treatment concentrations, as
25 defined in s. 403.086.

26 (l) No product sold in the state for use in onsite
27 sewage treatment and disposal systems may contain any
28 substance in concentrations or amounts that would interfere
29 with or prevent the successful operation of such system, or
30 that would cause discharges from such systems to violate
31 applicable water quality standards. The department shall

1 publish criteria for products known or expected to meet the
2 conditions of this paragraph. In the event a product does not
3 meet such criteria, such product may be sold if the
4 manufacturer satisfactorily demonstrates to the department
5 that the conditions of this paragraph are met.

6 (m) Evaluations for determining the seasonal
7 high-water table elevations or the suitability of soils for
8 the use of a new onsite sewage treatment and disposal system
9 shall be performed by department personnel, professional
10 engineers registered in the state, or such other persons with
11 expertise, as defined by rule, in making such evaluations.
12 The department shall accept evaluations submitted by
13 professional engineers and such other persons as meet the
14 expertise established by rule unless the department has a
15 reasonable scientific basis for questioning the accuracy or
16 completeness of the evaluation.

17 (n) The department shall appoint a research review and
18 advisory committee, which shall meet at least semiannually.
19 The committee shall advise the department on directions for
20 new research, review and rank proposals for research
21 contracts, and review draft research reports and make
22 comments. The committee is comprised of:

- 23 1. A representative of the Division of ~~a district~~
24 Environmental Health ~~Office~~ of the Department of Health ~~and~~
25 ~~Rehabilitative Services~~.
- 26 2. A representative from the septic tank industry.
- 27 3. A representative from the home building industry.
- 28 4. A representative from an environmental interest
29 group.

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31

1 5. A representative from the State University System,
2 from a department knowledgeable about onsite sewage treatment
3 and disposal systems.

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

7 7. A representative from the real estate profession.

8 8. A representative from the restaurant industry.

9 9. A consumer.

10

11 Members shall be appointed for a term of 3 years, with the
12 appointments being staggered so that the terms of no more than
13 four members expire in any one year. Members shall serve
14 without remuneration, but may be reimbursed for per diem and
15 travel expenses as provided in s. 112.061.

16 (o) An application for an onsite sewage treatment and
17 disposal system permit shall be completed in full, signed by
18 the owner or the owner's authorized representative, or by a
19 contractor licensed under chapter 489, and shall be
20 accompanied by all required exhibits and fees. No specific
21 documentation of property ownership shall be required as a
22 prerequisite to the review of an application or the issuance
23 of a permit. The issuance of a permit does not constitute
24 determination by the department of property ownership.

25 (p) The department may not require any form of
26 subdivision analysis of property by an owner, developer, or
27 subdivider prior to submission of an application for an onsite
28 sewage treatment and disposal system.

29 (q) Nothing in this section limits the power of a
30 municipality or county to enforce other laws for the
31 protection of the public health and safety.

1 Section 22. Section 381.0101, Florida Statutes, is
2 amended to read:

3 381.0101 Environmental health professionals.--

4 (1) LEGISLATIVE INTENT.--Persons ~~specifically~~
5 responsible for providing technical and scientific evaluations
6 of environmental health and sanitary conditions in business
7 establishments and communities throughout the state may create
8 a danger to the public health if they are not skilled or
9 competent to perform such evaluations. The public relies on
10 the judgment of environmental health professionals employed by
11 both government agencies and industries to assure them that
12 environmental hazards are identified and removed before they
13 endanger the health or safety of the public. The purpose of
14 this section is to assure the public that persons specifically
15 responsible for performing environmental health and sanitary
16 evaluations have been certified by examination as competent to
17 perform such work.

18 (2) DEFINITIONS.--As used in this section:

19 (a) "Board" means the Environmental Health
20 Professionals Advisory Certification Board.

21 (b) "Department" means the Department of Health ~~and~~
22 ~~Rehabilitative Services~~.

23 (c) "Environmental health" means that segment of
24 public health work which deals with the examination of those
25 factors in the human environment which may impact adversely on
26 the health status of an individual or the public.

27 (d) "Environmental health professional" means a person
28 who is employed or assigned the responsibility for assessing
29 the environmental health or sanitary conditions within a
30 building, on an individual's property, or within the community
31

1 at large, and who has the knowledge, skills, and abilities to
2 carry out these tasks.

3 (e) "Certified" means a person who has displayed
4 competency ~~by examination~~ to perform evaluations of
5 environmental or sanitary conditions through examination.

6 (f) "Registered sanitarian" or "R.S." means a person
7 who has been certified by either the National Environmental
8 Health Association or the Florida Environmental Health
9 Association as knowledgeable in the environmental health
10 profession.

11 (g) "Primary environmental health program" means those
12 programs determined by the department to be essential for
13 providing basic environmental and sanitary protection to the
14 public. At a minimum, these programs shall include food
15 hygiene evaluations, and onsite sewage treatment and
16 ~~wastewater~~ disposal system evaluations.

17 (3) CERTIFICATION REQUIRED.--No person shall perform
18 environmental health or sanitary evaluations in any primary
19 program area of environmental health without being certified
20 by the department as competent to perform such evaluations.
21 The requirements of this section shall not be mandatory for
22 persons performing inspections of public food service
23 establishments licensed under chapter 509.

24 (4) ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY
25 BOARD.--The State Health Officer shall appoint an advisory
26 board to assist the department in the promulgation of rules
27 for certification, testing, establishing standards, and
28 seeking enforcement actions against certified professionals.

29 (a) The board shall be comprised of the Division
30 Director ~~Assistant Health Officer~~ for Environmental Health or
31 his or her designee, one individual who will be certified

1 under this section, one individual not employed in a
2 governmental capacity who will or does employ a certified
3 environmental health professional, one individual whose
4 business is or will be evaluated by a certified environmental
5 health professional, a citizen of the state who neither
6 employs nor is routinely evaluated by a person certified under
7 this section.

8 (b) The board shall advise the department as to the
9 minimum standards of competency and proficiency necessary to
10 obtain certification in a primary area of environmental health
11 practice.

12 1. The board shall recommend primary areas of
13 environmental health practice in which environmental health
14 professionals should be required to obtain certification.

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

17 3. The board shall evaluate and recommend to the
18 department existing registrations and certifications which
19 meet or exceed minimum department standards and should,
20 therefore, exempt holders of such certificates or
21 registrations from compliance with this section.

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

25 5. The board shall meet as often as necessary, but no
26 less than semiannually, handle appeals to the department, and
27 conduct other duties of the board.

28 6. Members of the board shall receive no compensation
29 but shall be reimbursed for per diem and travel expenses in
30 accordance with s. 112.061.

31

1 (5) STANDARDS FOR CERTIFICATION.--The department shall
2 adopt rules that establish minimum standards of education,
3 training, or experience for those persons subject to this
4 section. The rules shall also address ethical standards of
5 practice for the profession.

6 (a) Persons employed as environmental health
7 professionals shall exhibit a knowledge of rules and
8 principles of environmental and public health law in Florida
9 through examination. No person shall conduct environmental
10 health evaluations in a primary program area unless he or she
11 is currently certified in that program area or works under the
12 direct supervision of a certified environmental health
13 professional.

14 1. All such persons who begin employment in a primary
15 environmental health program on or after September 21, 1994,
16 must July 1, 1991, shall be certified in that program within 6
17 months after employment.

18 2. Persons employed in a primary environmental health
19 program prior to September 21, 1994, shall be considered
20 certified July 1, 1991, are exempt from certification
21 requirements while employed in that position and shall be
22 required to adhere to any professional standards established
23 by the department pursuant to paragraph (b); complete any
24 continuing education requirements imposed under paragraph (d);
25 and pay the certificate renewal fee imposed under subsection
26 (7).

27 3. Persons employed in a primary environmental health
28 program prior to September 21, 1994, who change positions or
29 program areas and transfer into another primary environmental
30 health program area on or after September 21, 1994, must be
31 certified in that program within 6 months after such transfer,

1 except that they will not be required to possess the college
2 degree required under paragraph (e).

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

7 (b) At a minimum, the department shall establish
8 standards for professionals in the areas of food hygiene and
9 onsite sewage treatment and disposal.

10 (c) Those persons conducting primary environmental
11 health evaluations shall be certified by examination to be
12 knowledgeable in any primary area of environmental health in
13 which they are routinely assigned duties.

14 (d) Persons who are certified shall renew their
15 certification biennially by completing not less than 24 ~~6~~
16 contact hours of continuing education for each program area in
17 which they maintain certification.

18 (e) Applicants for certification shall have graduated
19 from an accredited 4-year college or university with major
20 coursework in environmental health, environmental science, or
21 a physical or biological science.

22 (6) EXEMPTIONS.--A person who conducts primary
23 environmental evaluation activities and maintains a current
24 registration or certification from another state agency which
25 examined the person's knowledge of the primary program area
26 and requires comparable continuing education to maintain the
27 certificate shall not be required to be certified by this
28 section. Examples of persons not subject to certification are
29 physicians, registered dietitians, certified laboratory
30 personnel, and nurses. ~~Registered sanitarians are deemed to~~
31 ~~have met the certification requirements of this section.~~

1 (7) FEES.--The department shall charge fees in amounts
2 necessary to meet the cost of providing certification.
3 ~~Application Fees for certification in a program area shall be~~
4 ~~no less than \$25 nor more than \$300 and shall be set by rule~~
5 ~~\$100. Application, examination, and certification costs shall~~
6 ~~be included in this fee. Certification fees shall be no less~~
7 ~~than \$25 nor more than \$50 per biennium. Fees for renewal of a~~
8 ~~certificate shall be no less than \$25 nor more than \$150~~
9 ~~per biennium.~~

10 (8) PENALTIES.--The department may deny, suspend, or
11 revoke a certificate or impose an administrative fine of up to
12 \$500 for each violation of this section or a rule adopted
13 under this section or may pursue any other enforcement action
14 authorized by law. Any person who has had a certificate
15 revoked may not conduct environmental health evaluations in a
16 primary program area for a minimum of 5 years from the date of
17 revocation.

18 Section 23. Paragraph (e) is added to subsection (2)
19 of section 381.0203, Florida Statutes, to read:

20 381.0203 Pharmacy services.--

21 (2) The department may establish and maintain a
22 pharmacy services program, including, but not limited to:

23 (e) A contraception distribution program which shall
24 be implemented, to the extent resources permit, through the
25 licensed pharmacies of county health departments. A woman who
26 is eligible for participation in the contraceptive
27 distribution program is deemed a patient of the county health
28 department.

29 1. To be eligible for participation in the program a
30 woman must:

31

1 a. Be a client of the department or the Department of
2 Children and Family Services.

3 b. Be of childbearing age with undesired fertility.

4 c. Have an income between 150 and 200 percent of the
5 federal poverty level.

6 d. Have no Medicaid benefits or applicable health
7 insurance benefits.

8 e. Have had a medical examination by a licensed health
9 care provider within the past 6 months.

10 f. Have a valid prescription for contraceptives that
11 are available through the contraceptive distribution program.

12 g. Consent to the release of necessary medical
13 information to the county health department.

14 2. Fees charged for the contraceptives under the
15 program must cover the cost of purchasing and providing
16 contraceptives to women participating in the program.

17 3. The department may adopt rules to administer this
18 program.

19 Section 24. Subsections (3) and (12) of section
20 381.0302, Florida Statutes, are amended to read:

21 381.0302 Florida Health Services Corps.--

22 (3) The Florida Health Services Corps shall be
23 developed by the department ~~State Health Office~~ in cooperation
24 with the programs in the area Health Education Center network
25 as defined in s. 381.0402 and the state's health care
26 education and training institutions. The State Health Officer
27 shall be the director of the Florida Health Services Corps.

28 (12) Funds appropriated under this section shall be
29 deposited in the Florida Health Services Corps Trust Fund,
30 which shall be administered by the department ~~State Health~~
31 ~~Office~~. The department may use funds appropriated for the

1 Florida Health Services Corps as matching funds for federal
2 service-obligation scholarship programs for health care
3 practitioners, such as the Demonstration Grants to States for
4 Community Scholarship Grants program. If funds appropriated
5 under this section are used as matching funds, federal
6 criteria shall be followed whenever there is a conflict
7 between provisions in this section and federal requirements.

8 Section 25. Subsection (1) of section 381.0405,
9 Florida Statutes, is amended to read:

10 381.0405 Office of Rural Health.--

11 (1) ESTABLISHMENT.--The Department of Health shall
12 establish an Office of Rural Health ~~within the State Health~~
13 ~~Office~~. The Office of Rural Health shall coordinate its
14 activities with the area health education center network
15 established pursuant to s. 381.0402 and with any appropriate
16 research and policy development centers within universities
17 that have state-approved medical schools. The Office of Rural
18 Health may enter into a formal relationship with any center
19 that designates the office as an affiliate of the center.

20 Section 26. Subsections (13), (16), and (17), and
21 paragraph (a) of subsection (15), of section 381.0406, Florida
22 Statutes, are amended to read:

23 381.0406 Rural health networks.--

24 (13) TRAUMA SERVICES.--In those network areas which
25 have an established trauma agency approved by the Department
26 of Health ~~and Rehabilitative Services~~, that trauma agency must
27 be a participant in the network. Trauma services provided
28 within the network area must comply with s. 395.037.

29 (15) NETWORK IMPLEMENTATION.--As funds become
30 available, networks shall be developed and implemented in two
31 phases.

1 (a) Phase I shall consist of a network planning and
2 development grant program ~~administered by the Agency for~~
3 ~~Health Care Administration in consultation with the State~~
4 ~~Health Officer~~. Planning grants shall be used to organize
5 networks, incorporate network boards, and develop formal
6 provider agreements as provided for in this section. The
7 Department of Health ~~Agency for Health Care Administration~~
8 shall develop a request-for-proposal process to solicit grant
9 applications.

10 (16) CERTIFICATION.--For the purpose of certifying
11 networks that are eligible for Phase II funding, the
12 Department of Health ~~Agency for Health Care Administration, in~~
13 ~~consultation with the State Health Office,~~ shall certify
14 networks that meet the criteria delineated in this section and
15 the rules governing rural health networks.

16 (17) RULES.--The Department of Health ~~Agency for~~
17 ~~Health Care Administration, in consultation with the State~~
18 ~~Health Office,~~ shall establish rules that govern the creation
19 and certification of networks, including establishing outcome
20 measures for networks.

21 Section 27. Section 381.04065, Florida Statutes, is
22 amended to read:

23 381.04065 Rural health network cooperative
24 agreements.--

25 (1) INTENT.--It is the Legislature's intent that, to
26 the extent necessary to foster the development of rural health
27 networks as provided for in s. 381.0406, competitive market
28 forces shall be replaced with state regulation, as provided
29 for in this section ~~subsections (2) and (3)~~. It is also the
30 intent of the Legislature that consolidation of network
31 hospital services or technologies undertaken pursuant to this

1 section, and cooperative agreements between members of rural
2 health networks, shall not violate the state's antitrust laws
3 when such arrangements improve the quality of health care,
4 moderate cost increases, and are made between members of rural
5 health networks as defined in s. 381.0406. It is also the
6 intent of the Legislature that such arrangements be protected
7 from federal antitrust laws, subject to the approval and
8 supervision of the Department of Health ~~Agency for Health Care~~
9 ~~Administration~~. Such intent is within the public policy of the
10 state to facilitate the provision of quality, cost-efficient
11 medical care to rural patients.

12 (2) DEPARTMENT STATE ACTION APPROVAL.--Providers who
13 are members of certified rural health networks who seek to
14 consolidate services or technologies or enter into cooperative
15 agreements shall seek approval from the Department of Health
16 ~~Agency for Health Care Administration~~, which may consult with
17 the Department of Legal Affairs. The department ~~agency~~ shall
18 determine that the likely benefits resulting from the
19 agreement outweigh any disadvantages attributable to any
20 potential reduction in competition resulting from the
21 agreement and issue a letter of approval if, in its
22 determination, the agreement reduces or moderates costs and
23 meets any of the following criteria:

24 (a) Consolidates services or facilities in a market
25 area used by rural health network patients to avoid
26 duplication;

27 (b) Promotes cooperation between rural health network
28 members in the market area;

29 (c) Encourages cost sharing among rural health network
30 facilities;

31 (d) Enhances the quality of rural health care; or

1 (e) Improves utilization of rural health resources and
2 equipment.

3 (3) STATE OVERSIGHT.--The Department of Health ~~agency~~
4 shall review each agreement approved under this section
5 ~~subsection (2)~~ at least every 2 years. If the department
6 ~~agency~~ determines that the likely benefits resulting from its
7 state action approval no longer outweigh any disadvantages
8 attributable to any potential reduction in competition
9 resulting from the agreement, the department ~~agency~~ shall
10 initiate proceedings to terminate its state action approval
11 governing the agreement. Such termination proceeding shall be
12 governed by chapter 120, ~~the Florida Administrative Procedure~~
13 ~~Act~~.

14 (4) JUDICIAL REVIEW.--Any applicant aggrieved by a
15 decision of the Department of Health ~~Agency for Health Care~~
16 ~~Administration~~ shall be entitled to both administrative and
17 judicial review thereof in accordance with chapter 120. In
18 such review, the decision of the department ~~agency~~ shall be
19 affirmed unless it is arbitrary, capricious, or it is not in
20 compliance with this section.

21 (5) RULEMAKING.--The Department of Health ~~Agency for~~
22 ~~Health Care Administration~~, in consultation with the State
23 ~~Health Office~~ and the Office of the Attorney General, shall
24 establish rules necessary to implement this section.

25 Section 28. Subsections (3) through (7) of section
26 381.0407, Florida Statutes, 1996 Supplement, are amended to
27 read:

28 381.0407 Managed care and publicly funded primary care
29 program coordination.--

30 (3) DEFINITIONS.--As used in this section the term:

31

1 (a) "Managed care plan" or "plan" means an entity that
2 contracts with the Agency for Health Care Administration on a
3 prepaid or fixed-sum basis for the provision of Medicaid
4 services pursuant to s. 409.912.

5 (b) "Publicly funded primary care provider" or "public
6 provider" means a county health department ~~public health unit~~
7 or a migrant health center funded under s. 329 of the Public
8 Health Services Act or a community health center funded under
9 s. 330 of the Public Health Services Act.

10 (4) REIMBURSEMENT REQUIRED.--Without prior
11 authorization, managed care plans, and the MediPass program as
12 administered by the Agency for Health Care Administration,
13 shall pay claims initiated by any public provider, to the
14 extent the managed care plan or MediPass program provides
15 coverage, for:

16 (a) The diagnosis and treatment of sexually
17 transmitted diseases and other communicable diseases such as
18 tuberculosis and human immunodeficiency virus infection
19 ~~syndrome~~.

20 (b) The provision of immunizations.

21 (c) Family planning services and related
22 pharmaceuticals.

23 (d) School health services listed in paragraphs (a),
24 (b), and (c) and ~~for~~ services rendered on an urgent basis.
25 Services rendered on an urgent basis are ~~those~~ health care
26 services needed to immediately relieve pain or distress for
27 medical problems such as injuries, nausea, and fever, and
28 ~~services needed~~ to treat infectious diseases and other similar
29 conditions.

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1 Public providers shall attempt to contact managed care plans
2 before providing health care services to their subscribers.
3 Public providers shall provide managed care plans with the
4 results of the office visit, including test results, and shall
5 be reimbursed by managed care plans at the rate negotiated
6 between the managed care plan and the public provider or, if a
7 rate has not been negotiated, at the lesser of either the rate
8 charged by the public provider or the Medicaid fee-for-service
9 reimbursement rate.

10 (5) EMERGENCY SHELTER MEDICAL SCREENING
11 REIMBURSEMENT.--County health departments ~~public health units~~
12 shall be reimbursed by managed care plans, and the MediPass
13 program as administered by the Agency for Health Care
14 Administration, for clients of the Department of Children and
15 Family Health and Rehabilitative Services who receive
16 emergency shelter medical screenings.

17 (6) MATERNAL AND CHILD HEALTH SERVICES.--The Agency
18 for Health Care Administration, in consultation with the
19 Department of Health ~~State Health Office~~, shall encourage
20 agreements between Medicaid-financed managed care plans and
21 public providers for the authorization of and payment for the
22 following services:

23 (a) Maternity case management.

24 (b) Well-child care.

25 (c) Prenatal care.

26 (7) VACCINE-PREVENTABLE DISEASE EMERGENCIES.--In the
27 event that a vaccine-preventable disease emergency is declared
28 by the State Health Officer or a county health department
29 ~~public health unit~~ director or administrator, managed care
30 plans, the MediPass program as administered by the Agency for
31 Health Care Administration, and health maintenance

1 organizations and prepaid health clinics licensed under
2 chapter 641 shall reimburse county health departments ~~public~~
3 ~~health units~~ for the cost of the administration of vaccines to
4 persons covered by these entities, provided such action is
5 necessary to end the emergency. Reimbursement shall be at the
6 rate negotiated between the entity and the county health
7 department ~~public health unit~~ or, if a rate has not been
8 negotiated, at the lesser of either the rate charged by the
9 county health department ~~public health unit~~ or the Medicaid
10 fee-for-service reimbursement rate. No charge shall be made
11 by the county health department ~~public health unit~~ for the
12 actual cost of the vaccine or ~~and~~ for services not covered
13 under the policy or contract of the entity.

14 Section 29. Subsection (5) of section 383.14, Florida
15 Statutes, 1996 Supplement, is amended to read:

16 383.14 Screening for metabolic disorders, other
17 hereditary and congenital disorders, and environmental risk
18 factors.--

19 (5) ADVISORY COUNCIL.--There is established a Genetics
20 and Infant Screening Advisory Council made up of 12 members
21 appointed by the Secretary ~~of Health and Rehabilitative~~
22 ~~Services~~. The council shall be composed of two consumer
23 members, three practicing pediatricians, at least one of whom
24 must be a pediatric hematologist, one representative from each
25 of the four medical schools in the state, the ~~Deputy~~ Secretary
26 of for Health or his or her designee, one representative from
27 the Division of Children's Medical Services ~~Program Office~~,
28 and one representative from the Developmental Services Program
29 Office of the Department of Children and Family Services. All
30 appointments shall be for a term of 4 years. The chairperson
31 of the council shall be elected from the membership of the

1 council and shall serve for a period of 2 years. The council
2 shall meet at least semiannually or upon the call of the
3 chairperson. The council may establish ad hoc or temporary
4 technical advisory groups to assist the council with specific
5 topics which come before the council. Council members shall
6 serve without pay. Pursuant to the provisions of s. 112.061,
7 the council members are entitled to be reimbursed for per diem
8 and travel expenses. It is the purpose of the council to
9 advise the department about:

10 (a) Conditions for which testing should be included
11 under the screening program and the genetics program;

12 (b) Procedures for collection and transmission of
13 specimens and recording of results; and

14 (c) Methods whereby screening programs and genetics
15 services for children now provided or proposed to be offered
16 in the state may be more effectively evaluated, coordinated,
17 and consolidated.

18 Section 30. Section 383.3362, Florida Statutes, is
19 amended to read:

20 383.3362 Sudden Infant Death Syndrome.--

21 (1) FINDINGS AND INTENT.--The Legislature recognizes
22 that ~~research has shown~~ Sudden Infant Death Syndrome, or SIDS,
23 is to be a leading cause of death among children under the age
24 of 1 year, both nationally and in this state. The Legislature
25 further recognizes that first responders to emergency calls
26 relating to such a death need access to special training to
27 better enable them to distinguish SIDS from death caused by
28 criminal acts and to appropriately interact with the deceased
29 infant's parents or caretakers. At the same time, the
30 Legislature, recognizing that the primary focus of first
31 responders is to carry out their assigned duties, intends to

1 increase the awareness of SIDS by first responders, but in no
2 way expand or take away from their duties. Further, the
3 Legislature recognizes the importance of a standard protocol
4 for review of SIDS deaths by medical examiners and the
5 importance of appropriate followup in cases of certified or
6 suspected SIDS deaths. ~~Further, the Legislature recognizes~~
7 ~~the benefits of establishing a SIDS Advisory Council.~~
8 Finally, the Legislature finds that it is desirable to analyze
9 existing data, and to conduct further research on, the
10 possible causes of SIDS and how to lower the number of sudden
11 infant deaths.

12 (2) DEFINITION.--As used in this section, the term
13 "Sudden Infant Death Syndrome," or "SIDS," means the sudden
14 unexpected death of an infant under 1 year of age which
15 remains unexplained after a complete autopsy, death-scene
16 investigation, and review of the case history. The term
17 includes only those deaths for which, currently, there is no
18 known cause or cure.

19 (3) TRAINING.--

20 (a) The Legislature finds that an emergency medical
21 technician, a paramedic, a firefighter, or a law enforcement
22 officer is likely to be the first responder to a request for
23 assistance which is made immediately after the sudden
24 unexpected death of an infant. The Legislature further finds
25 that these first responders should be trained in appropriate
26 responses to sudden infant death.

27 (b) After January 1, 1995, the basic training programs
28 required for certification as an emergency medical technician,
29 a paramedic, a firefighter, or a law enforcement officer as
30 defined in s. 943.10, other than a correctional officer or a
31

1 correctional probation officer, must include curriculum that
2 contains instruction on Sudden Infant Death Syndrome.

3 (c) ~~On or before January 1, 1994,~~The Department of
4 Health ~~and Rehabilitative Services,~~ in consultation with ~~the~~
5 ~~Sudden Infant Death Syndrome Advisory Council,~~the Emergency
6 Medical Services Advisory Council, the Firefighters Standards
7 and Training Council, and the Criminal Justice Standards and
8 Training Commission, shall develop and adopt, by rule,
9 curriculum that, at a minimum, includes training in the nature
10 of SIDS, standard procedures to be followed by law enforcement
11 agencies in investigating cases involving sudden deaths of
12 infants, and training in responding appropriately to the
13 parents or caretakers who have requested assistance.

14 (4) AUTOPSIES.--

15 (a) The medical examiner must perform an autopsy upon
16 any infant under the age of 1 year who is suspected to have
17 died of Sudden Infant Death Syndrome. The autopsy must be
18 performed within 24 hours after the death, or as soon
19 thereafter as is feasible. When the medical examiner's
20 findings are consistent with the definition of sudden infant
21 death syndrome in subsection (2), the medical examiner must
22 state on the death certificate that sudden infant death
23 syndrome was the cause of death.

24 (b) ~~Before January 1, 1994,~~The Medical Examiners
25 Commission shall develop and implement a protocol for dealing
26 with suspected sudden infant death syndrome. The protocol must
27 be followed by all medical examiners when conducting the
28 autopsies required under this subsection. The protocol may
29 include requirements and standards for scene investigations,
30 requirements for specific data, criteria for ascertaining
31 cause of death based on the autopsy, criteria for any specific

1 tissue sampling, and any other requirements that the
2 commission considers necessary.

3 (c) A medical examiner is not liable for damages in a
4 civil action for any act or omission done in compliance with
5 this subsection.

6 (d) An autopsy must be performed under the authority
7 of a medical examiner under s. 406.11.

8 ~~(5) VISITATION BY COUNTY PUBLIC HEALTH NURSE OR SOCIAL
9 WORKER.~~

10 ~~(a) After the death of an infant which is attributed
11 to Sudden Infant Death Syndrome, a county public health unit
12 nurse or professional social worker affiliated with the county
13 public health unit must attempt to visit the parents or
14 guardians of the deceased, in order to provide the parents or
15 guardians with appropriate educational and support services.~~

16 ~~(b) A nurse or social worker who conducts visits under
17 paragraph (a) must receive training in providing appropriate
18 educational and support services to the parents or guardians
19 of an infant whose death is attributed to SIDS. The State
20 Health Office shall by rule prescribe the requirements for the
21 training, including content, protocol, and frequency.~~

22 ~~(6) SUDDEN INFANT DEATH SYNDROME ADVISORY COUNCIL.~~

23 ~~(a) There is created the Sudden Infant Death Syndrome
24 Advisory Council, consisting of nine members appointed by the
25 secretary of the Department of Health and Rehabilitative
26 Services in consultation with the Florida SIDS Alliance, of
27 whom three are members of SIDS parents' groups, one is a
28 medical examiner, one is a county public health nurse, one is
29 a physician who has expertise in SIDS, one is a law
30 enforcement officer, one is an emergency medical technician,
31 and one is a paramedic. Either the emergency medical~~

1 ~~technician or the paramedic must also be a firefighter. Each~~
2 ~~member must be appointed for a term of 3 years, except that,~~
3 ~~of the initial appointees, who must be appointed before~~
4 ~~October 1, 1993, three must be appointed for terms of 1 year~~
5 ~~each, two must be appointed for terms of 2 years each, and~~
6 ~~three must be appointed for terms of 3 years each.~~

7 ~~(b) The council shall meet at least annually, and hold~~
8 ~~additional meetings by teleconference as necessary, and shall~~
9 ~~annually choose a chair from among its membership.~~

10 ~~(c) The State Health Office shall administer and~~
11 ~~provide support staff to the council.~~

12 ~~(d) The duties of the council are:~~

13 ~~1. To provide guidance to the department in the~~
14 ~~development of training, educational, and research programs~~
15 ~~regarding SIDS.~~

16 ~~2. To provide ongoing guidance to the Governor and the~~
17 ~~Legislature regarding the need for specific programs regarding~~
18 ~~SIDS for specific targeted groups of persons.~~

19 ~~3. To establish a link with the fetal and infant~~
20 ~~mortality reviews of the county Healthy Start Coalitions~~
21 ~~authorized under chapter 383, to the extent that those~~
22 ~~coalitions exist in the various counties.~~

23 ~~4. In conjunction with the department or a person with~~
24 ~~whom the department contracts to provide SIDS education, to~~
25 ~~convene annually a statewide conference for examining the~~
26 ~~progress in discovering the cause of SIDS, exploring the~~
27 ~~progress of newly established programs and services relating~~
28 ~~to SIDS, identifying future needs for legislation and program~~
29 ~~development regarding SIDS, and making recommendations on the~~
30 ~~needs of programs regarding SIDS. Invited conference~~
31 ~~participants shall include professionals and service providers~~

1 ~~in the area of SIDS, family members of SIDS victims, members~~
2 ~~of the Legislature or their staffs, and appropriate state~~
3 ~~agency staff.~~

4 ~~(e) The members of the advisory council shall serve at~~
5 ~~the pleasure of the secretary. The members of the advisory~~
6 ~~council shall serve without compensation, but may be~~
7 ~~reimbursed for necessary per diem and travel expenses incurred~~
8 ~~in the performance of the duties of the advisory council, as~~
9 ~~provided in s. 112.061.~~

10 (5)(7) DEPARTMENT STATE HEALTH OFFICE, DUTIES RELATING
11 TO SUDDEN INFANT DEATH SYNDROME (SIDS).--The Department of
12 State Health Office shall:

13 (a) Collaborate with other agencies in the development
14 and presentation of the Sudden Infant Death Syndrome (SIDS)
15 training programs for first responders, including those for
16 emergency medical technicians and paramedics, firefighters,
17 and law enforcement officers.

18 (b) Maintain a database of statistics on reported SIDS
19 deaths, and analyze the data as funds allow.

20 ~~(c) Administer and provide staff support for the~~
21 ~~Sudden Infant Death Syndrome Advisory Council.~~

22 (c)(d) Serve as liaison and closely coordinate
23 activities with the Florida SIDS Alliance, including the
24 services related to the SIDS hotline.

25 (d)(e) Maintain a library reference list and materials
26 about SIDS for public dissemination.

27 (e)(f) Provide professional support to field staff.

28 (f) Coordinate the activities of and promote a link
29 between the fetal and infant mortality review committees of
30 the local healthy start coalitions, the local SIDS alliance,
31 and other related support groups.

1 ~~(g) Provide professional support services to people~~
2 ~~who are affected by AIDS.~~

3 ~~(h) Prepare and submit to the Governor, the President~~
4 ~~of the Senate, and the Speaker of the House of Representatives~~
5 ~~an annual report, beginning January 1, 1995, which must~~
6 ~~include information on the training programs for first~~
7 ~~responders, the results of visitation by county public health~~
8 ~~unit personnel, a summary of the information presented at the~~
9 ~~annual conference, and statistical data and findings from~~
10 ~~research relating to AIDS.~~

11 ~~(8) FISCAL CONSTRAINT.--This section may be~~
12 ~~implemented only to the extent that funding is provided by the~~
13 ~~Legislature.~~

14 Section 31. Section 385.202, Florida Statutes, 1996
15 Supplement, is amended to read:

16 385.202 Statewide cancer registry.--

17 (1) Each facility hospital licensed under pursuant to
18 chapter 395 and each freestanding radiation therapy center as
19 defined in s. 408.07 shall report to the Department of Health
20 ~~and Rehabilitative Services~~ such information, specified by the
21 department, by rule, which indicates ~~as will indicate~~
22 diagnosis, stage of disease, medical history, laboratory data,
23 tissue diagnosis, and radiation, surgical, or other methods of
24 diagnosis or treatment for ~~on~~ each cancer diagnosed or ~~patient~~
25 treated by the facility or center ~~hospital~~. Failure to comply
26 with this requirement may be cause for registration or
27 licensure suspension or revocation ~~of the license of any such~~
28 ~~hospital~~.

29 (2) The department shall establish, or cause to have
30 established, by contract with a recognized medical
31 organization in this state and its affiliated institutions, a

1 statewide cancer registry program to ensure that cancer
2 reports required under this section ~~as required in subsection~~
3 ~~(1)~~ shall be maintained and ~~shall be~~ available for use in the
4 course of any study for the purpose of reducing morbidity or
5 mortality; and no liability of any kind or character for
6 damages or other relief shall arise or be enforced against any
7 hospital by reason of having provided such information or
8 material to the department.

9 (3) The department or a contractual designee operating
10 the statewide cancer registry program required by this section
11 ~~act~~ shall use or publish said material only for the purpose of
12 advancing medical research or medical education in the
13 interest of reducing morbidity or mortality, except that a
14 summary of such studies may be released for general
15 publication. Information which discloses or could lead to the
16 disclosure of the identity of any person whose condition or
17 treatment has been reported and studied shall be confidential
18 and exempt from the provisions of s. 119.07(1), except that:

19 (a) Release may be made with the written consent of
20 all persons to whom the information applies;

21 (b) The department or a contractual designee may
22 contact individuals for the purpose of epidemiologic
23 investigation and monitoring, provided information that is
24 confidential under this section is not further disclosed; or

25 (c) The department may exchange personal data with any
26 other governmental agency or a contractual designee for the
27 purpose of medical or scientific research, provided such
28 governmental agency or contractual designee shall not further
29 disclose information that is confidential under this section.

30 (4) Funds appropriated for this section ~~act~~ shall be
31 used ~~utilized~~ for the ~~purposes~~ of establishing, administering,

1 compiling, processing, and providing ~~suitable~~ biometric and
2 statistical analyses to the reporting facilities ~~hospitals~~ and
3 ~~shall be utilized to help defray the expenses incurred by the~~
4 ~~reporting hospitals in providing information to the cancer~~
5 ~~registry.~~ Funds may also be used to ensure the quality and
6 accuracy of the information reported and to provide management
7 information to the reporting facilities. Such reporting
8 hospitals shall be reimbursed for reasonable costs.

9 (5) The department may, by rule, classify facilities
10 for purposes of reports made to the cancer registry and
11 specify the content and frequency of the reports. In
12 classifying facilities, the department shall exempt certain
13 facilities from reporting cancer information that was
14 previously reported to the department or retrieved from
15 existing state reports made to the department or the Agency
16 for Health Care Administration. The provisions of this
17 section act shall not apply to any facility ~~hospital~~ whose
18 primary function is to provide psychiatric care to its
19 patients.

20 Section 32. Section 385.203, Florida Statutes, is
21 amended to read:

22 385.203 Diabetes Advisory Council; creation; function;
23 membership.--

24 (1) There is created a Diabetes Advisory Council to
25 the diabetes centers, the Board of Regents, and the Department
26 of Health ~~and Rehabilitative Services~~. The council shall:

27 (a) Serve as a forum for the discussion and study of
28 issues related to the delivery of health care services to ~~for~~
29 persons with diabetes.

30 (b) Provide advice and consultation to+

31

1 ~~1.~~ the deans of the medical schools in which are
2 located diabetes centers, and by June 30 of each year, the
3 council shall submit written recommendations to the deans
4 regarding the need for diabetes education, treatment, and
5 research activities to promote the prevention and control of
6 diabetes.

7 (c)2. ~~The secretary of the department, and~~ By June 30
8 of each year, ~~the council shall~~ meet with the Secretary of
9 Health or his or her designee to make specific recommendations
10 regarding the public health aspects of the prevention and
11 control of diabetes.

12 ~~(c) By October 1, 1991, and, subsequently, no later~~
13 ~~than October 1 of each year preceding a legislative session~~
14 ~~for which a biennial budget is submitted, submit to the~~
15 ~~Governor and the Legislature a diabetes state plan. The plan~~
16 ~~must be developed with administrative assistance from the~~
17 ~~department and must contain information regarding: the~~
18 ~~problems of diabetes in Florida; the resources currently~~
19 ~~available and needed to address the problems; the goals and~~
20 ~~methods by which the department, the diabetes centers, the~~
21 ~~council, and the health care community should address the~~
22 ~~problems; and an evaluation scheme for assessing progress. The~~
23 ~~plan shall set the overall policy and procedures for~~
24 ~~establishing a statewide health care delivery system for~~
25 ~~diabetes mellitus.~~

26 (2) The members of the council shall be appointed by
27 the Governor from nominations by the Board of Regents, the
28 Board of Trustees of the University of Miami, and the
29 Secretary of ~~the Department of Health and Rehabilitative~~
30 ~~Services~~. Members shall serve 4-year terms or until their
31 successors are appointed or qualified.

1 (3) The council shall be composed of 18 citizens of
2 the state as follows: four practicing physicians; one
3 representative from each medical school; seven interested
4 citizens, at least three of whom shall be persons who have or
5 have had diabetes mellitus or who have a child with diabetes
6 mellitus; the ~~Deputy~~ Secretary of ~~for~~ Health or his or her
7 designee; one representative from the Division of Children's
8 Medical Services of the Department of Health ~~Program Office~~;
9 and one professor of nutrition.

10 (4)(a) The council shall annually elect from its
11 members a chair and a secretary. The council shall meet at
12 the chair's discretion; however, at least three meetings shall
13 be held each year.

14 (b) In conducting its meetings, the council shall use
15 accepted rules of procedure. A majority of the members of the
16 council constitutes a quorum, and action by a majority of a
17 quorum is necessary for the council to take any official
18 action. The secretary shall keep a complete record of the
19 proceedings of each meeting. The record shall show the names
20 of the members present and the actions taken. The records
21 shall be kept on file with the department, and these and other
22 documents about matters within the jurisdiction of the council
23 may be inspected by members of the council.

24 (5) Members of the council shall serve without
25 remuneration but may be reimbursed for per diem and travel
26 expenses as provided in s. 112.061, to the extent resources
27 are available.

28 (6) The department shall serve as an intermediary for
29 the council if the council coordinates, applies for, or
30 accepts any grants, funds, gifts, or services made available
31 to it by any agency or department of the Federal Government,

1 or any private agency or individual, for assistance in the
2 operation of the council or the diabetes centers established
3 in the various medical schools.

4 ~~(7) The department shall consider the plan of the~~
5 ~~advisory council in dispersing funds appropriated for the~~
6 ~~prevention and control of diabetes.~~

7 Section 33. Section 391.051, Florida Statutes, 1996
8 Supplement, is amended to read:

9 391.051 Qualifications of director.--The Director for
10 ~~of~~ Children's Medical Services must be a physician licensed
11 under chapter 458 or chapter 459 who has specialized training
12 and experience in the provision of medical care to children
13 and who has recognized skills in leadership and the promotion
14 of children's health programs. The Director for ~~of~~ Children's
15 Medical Services shall be the deputy secretary and the Deputy
16 State Health Officer for Children's Medical Services and is
17 appointed by and reports to the secretary ~~the division~~
18 ~~director of the Division of Children's Medical Services as~~
19 ~~provided under s. 20.43.~~

20 Section 34. Subsections (1), (2), and (4) of section
21 392.52, Florida Statutes, are amended to read:

22 392.52 Definitions.--As used in this chapter, the
23 term:

24 (1) "Active tuberculosis" means tuberculosis disease
25 that is demonstrated to be contagious by clinical or
26 ~~bacteriological, or radiographic~~ evidence, or by other means
27 as determined by rule of the department. Tuberculosis disease
28 is considered active until cured.

29 (2) "County health department ~~public health unit~~"
30 means an agency or entity designated as such in chapter 154.

31

1 (4) "Department" means the Department of Health ~~and~~
2 ~~Rehabilitative Services~~.

3 Section 35. Section 392.565, Florida Statutes, is
4 amended to read:

5 392.565 Execution of certificate for involuntary
6 hold.--When a person who has active tuberculosis or who is
7 reasonably suspected of having ~~or having been exposed to~~
8 active tuberculosis presents to a physician licensed under
9 chapter 458 or chapter 459 for examination or treatment and
10 the physician has reason to believe that if the person leaves
11 the treatment location the person will pose a threat to the
12 public health based on test results or the patient's medical
13 history and the physician has reason to believe that the
14 person is not likely to appear at a hearing scheduled under s.
15 392.55 or s. 392.56, the treating physician shall request the
16 State Health Officer or his or her designee to order that the
17 person be involuntarily held by executing a certificate
18 stating that the person appears to meet the criteria for
19 involuntary examination or treatment and stating the
20 observation upon which that conclusion is based. The sheriff
21 of the county in which the certificate was issued shall take
22 such person into custody and shall deliver the person to the
23 nearest available licensed hospital, or to another location
24 where isolation is available, as appropriate, for observation,
25 examination, and treatment for a period not to exceed 72
26 hours, pending a hearing scheduled under s. 392.55 or s.
27 392.56. The certificate must be filed with the circuit court
28 in which the person is involuntarily held and constitutes a
29 petition for a hearing under s. 392.55 or s. 392.56.

30 Section 36. Subsections (2) and (4) of section 392.62,
31 Florida Statutes, are amended to read:

1 392.62 Hospitalization and placement programs.--
2 (2) The department may operate a licensed hospital for
3 the care and treatment to cure of persons who have active
4 tuberculosis. The hospital may have a forensic unit where,
5 under medical protocol, a patient can be held in a secure or
6 protective setting. ~~However,~~The department shall also seek
7 to maximize use of existing licensed community hospitals for
8 the care and treatment to cure of persons who have active
9 tuberculosis.

10 (4) A hospital may, pursuant to court order, place a
11 patient in temporary isolation for a period of no more than 72
12 continuous hours. The department shall obtain a court order in
13 the same manner as prescribed in s. 392.57. Nothing in this
14 subsection precludes a hospital from isolating an infectious
15 patient for medical reasons.

16 Section 37. Subsections (4) and (5) of section
17 395.3025, Florida Statutes, 1996 Supplement, are amended to
18 read:

19 395.3025 Patient and personnel records; copies;
20 examination.--

21 (4) Patient records are confidential and must not be
22 disclosed without the consent of the person to whom they
23 pertain, but appropriate disclosure may be made without such
24 consent to:

25 (a) Licensed facility personnel and attending
26 physicians for use in connection with the treatment of the
27 patient.

28 (b) Licensed facility personnel only for
29 administrative purposes or risk management and quality
30 assurance functions.

31

1 (c) The agency, for purposes of health care cost
2 containment.

3 (d) In any civil or criminal action, unless otherwise
4 prohibited by law, upon the issuance of a subpoena from a
5 court of competent jurisdiction and proper notice by the party
6 seeking such records to the patient or his or her legal
7 representative.

8 (e) The agency ~~or the Department of Business and~~
9 ~~Professional Regulation~~ upon subpoena issued pursuant to s.
10 455.223, but the records obtained thereby must be used solely
11 for the purpose of the agency ~~or the Department of Business~~
12 ~~and Professional Regulation~~ and the appropriate professional
13 board in its investigation, prosecution, and appeal of
14 disciplinary proceedings. If the agency ~~or the Department of~~
15 ~~Business and Professional Regulation~~ requests copies of the
16 records, the facility shall charge no more than its actual
17 copying costs, including reasonable staff time. The records
18 must be sealed and must not be available to the public
19 pursuant to s. 119.07(1) or any other statute providing access
20 to records, nor may they be available to the public as part of
21 the record of investigation for and prosecution in
22 disciplinary proceedings made available to the public by the
23 agency, ~~the Department of Business and Professional~~
24 ~~Regulation~~, or the appropriate regulatory board. However, the
25 agency ~~or the Department of Business and Professional~~
26 ~~Regulation~~ must make available, upon written request by a
27 practitioner against whom probable cause has been found, any
28 such records that form the basis of the determination of
29 probable cause.

30 (f) The Department of Health or its agent, for the
31 purpose of establishing and maintaining a trauma registry and

1 for the purpose of ensuring that hospitals and trauma centers
2 are in compliance with the standards and rules established
3 under ss. 395.401, 395.4015, 395.4025, 395.404, 395.4045, and
4 395.405, and for the purpose of monitoring patient outcome at
5 hospitals and trauma centers that provide trauma care
6 services.

7 (g) The Department of Children and Family Health and
8 ~~Rehabilitative~~ Services or its agent, for the purpose of
9 investigations of cases of abuse, neglect, or exploitation of
10 children or disabled adults or elderly persons.

11 (h) The State Long-Term Care Ombudsman Council and the
12 district long-term care ombudsman councils, with respect to
13 the records of a patient who has been admitted from a nursing
14 home or long-term care facility, when the councils are
15 conducting an investigation involving the patient as
16 authorized under part II of chapter 400, upon presentation of
17 identification as a council member by the person making the
18 request. Disclosure under this paragraph shall only be made
19 after a competent patient or the patient's representative has
20 been advised that disclosure may be made and the patient has
21 not objected.

22 (i) A local trauma agency or a regional trauma agency
23 that performs quality assurance activities, or a panel or
24 committee assembled to assist a local trauma agency or a
25 regional trauma agency in performing quality assurance
26 activities. Patient records obtained under this paragraph are
27 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
28 of the State Constitution.

29 (j) Organ procurement organizations, tissue banks, and
30 eye banks required to conduct death records reviews pursuant
31 to s. 395.2050.

1 (5) The Department of Health may examine patient
2 records of a licensed facility, whether held by the facility
3 or the Agency for Health Care Administration, for the purpose
4 of epidemiological investigations, ~~provided that~~ The
5 unauthorized release of information by agents of the
6 department which would identify an individual patient is a
7 misdemeanor of the first ~~second~~ degree, punishable as provided
8 in s. 775.082 or s. 775.083.

9 Section 38. Present paragraphs (c) through (l) of
10 subsection (1) of section 395.401, Florida Statutes, are
11 redesignated as paragraphs (d) through (m), respectively, and
12 a new paragraph (c) is added to that subsection, to read:

13 395.401 Trauma services system plans; verification of
14 trauma centers and pediatric trauma referral centers;
15 procedures; renewal.--

16 (1) As used in this part, the term:

17 (c) "Department" means the Department of Health.

18 Section 39. Subsection (1) of section 401.107, Florida
19 Statutes, is amended to read:

20 401.107 Definitions.--As used in this part, the term:

21 (1) "Department" means the Department of Health ~~and~~
22 ~~Rehabilitative Services.~~

23 Section 40. Section 401.111, Florida Statutes, is
24 amended to read:

25 401.111 Emergency medical services grant program;
26 authority.--~~The department of Health and Rehabilitative~~
27 ~~Services~~ is hereby authorized to make grants to local agencies
28 and emergency medical services organizations in accordance
29 with any agreement entered into pursuant to this part. These
30 grants shall be designed to assist said agencies and
31 organizations in providing emergency medical services. The

1 cost of administering this program shall be paid by the
2 department from funds appropriated to it.

3 Section 41. Section 401.117, Florida Statutes, is
4 amended to read:

5 401.117 Grant agreements; conditions.--The department
6 ~~of Health and Rehabilitative Services~~ shall use the following
7 guidelines in developing the procedures for grant
8 disbursement:

9 (1) The need for emergency medical services and the
10 requirements of the population to be served.

11 (2) All emergency vehicles and attendants must conform
12 to state standards established by law or rule ~~regulation~~ of
13 the department.

14 (3) All vehicles shall contain minimum equipment and
15 supplies as required by law or rule ~~regulation~~ of the
16 department.

17 (4) All vehicles shall have at a minimum a direct
18 communications linkup with the operating base and hospital
19 designated as the primary receiving facility.

20 (5) Emphasis shall be accorded to applications that
21 contain one or more of the following provisions:

22 (a) Services provided on a county, multicounty, or
23 areawide basis.

24 (b) A single provider, or a coordinated provider,
25 method of delivering services.

26 (c) Coordination of all communication links, including
27 police, fire, emergency vehicles, and other related services.

28 Section 42. Subsections (10) and (21) of section
29 401.23, Florida Statutes, are amended to read:

30 401.23 Definitions.--As used in this part, the term:
31

1 (10) "Department" means the Department of Health ~~and~~
2 ~~Rehabilitative Services.~~

3 (21) "Secretary" means the Secretary of Health ~~and~~
4 ~~Rehabilitative Services.~~

5 Section 43. Paragraphs (a) and (c) of subsection (2)
6 and subsection (5) of section 401.245, Florida Statutes, are
7 amended, and subsection (6) is added to that section, to read:

8 401.245 Emergency Medical Services Advisory Council.--

9 (2)(a) No more than 15 members may be appointed to
10 this council. ~~Each district of the department shall, when~~
11 ~~possible, be represented on the advisory council.~~ Members
12 shall be appointed for 4-year terms in such a manner that each
13 year the terms of approximately one-fourth of the members
14 expire. The chair of the council shall be designated by the
15 secretary. Vacancies shall be filled for the remainder of
16 unexpired terms in the same manner as the original
17 appointment. Members shall receive no compensation but may be
18 reimbursed for per diem and travel expenses.

19 (c) Appointments to the council shall be made by the
20 secretary ~~of the Department of Health and Rehabilitative~~
21 ~~Services~~, except that state agency representatives shall be
22 appointed by the respective agency head.

23 (5) The department ~~of Health and Rehabilitative~~
24 ~~Services~~ shall adopt rules to implement this section, which
25 rules shall serve as formal operating procedures for the
26 Emergency Medical Services Advisory Council.

27 (6) There is established a committee to advise the
28 Department of Health on matters concerning preventative,
29 pre-hospital, hospital, rehabilitative, and other
30 post-hospital medical care for children.

31

1 (a) Committee members shall be appointed by the
2 secretary, and shall include, but not be limited to,
3 physicians and other medical professionals that have
4 experience in emergency medicine or expertise in emergency and
5 critical care for children.

6 (b) Appointments to the committee shall be for a term
7 of two years. Vacancies may be filled for the unexpired term
8 at the discretion of the secretary. The members shall serve
9 without compensation, and shall not be reimbursed for
10 necessary expenses incurred in the performance of their
11 duties, unless there is funding available from the Federal
12 government or contributions or grants from private sources.

13 Section 44. Section 401.252, Florida Statutes, is
14 amended to read:

15 401.252 Interfacility transfer.--

16 (1) A licensed basic or advanced life support
17 ambulance service may conduct interfacility transfers in a
18 permitted ambulance, using a registered nurse in place of an
19 emergency medical technician or paramedic, if:

20 (a) The registered nurse holds a current certificate
21 of successful course completion in advanced cardiac life
22 support;

23 (b) The physician in charge has granted permission for
24 such a transfer, has designated the level of service required
25 for such transfer, and has deemed the patient to be in such a
26 condition appropriate to this type of ambulance staffing; and

27 (c) The registered nurse operates within the scope of
28 chapter 464.

29 (2) A licensed basic or advanced life support service
30 may conduct interfacility transfers in a permitted ambulance
31 if the patient's treating physician certifies that the

1 transfer is medically appropriate and the physician provides
2 reasonable transfer orders. An interfacility transfer must be
3 conducted in a permitted ambulance if it is determined that
4 the patient needs, or is likely to need, medical attention
5 during transport. If the emergency medical technician or
6 paramedic believes the level of patient care required during
7 the transfer is beyond his or her capability, the medical
8 director, or his or her designee, must be contacted for
9 clearance prior to conducting the transfer. If necessary, the
10 medical director, or his or her designee, shall attempt to
11 contact the treating physician for consultation to determine
12 the appropriateness of the transfer.

13 (3) Infants less than 28 days old or infants weighing
14 less than 5 kilograms, who require critical care interfacility
15 transport to a neonatal intensive care unit, shall be
16 transported in a permitted advanced life support or basic life
17 support transport ambulance, or in a permitted advanced life
18 support or basic life support ambulance that is recognized by
19 the department as meeting designated criteria for neonatal
20 interfacility critical care transport.

21 (4) The department shall adopt and enforce rules to
22 carry out this section, including rules for permitting,
23 equipping, and staffing transport ambulances and that govern
24 the medical direction under which interfacility transfers take
25 place.

26 Section 45. Subsection (2) of section 401.265, Florida
27 Statutes, is amended to read:

28 401.265 Medical directors.--

29 (2) Each medical director shall establish a quality
30 assurance committee to provide for quality assurance review of
31 all emergency medical technicians and paramedics operating

1 under his or her supervision. If the medical director has
2 reasonable belief that conduct by an emergency medical
3 technician or paramedic may constitute one or more grounds for
4 discipline as provided by this part, he or she shall document
5 facts and other information related to the alleged violation.
6 The medical director shall report to the department ~~of Health~~
7 ~~and Rehabilitation Services~~ any emergency medical technician
8 or paramedic whom the medical director reasonably believes to
9 have acted in a manner which might constitute grounds for
10 disciplinary action. Such a report of disciplinary concern
11 must include a statement and documentation of the specific
12 acts of the disciplinary concern. Within 7 days after receipt
13 of such a report, the department shall provide the emergency
14 medical technician or paramedic a copy of the report of the
15 disciplinary concern and documentation of the specific acts
16 related to the disciplinary concern. If the department
17 determines that the report is insufficient for disciplinary
18 action against the emergency medical technician or paramedic
19 pursuant to s. 401.411, the report shall be expunged from the
20 record of the emergency medical technician or paramedic.

21 Section 46. Subsection (8) of section 401.27, Florida
22 Statutes, is amended to read:

23 401.27 Personnel; standards and certification.--

24 (8) Each emergency medical technician certificate and
25 each paramedic certificate will expire automatically and may
26 be renewed if the holder meets the qualifications for renewal
27 as established by the department. A certificate that is not
28 renewed at the end of the 2-year period will automatically
29 revert to an inactive status for a period not to exceed 180
30 days. Such certificate may be reactivated and renewed within
31 the 180 days if the certificateholder meets all other

1 qualifications for renewal and pays a \$25 late fee.
2 Reactivation shall be in a manner and on forms prescribed by
3 department rule. The holder of a certificate that expired on
4 December 1, 1996, has until September 30, 1997, to reactivate
5 the certificate in accordance with this subsection.

6 Section 47. Section 402.105, Florida Statutes, is
7 transferred, renumbered as section 381.85, Florida Statutes,
8 and amended to read:

9 381.85 ~~402.105~~ Biomedical and social research.--

10 (1) SHORT TITLE; PURPOSE AND INTENT.--

11 (a) This section may be cited as the "Florida
12 Biomedical and Social Research Act."

13 (b) The purpose of this section is to provide a
14 procedure by which proposed research on children or adults
15 will be supported with funds appropriated to the department,
16 and can be efficiently and expeditiously assessed for
17 compliance with the substantive and procedural requirements
18 established by the Review Council for Biomedical and Social
19 Research in rules adopted by the department.

20 (c) It is the intent of the Legislature that:

21 1. Research involving human beings be conducted by the
22 department, or with funds appropriated to the department, only
23 when necessary and appropriate, and only after review and
24 approval pursuant to the provisions of this section and
25 related rules.

26 2. The department and the Review Council for
27 Biomedical and Social Research jointly develop rules under
28 which proposed research on human beings shall be promptly and
29 appropriately submitted for review and approval pursuant to
30 this section.

31

1 3. The rules to be adopted by the department and the
2 procedures and criteria to be adopted by the Review Council
3 for Biomedical and Social Research be guided by the ethical
4 standards for human research set forth in the report of the
5 National Commission for the Protection of Human Subjects of
6 Biomedical and Behavioral Research.

7 (2) DEFINITIONS.--When used in this section:

8 (a) "Department" means the Department of Health ~~and~~
9 ~~Rehabilitative Services~~.

10 (b) "Research" means a systematic investigation
11 designed to develop or contribute to knowledge that can be
12 generalized.

13 (c) "Intervention" means physical procedures by which
14 data are gathered and manipulations of the subject or the
15 subject's environment that are performed for research
16 purposes.

17 (d) "Interaction" means communication or interpersonal
18 contact between investigator and subject.

19 (e) "Private information" means information about
20 behavior that occurs in a context in which an individual can
21 reasonably expect that no observation or recording is taking
22 place, and information which has been provided for specific
23 purposes by an individual and which the individual can
24 reasonably expect will not be made public.

25 (3) REVIEW COUNCIL FOR BIOMEDICAL AND SOCIAL
26 RESEARCH.--

27 (a) There is created the Review Council for Biomedical
28 and Social Research to consist of nine members. The Governor,
29 the President of the Senate, and the Speaker of the House of
30 Representatives shall each appoint, no later than January 1,
31 1991, three members, as follows: one individual knowledgeable

1 in biomedical research, one individual knowledgeable in
2 behavioral research, and one individual from the client
3 advocacy community. The chairperson shall be elected by
4 majority vote of the members.

5 (b) Members of the Review Council for Biomedical and
6 Social Research shall be appointed to serve terms of 3 years.
7 A member may not serve more than two consecutive terms.

8 (c) The council shall adopt internal organizational
9 procedures or bylaws necessary for efficient operation of the
10 council.

11 (d) The council shall have a budget and shall be
12 financed through an annual appropriation made for this purpose
13 in the General Appropriations Act. Each member shall be
14 entitled to receive per diem and expenses for travel, as
15 provided in s. 112.061, while carrying out official business
16 of the council. For administrative purposes only, the council
17 shall be assigned to the Department of Legal Affairs.

18 (e) The council shall be staffed by an executive
19 director and a secretary who shall be appointed by the council
20 and who shall be exempt from the provisions of part II of
21 chapter 110 relating to the Career Service System.

22 (f) The council shall meet and conduct business at
23 least quarterly, or more often at the call of the chairperson.

24 (g) The council shall consult outside experts, target
25 populations, and others to assist in decisionmaking during the
26 review process.

27 (h) Meetings of the council shall be subject to the
28 provisions of chapter 119 and s. 286.011.

29 (4) RESEARCH SUBJECT TO REVIEW.--Any research on human
30 beings conducted under the authority of the department shall
31 be subject to review and approval by the Review Council for

1 Biomedical and Social Research. In order to effectuate the
2 review and approval process, the council shall adopt criteria
3 to be used in its review of proposed research, procedures by
4 which proposals for research on human beings by the department
5 are to be submitted to the council, and other procedures
6 necessary to assist in providing an efficient and effective
7 decisionmaking process.

8 (5) RULES.--The department, in consultation with the
9 Review Council for Biomedical and Social Research, shall adopt
10 rules necessary to carry out the provisions of this section.
11 Such rules shall include, but not be limited to, defining the
12 type of research to which such rules shall apply and
13 prescribing internal departmental procedures for review and
14 approval of research on human beings prior to submission to
15 the council.

16 Section 48. Section 402.32, Florida Statutes, is
17 transferred, renumbered as section 381.0056, Florida Statutes,
18 and amended to read:

19 381.0056 ~~402.32~~ School health services program.--

20 (1) This section ~~shall be known and~~ may be cited as
21 the "School Health Services Act."

22 (2) The Legislature finds that health services
23 conducted as a part of the total school health program should
24 be carried out to appraise, protect, and promote the health of
25 students. School health services supplement, rather than
26 replace, parental responsibility and are designed to encourage
27 parents to devote attention to child health, to discover
28 health problems, and to encourage use of the services of their
29 physicians, dentists, and community health agencies.

30 (3) When used in this ~~The following words and phrases~~
31 ~~have the following meanings for the purpose of this section:~~

1 (a) "Emergency health needs" means onsite management
2 and aid for illness or injury pending the student's return to
3 the classroom or release to a parent, guardian, designated
4 friend, or designated health care provider.

5 (b) "Invasive screening" means any screening procedure
6 in which the skin or any body orifice is penetrated.

7 (c) "Physical examination" means a thorough evaluation
8 of the health status of an individual.

9 (d) "School health services plan" means the document
10 that describes the services to be provided, the responsibility
11 for provision of the services, the anticipated expenditures to
12 provide the services, and evidence of cooperative planning by
13 local school districts and county health departments ~~public~~
14 ~~health units of the Department of Health and Rehabilitative~~
15 ~~Services.~~

16 (e) "Screening" means presumptive identification of
17 unknown or unrecognized diseases or defects by the application
18 of tests that can be given with ease and rapidity to
19 apparently healthy persons.

20 (4) The Department of Health ~~and Rehabilitative~~
21 ~~Services~~ shall have the responsibility, in cooperation with
22 the Department of Education, to supervise the administration
23 of the school health services program and perform periodic
24 program reviews. However, the principal of each school shall
25 have immediate supervisory authority over the health personnel
26 working in the school.

27 (5) Each county health department ~~public health unit~~
28 shall develop, jointly with the district school board and the
29 local school health advisory committee, a health services
30 plan; and the plan shall include, at a minimum, provisions
31 for:

- 1 (a) Health appraisal;
2 (b) Records review;
3 (c) Nurse assessment;
4 (d) Nutrition assessment;
5 (e) A preventive dental program;
6 (f) Vision screening;
7 (g) Hearing screening;
8 (h) Scoliosis screening;
9 (i) Growth and development screening;
10 (j) Health counseling;
11 (k) Referral and followup of suspected or confirmed
12 health problems by the local county health department ~~public~~
13 ~~health unit~~;
14 (l) Meeting emergency health needs in each school;
15 (m) County health department ~~Public health unit~~
16 personnel to assist school personnel in health education
17 curriculum development;
18 (n) Referral of students to appropriate health
19 treatment, in cooperation with the private health community
20 whenever possible;
21 (o) Consultation with a student's parent or guardian
22 regarding the need for health attention by the family
23 physician, dentist, or other specialist when definitive
24 diagnosis or treatment is indicated;
25 (p) Maintenance of records on incidents of health
26 problems, corrective measures taken, and such other
27 information as may be needed to plan and evaluate health
28 programs; except, however, that provisions in the plan for
29 maintenance of health records of individual students must be
30 in accordance with s. 228.093;
31

1 (q) Health information which will be provided by the
2 school health nurses, when necessary, regarding the placement
3 of students in exceptional student programs and the
4 reevaluation at periodic intervals of students placed in such
5 programs; and

6 (r) Notification to the local nonpublic schools of the
7 school health services program and the opportunity for
8 representatives of the local nonpublic schools to participate
9 in the development of the cooperative health services plan.

10 (6) A nonpublic school may request to participate in
11 the school health services program. A nonpublic school
12 voluntarily participating in the school health services
13 program shall:

14 (a) Cooperate with the county health department ~~public~~
15 ~~health unit~~ and district school board in the development of
16 the cooperative health services plan;

17 (b) Make available physical facilities for health
18 services;

19 (c) Provide inservice health training to school
20 personnel;

21 (d) Cooperate with public health personnel in the
22 implementation of the school health services plan;

23 (e) Be subject to health service program reviews by
24 the Department of Health ~~and Rehabilitative Services~~ and the
25 Department of Education; and

26 (f) At the beginning of each school year, inform
27 parents or guardians in writing that their children who are
28 students in the school will receive specified health services
29 as provided for in the district health services plan. A
30 student will be exempt from any of these services if his or
31 her parent or guardian requests such exemption in writing.

1 This paragraph shall not be construed to authorize invasive
2 screening; if there is a need for such procedure, the consent
3 of the student's parent or guardian shall be obtained in
4 writing prior to performing the screening. However, the laws
5 and rules relating to contagious or communicable diseases and
6 sanitary matters shall not be violated.

7 (7) The district school board shall:

8 (a) Coordinate the educational aspects of the school
9 health services program with the Florida Comprehensive Health
10 Education and Substance Abuse Prevention Act ~~Comprehensive~~
11 ~~Health Education Act of 1973~~;

12 (b) Include health services and health education as
13 part of the comprehensive plan for the school district;

14 (c) Provide inservice health training for school
15 personnel;

16 (d) Make available physical facilities for health
17 services; and

18 (e) At the beginning of each school year, inform
19 parents or guardians in writing that their children who are
20 students in the district schools will receive specified health
21 services as provided for in the district health services plan.
22 A student will be exempt from any of these services if his or
23 her parent or guardian requests such exemption in writing.

24 This paragraph shall not be construed to authorize invasive
25 screening; if there is a need for such procedure, the consent
26 of the student's parent or guardian shall be obtained in
27 writing prior to performing the screening. However, the laws
28 and rules relating to contagious or communicable diseases and
29 sanitary matters shall not be violated.

30 (8) The Department of Health ~~and Rehabilitative~~
31 ~~Services~~, in cooperation with the Department of Education, may

1 ~~adopt is authorized to promulgate~~ rules necessary to implement
2 this section.

3 (9) In the absence of negligence, no person shall be
4 liable for any injury caused by an act or omission in the
5 administration of school health services.

6 Section 49. Section 402.321, Florida Statutes, is
7 transferred, renumbered as section 381.0057, Florida Statutes,
8 and amended to read:

9 381.0057 ~~402.321~~ Funding for school health services.--

10 (1) It is the intent of the Legislature that funds in
11 addition to those provided under the School Health Services
12 Act be provided to those school districts and schools where
13 there is a high incidence of medically underserved high-risk
14 children, low birthweight babies, infant mortality, or teenage
15 pregnancy. The purpose of this funding is to phase in those
16 programs which offer the greatest potential for promoting the
17 health of students and reducing teenage pregnancy.

18 (2) The Secretary of Health ~~and Rehabilitative~~
19 ~~Services~~, or his or her designee, in cooperation with the
20 Commissioner of Education, or his or her designee, shall
21 publicize the availability of funds, targeting those school
22 districts or schools which have a high incidence of medically
23 underserved high-risk children, low birthweight babies, infant
24 mortality, or teenage pregnancy.

25 (3) The Secretary of Health ~~and Rehabilitative~~
26 ~~Services~~, or his or her designees, in cooperation with the
27 Commissioner of Education, or his or her designees, in equal
28 representation, shall form a joint committee to evaluate and
29 select the school districts or schools to be funded.

30 (4) Any school district, school, or laboratory school
31 which desires to receive state funding under the provisions of

1 this section shall submit a proposal to the joint committee
2 established in subsection (3). The proposal shall state the
3 goals of the program, provide specific plans for reducing
4 teenage pregnancy, and describe all of the health services to
5 be available to students with funds provided pursuant to this
6 section, including a combination of initiatives such as health
7 education, counseling, extracurricular, and self-esteem
8 components. School health services shall not promote elective
9 termination of pregnancy as a part of counseling services.
10 Only those program proposals which have been developed jointly
11 by county health departments ~~public health units~~ and local
12 school districts or schools, and which have community and
13 parental support, shall be eligible for funding. Funding
14 shall be available specifically for implementation of one of
15 the following programs:

16 (a) School health improvement pilot project.--The
17 program shall include basic health care to an elementary
18 school, middle school, and high school feeder system. Program
19 services shall include, but not be limited to:

20 1. Planning, implementing, and evaluating school
21 health services. Staffing shall include a full-time, trained
22 school health aide in each elementary, middle, and high
23 school; one full-time nurse to supervise the aides in the
24 elementary and middle schools; and one full-time nurse in each
25 high school.

26 2. Providing student health appraisals and
27 identification of actual or potential health problems by
28 screenings, nursing assessments, and record reviews.

29 3. Expanding screening activities.

30 4. Improving the student utilization of school health
31 services.

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

3 (b) Student support services team program.--The
4 program shall include a multidisciplinary team composed of a
5 psychologist, social worker, and nurse whose responsibilities
6 are to provide basic support services and to assist, in the
7 school setting, children who exhibit mild to severely complex
8 health, behavioral, or learning problems affecting their
9 school performance. Support services shall include, but not
10 be limited to: evaluation and treatment for minor illnesses
11 and injuries, referral and followup for serious illnesses and
12 emergencies, onsite care and consultation, referral to a
13 physician, and followup care for pregnancy or chronic diseases
14 and disorders as well as emotional or mental problems.
15 Services also shall include referral care for drug and alcohol
16 abuse and sexually transmitted diseases, sports and employment
17 physicals, immunizations, and in addition, effective
18 preventive services aimed at delaying early sexual involvement
19 and aimed at pregnancy, acquired immune deficiency syndrome,
20 sexually transmitted diseases, and destructive lifestyle
21 conditions, such as alcohol and drug abuse. Moneys for this
22 program shall be used to fund three teams, each consisting of
23 one half-time psychologist, one full-time nurse, and one
24 full-time social worker. Each team shall provide student
25 support services to an elementary school, middle school, and
26 high school that are a part of one feeder school system and
27 shall coordinate all activities with the school administrator
28 and guidance counselor at each school. A program which places
29 all three teams in middle schools or high schools may also be
30 proposed.

31

1 (c) Full service schools.--The full-service schools
2 shall integrate the services of the Department of Health ~~and~~
3 ~~Rehabilitative Services~~ that are critical to the
4 continuity-of-care process. The department of ~~Health and~~
5 ~~Rehabilitative Services~~ shall provide services to students on
6 the school grounds. ~~The Department of Health and~~
7 ~~Rehabilitative Services~~ personnel shall provide their
8 specialized services as an extension of the educational
9 environment. Such services may include nutritional services,
10 medical services, aid to dependent children, parenting skills,
11 counseling for abused children, and education for the
12 students' parents or guardians.

13

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

17 (5) In addition to the merits of a proposal, selection
18 shall be based on those school districts or schools that most
19 closely meet the following criteria:

20 (a) Have evidence of a comprehensive inservice staff
21 development plan to ensure delivery of appropriate curriculum.

22 (b) Have evidence of a cooperative working
23 relationship between the county public health unit and the
24 school district or school and have community as well as
25 parental support.

26 (c) Have a high percentage of subsidized school
27 lunches.

28 (d) Have a high incidence of medically underserved
29 high-risk children, low birthweight babies, infant mortality,
30 or teenage pregnancy.

31

1 (6) Each school district or school program that is
2 funded through the provisions of this section shall provide a
3 mechanism through which a parent may, by written request,
4 exempt a child from all or certain services provided by a
5 school health services program described in subsection (4).

6 Section 50. Section 402.41, Florida Statutes, is
7 amended to read:

8 402.41 Educational materials and training concerning
9 human immunodeficiency virus infections and acquired immune
10 deficiency syndrome.--The Department of Health ~~and~~
11 ~~Rehabilitative Services~~ shall develop educational materials
12 and training about the transmission, control, and prevention
13 of human immunodeficiency virus infections and acquired immune
14 deficiency syndrome and other communicable diseases relevant
15 for use in those facilities licensed under the provisions of
16 this chapter.

17 Section 51. Section 402.475, Florida Statutes, 1996
18 Supplement, is transferred, renumbered as section 381.87,
19 Florida Statutes, and amended to read:

20 381.87 ~~402.475~~ Osteoporosis prevention and education
21 program.--

22 (1) The Department of Health ~~and Rehabilitative~~
23 ~~Services~~, using available federal funds, state funds
24 appropriated for that purpose, or other available funding as
25 provided for in this section, shall establish, promote, and
26 maintain an osteoporosis prevention and education program to
27 promote public awareness of the causes of osteoporosis,
28 options for prevention, the value of early detection, and
29 possible treatments, including the benefits and risks of those
30 treatments. The department shall consult with medical
31 professionals, including physicians licensed under chapter 458

1 or chapter 459, in carrying out these duties. The department
2 may accept, for that purpose, any special grant of money,
3 services, or property from the Federal Government or any of
4 its agencies or from any foundation, organization, or medical
5 school.

6 (2) The program must include:

- 7 (a) Development of a public education and outreach
8 campaign to promote osteoporosis prevention and education,
9 including, but not limited to, the following subjects:
- 10 1. The cause and nature of the disease.
 - 11 2. Risk factors.
 - 12 3. The role of oophorectomy and hysterectomy.
 - 13 4. Prevention of osteoporosis, including nutrition,
14 diet, and physical exercise.
 - 15 5. Diagnostic procedures and appropriate indications
16 for their use.
 - 17 6. Hormone replacement, including benefits and risks.
 - 18 7. Environmental safety and injury prevention.
 - 19 8. Availability of osteoporosis treatment services in
20 the community.

21 (b) Distribution of educational materials to be made
22 available for consumers, particularly targeted to high-risk
23 groups, through local health departments, local physicians,
24 and other providers, including, but not limited to, health
25 maintenance organizations, hospitals, and clinics, and through
26 women's organizations and the Department of Elderly Affairs.

27 (c) Development of professional education programs for
28 health care providers to assist them in understanding research
29 findings and the subjects set forth in paragraph (a).

30 (3) The Department of Health ~~State Health Office~~ shall
31 implement this section. The department ~~State Health Office~~

1 shall consult with the Agency for Health Care Administration
2 and the Department of Elderly Affairs with respect to the
3 prevention and education activities relating to osteoporosis
4 which are described in this section.

5 Section 52. Section 402.60, Florida Statutes, is
6 transferred, renumbered as section 381.88, Florida Statutes,
7 and amended to read:

8 381.88 ~~402.60~~ Insect sting emergency treatment.--

9 (1) This section may be cited as the "Insect Sting
10 Emergency Treatment Act."

11 (2) The purpose of this section is to provide for the
12 certification of persons who administer lifesaving treatment
13 to persons who have severe adverse reactions to insect stings
14 when a physician is not immediately available.

15 (3) The Department of Health ~~and Rehabilitative~~
16 ~~Services~~ may:

17 (a) Adopt rules necessary to administer this section.

18 (b) Conduct educational training programs as described
19 in subsection (4), and approve programs conducted by other
20 persons or governmental agencies.

21 (c) Issue and renew certificates of training to
22 persons who have complied with this section and the rules
23 adopted by the department.

24 (d) Collect fees necessary to administer this section.

25 (4) Educational training programs required by this
26 section must be conducted by a physician licensed to practice
27 medicine in this state. The curriculum must include at a
28 minimum:

29 (a) Recognition of the symptoms of systemic reactions
30 to insect stings; and

31

1 (b) The proper administration of a subcutaneous
2 injection of epinephrine.

3 (5) A certificate of training may be given to a person
4 who:

5 (a) Is 18 years of age or older;

6 (b) Has, or reasonably expects to have, responsibility
7 for at least one other person who has severe adverse reactions
8 to insect stings as a result of his or her occupational or
9 volunteer status, including a camp counselor, scout leader,
10 school teacher, forest ranger, tour guide, or chaperone;

11 (c) Has successfully completed an educational training
12 program as described in subsection (4).

13 (6) A person who successfully completes an educational
14 training program may obtain a certificate upon payment of an
15 application fee of \$25.

16 (7) A certificate issued pursuant to this section
17 authorizes the holder thereof to receive, upon presentment of
18 the certificate, from any physician licensed in this state or
19 from the department, a prescription for premeasured doses of
20 epinephrine and the necessary paraphernalia for
21 administration. The certificate also authorizes the holder
22 thereof to possess and administer, in an emergency situation
23 when a physician is not immediately available, the prescribed
24 epinephrine to a person suffering a severe adverse reaction to
25 an insect sting.

26 Section 53. Section 402.61, Florida Statutes, is
27 transferred, renumbered as section 381.89, Florida Statutes,
28 and amended to read:

29 381.89 ~~402.61~~ Regulation of tanning facilities.--

30 (1) As used in this section:

31

1 (a) "Tanning facility" means a place of business which
2 provides access to a tanning device by customers.

3 (b) "Department" means the Department of Health ~~and~~
4 ~~Rehabilitative Services~~.

5 (c) "Tanning device" means equipment that emits
6 electromagnetic radiation of wavelengths between 200 and 400
7 nanometers and that is used for tanning the skin, including a
8 sunlamp, tanning booth, or tanning bed or any accompanying
9 equipment.

10 (2) This section does not apply to a tanning facility
11 that uses only phototherapy devices that emit ultraviolet
12 radiation which are used only by or under the direct
13 supervision of a physician licensed under chapter 458 or an
14 osteopathic physician licensed under chapter 459.

15 (3)(a) A person may not operate a tanning facility
16 unless it is licensed under this section.

17 (b) The department shall establish procedures for the
18 issuance and annual renewal of licenses and shall establish
19 annual license and renewal fees in an amount necessary to
20 cover the expenses of administering this section. Annual
21 license and renewal fees shall be not less than \$125 nor more
22 than \$250 per tanning device. Effective October 1, 1991, the
23 fee amount shall be the minimum fee proscribed in this
24 paragraph and such fee amount shall remain in effect until the
25 effective date of a fee schedule adopted by the department.

26 (c) The department may adopt a system under which
27 licenses expire on staggered dates and the annual renewal fees
28 are prorated monthly to reflect the actual number of months
29 the license is valid.

30 (d) The department may cancel, revoke, or suspend a
31 license to operate a tanning facility if the licensee:

- 1 1. Fails to pay any fee required by this section;
2 2. Obtains or attempts to obtain a license by fraud;
3 or
4 3. Violates a provision of this section.
- 5 (4)(a) A tanning facility must give each customer a
6 written warning that states that:
- 7 1. Not wearing the provided eye protection can cause
8 damage to the eyes.
9 2. Overexposure causes burns.
10 3. Repeated exposure can cause premature aging of the
11 skin or skin cancer.
12 4. Abnormal skin sensitivity or burning may be caused
13 by certain foods, cosmetics, or medications, including,
14 without limitation, tranquilizers, diuretics, antibiotics,
15 high blood pressure medicines, or birth control pills.
16 5. Any person who takes a prescription or
17 over-the-counter medication should consult a physician before
18 using a tanning device.
19 6. It does not carry liability insurance for injuries
20 caused by tanning devices or states the limits of any
21 liability insurance it carries.
- 22 (b) A tanning facility must post a warning sign in any
23 area where a tanning device is used. Posting this sign does
24 not absolve the facility of any liability. The sign must
25 state:
26
- 27 DANGER, ULTRAVIOLET RADIATION
28 Follow these instructions:
- 29 1. Avoid frequent or lengthy exposure. As with
30 natural sunlight, exposure can cause eye and skin injury or
31 allergic reactions. Repeated exposure can cause chronic sun

1 damage characterized by wrinkling, dryness, fragility and
2 bruising of the skin or skin cancer.

3 2. Wear protective eyewear. FAILURE TO USE PROTECTIVE
4 EYEWEAR CAN RESULT IN SEVERE BURNS OR LONG-TERM INJURY TO THE
5 EYES.

6 3. Ultraviolet radiation from sunlamps will aggravate
7 the effects of the sun. Therefore, do not sunbathe before or
8 after exposure to ultraviolet radiation.

9 4. Using medications or cosmetics can increase your
10 sensitivity to ultraviolet radiation. Consult a physician
11 before using a sunlamp if you are using medications, have a
12 history of skin problems, or believe you are especially
13 sensitive to sunlight. Women who are pregnant or on birth
14 control who use this product can develop discolored skin. IF
15 YOU DO NOT TAN IN THE SUN YOU WILL NOT TAN BY USING THIS
16 DEVICE.

17

18 (5) A tanning facility may not claim or distribute
19 promotional materials that claim a tanning device is safe or
20 free from risk.

21 (6) A tanning facility must:

22 (a) During operating hours, have an operator present
23 who is sufficiently knowledgeable in the correct operation of
24 the tanning devices to inform and assist each customer in the
25 proper use of the devices.

26 (b) Before each use of a tanning device:

27 1. Properly sanitize that tanning device equipment,
28 including, without limitation, handrails, headrests, and bed
29 surfaces; and

30

31

1 2. Provide a customer with properly sanitized
2 protective eyewear that protects the eye from ultraviolet
3 radiation and allows adequate vision to maintain balance.

4 (c) Show each customer how to use suitable physical
5 aids, such as handrails and floor markings, to maintain proper
6 exposure distances recommended by the manufacturer.

7 (d) Use a timer on each tanning device which is
8 accurate for any selected time interval to plus or minus 10
9 percent.

10 (e) Limit each customer to the maximum exposure time
11 recommended by the manufacturer of the tanning device.

12 (f) Maintain the interior temperature of the tanning
13 facility below 100 °F.

14 (g) Each time a person uses a tanning facility or
15 executes or renews a contract to use a tanning facility, have
16 him sign a written statement acknowledging that he has read
17 and understands the warnings before using the device and that
18 he agrees to use the protective eyewear.

19 (h) Display its license in a public area of the
20 tanning facility.

21 (i) Report any injury or any complaint of injury to
22 the department on forms prescribed by the department and
23 provide a copy of the report to the complainant. The
24 department shall send to the federal Food and Drug
25 Administration a copy of any report of an injury occurring in
26 a tanning facility.

27 (j) Keep a record, for a period of not less than 4
28 years, of each customer's use of a tanning device.

29 (7) A tanning facility may not allow a minor between
30 the ages of 14 and 18 to use a tanning device unless it has on
31 file a statement signed by the minor's parent or legal

1 guardian stating that the parent or legal guardian has read
2 and understands the warnings given by the tanning facility,
3 consents to the minor's use of a tanning device, and agrees
4 that the minor will use the provided protective eyewear.

5 (8) A minor under the age of 14 must be accompanied by
6 a parent or legal guardian when using a tanning device.

7 (9) The department shall inspect or investigate a
8 tanning facility as necessary but at least annually.

9 (10) PENALTIES.--

10 (a) Each of the following acts constitutes a felony of
11 the third degree, punishable as provided in s. 775.082 or s.
12 775.083:

13 1. Owning or operating, or soliciting business as, a
14 tanning facility in this state without first procuring a
15 license from the department, unless specifically exempted by
16 this section.

17 2. Obtaining or attempting to obtain a license by
18 means of fraud, misrepresentation, or concealment.

19 (b) Each of the following acts constitutes a
20 misdemeanor of the second degree, punishable as provided in s.
21 775.082 or s. 775.083:

22 1. Failing to maintain the records required by this
23 section or knowingly making false entries in such records.

24 2. Failing to comply with subsection (7) or subsection
25 (8).

26 (c) The court may, in addition to other punishment
27 provided for, suspend or revoke the license of any licensee
28 under this section who has been found guilty of any violation
29 listed in paragraph (a) or paragraph (b).

30 (d) In the event the department or any state attorney
31 shall have probable cause to believe that a tanning facility

1 or other person has violated any provision of paragraph (a),
2 an action may be brought by the department or any state
3 attorney to enjoin such tanning facility or any person from
4 continuing such violation, or engaging therein or doing any
5 acts in furtherance thereof, and for such other relief as to
6 the court seems appropriate.

7 (11)(a) The department may impose an administrative
8 fine not to exceed \$1,000 per violation per day, for the
9 violation of any provision of this section, rule adopted under
10 this section, or term or condition of any license issued by
11 the department.

12 (b) In determining the amount of fine to be levied for
13 a violation, as provided in paragraph (a), the following
14 factors shall be considered:

15 1. The severity of the violation and the extent to
16 which the provisions of this act, the rules adopted under this
17 act, or any terms or conditions of any license were violated.

18 2. Actions taken by the licensee to correct the
19 violation.

20 3. Any previous violations by the licensee.

21 (12) The department may institute legal action for
22 injunctive or other relief to enforce this section.

23 (13) The department shall adopt rules to implement
24 this act.

25 Section 54. Subsection (41) of section 403.703,
26 Florida Statutes, 1996 Supplement, is amended to read:

27 403.703 Definitions.--As used in this act, unless the
28 context clearly indicates otherwise, the term:

29 (41) "Recovered materials processing facility" means a
30 facility engaged solely in the storage, processing, resale, or
31 reuse of recovered materials. Such a facility is not a solid

1 waste management facility if it meets the conditions of s.
2 403.7045(1)(e)(~~f~~).

3 Section 55. Subsection (6) of section 404.031, Florida
4 Statutes, is amended to read:

5 404.031 Definitions.--As used in this chapter, unless
6 the context clearly indicates otherwise, the term:

7 (6) "Department" means the Department of Health ~~and~~
8 ~~Rehabilitative Services~~.

9 Section 56. Section 404.051, Florida Statutes, is
10 amended to read:

11 404.051 Powers and duties of the Department of Health
12 ~~and Rehabilitative Services~~.--For protection of the public
13 health and safety, the department is authorized to:

14 (1) Develop comprehensive policies and programs for
15 the evaluation, determination, and amelioration of hazards
16 associated with the use, possession, or disposal of sources of
17 ionizing radiation. Such policies and programs shall be
18 developed with due regard for compatibility or consistency
19 with federal programs for regulation of radiation machines and
20 byproduct, source, and special nuclear materials.

21 (2) Advise, consult, and cooperate with other agencies
22 of the state, the Federal Government, other states, interstate
23 agencies, political subdivisions, and other organizations
24 concerned with the safe use of sources of radiation.

25 (3) Encourage, participate in, or conduct studies,
26 investigations, public hearings, training, research, and
27 demonstrations relating to the control of sources of ionizing
28 radiation, the measurement of ionizing radiation, the effect
29 upon public health and safety of exposure to ionizing
30 radiation, and related problems.

31

1 (4) Adopt, promulgate, amend, and repeal rules and
2 standards which may provide for licensure, registration, or
3 regulation relating to the manufacture, production,
4 transportation, use, possession, handling, treatment, storage,
5 disposal, sale, lease, or other disposition of radioactive
6 material, including naturally occurring radioactive material
7 and low-level radioactive waste, and radiation machines as may
8 be necessary to carry out the provisions of this chapter. The
9 recommendations of nationally recognized bodies in the field
10 of radiation protection shall be taken into consideration in
11 the adoption, promulgation, amendment, and repeal of such
12 rules and standards.

13 (5) Require the submission of plans, specifications,
14 and reports for new construction and material alterations on
15 the design and protective shielding of installations for
16 radioactive material and radiation machines, excluding X-ray
17 machines of less than 200,000 volts potential, and on systems
18 for the disposal of radioactive wastes, for the determination
19 of any ionizing radiation hazard; and it may render opinions
20 and approve or disapprove such plans and specifications.

21 (6) Require all sources of ionizing radiation to be
22 shielded, transported, handled, used, possessed, treated,
23 stored, or disposed of in a manner to provide compliance with
24 the provisions of this chapter and rules and standards adopted
25 hereunder.

26 (7) Conduct evaluations of the levels of radioactive
27 materials in the environment for the purpose of determining
28 whether there is compliance with, or violation of, the
29 provisions or standards contained in this chapter or the rules
30 issued pursuant hereto or to otherwise protect the public
31 health and safety.

1 (8) Collect and disseminate information relating to
2 the control of sources of ionizing radiation, including, but
3 not limited to:

4 (a) Maintenance of files of all radioactive material
5 license applications, issuances, denials, amendments,
6 transfers, renewals, modifications, suspensions, and
7 revocations.

8 (b) Maintenance of files of all radiation machine
9 registrants requiring registration under the provisions of
10 this chapter.

11 (c) Maintenance of files of department licensees and
12 nuclear power plant licensees of the United States Nuclear
13 Regulatory Commission that generate low-level radioactive
14 waste, recording the quarterly amount of low-level radioactive
15 waste shipped by each licensee to commercial low-level
16 radioactive waste management facilities.

17 (9) Require, on forms prescribed and furnished by the
18 department, registration and periodic reregistration of
19 radiation machines, and licensing and periodic renewal of
20 licenses for radioactive materials.

21 (10) Exempt certain sources of ionizing radiation, or
22 kinds of uses or users, from the licensing or registration
23 requirements set forth in this chapter when the department
24 determines that the exemption of such sources of ionizing
25 radiation, or kinds of users or uses, will not constitute a
26 significant risk to the health and safety of the public.

27 (11) Adopt ~~Promulgate~~ rules pursuant to this chapter
28 which may provide for the recognition of other state and
29 federal licenses as the department deems desirable, subject to
30 such registration requirements as it may prescribe.

31

1 (12) Respond to any emergency which involves possible
2 or actual release of radioactive materials, carry out or
3 supervise any required decontamination, and otherwise protect
4 the public health and safety.

5 (13) Act as the designated state agency in this state
6 responsible for ensuring compliance with the provisions of the
7 Southeast Interstate Low-Level Radioactive Waste Compact and
8 for assessing penalties for noncompliance with such provisions
9 as prescribed in ss. 404.161 and 404.162.

10 (14) Require department licensees and nuclear power
11 plant licensees of the United States Nuclear Regulatory
12 Commission to take appropriate measures to reduce the volume
13 of low-level radioactive waste they generate, and to monitor
14 the progress of department licensees and nuclear power plant
15 licensees of the commission in reducing such volume.

16 (15) Develop and implement a responsible
17 data-management program for the purpose of collecting and
18 analyzing statistical information necessary to protect the
19 public health and safety and to reply to requests from the
20 Southeast Interstate Low-Level Radioactive Waste Commission
21 for data and information.

22 (16) Accept and administer loans, grants, or other
23 funds or gifts, conditional or otherwise, in furtherance of
24 its functions from the Federal Government and from other
25 sources, public or private.

26 Section 57. Paragraphs (a) and (b) of subsection (2)
27 of section 404.056, are amended, present paragraphs (e)
28 through (h) of subsection (3) are redesignated as paragraphs
29 (f) through (i), respectively, and a new paragraph (e) is
30 added to subsection (3) of that section, to read:

31

1 404.056 Environmental radiation standards and
2 programs; radon protection.--

3 (2) FLORIDA COORDINATING COUNCIL ON RADON
4 PROTECTION.--

5 (a) Establishment.--It is declared to be in the best
6 interest of the state that public agencies responsible for and
7 involved in radon protection activities work together to
8 reduce duplication of effort, foster maximum efficient use of
9 existing resources, advise and assist the agencies involved in
10 radon protection and mitigation in implementing the best
11 management practices and the best available technology in
12 limiting exposure to radon, identify outside funding sources
13 and recommend priorities for research into the effects of
14 radon, and enhance communication between all interests
15 involved in radon protection and mitigation activities.
16 Therefore, the Florida Coordinating Council on Radon
17 Protection is hereby established as an advisory body, ~~as~~
18 ~~defined in s. 11.611(3)(a)~~, to the Department of Community
19 Affairs in developing the construction and mitigation
20 standards required by s. 553.98 and to the department of
21 ~~Health and Rehabilitative Services~~ in developing the public
22 information program on radon and radon progeny as required by
23 subsection (4).

24 (b) Membership.--The Florida Coordinating Council on
25 Radon Protection shall be composed of the following
26 representatives or their authorized designees:

- 27 1. The Secretary of Community Affairs;
- 28 2. The Secretary of Health ~~and Rehabilitative~~
29 ~~Services~~;
- 30 3. The Commissioner of Education or a representative;

31

1 4. An expert in the mitigation or prevention of radon,
2 the development of building codes designed to control and
3 abate radon, or the development of construction techniques to
4 mitigate the effects of radon in existing buildings, one
5 representative of one of these fields to be jointly appointed
6 by the University of South Florida and Florida Agricultural
7 and Mechanical University, and one representative of one of
8 these fields to be appointed by the University of Florida.
9 Two representatives from any of these fields shall be
10 appointed by the Board of Regents from other universities in
11 the state;

12 5. One representative each from the Florida
13 Association of the American Institute of Architects, the
14 Florida Engineering Society, the Associated General
15 Contractors Council, the Florida Association of Counties, the
16 Florida League of Cities, the Florida Association of Realtors,
17 the Florida Home Builders Association, and the Florida
18 Phosphate Council; and an elected official of county
19 government, to be appointed by the Association of Counties;
20 and an elected official of city government, to be appointed by
21 the League of Cities;

22 6. One representative each from two recognized
23 voluntary health agencies to be appointed by the Secretary of
24 Health and ~~Rehabilitative Services~~; and

25 7. One representative each from two public interest
26 consumer groups to be appointed by the Secretary of ~~the~~
27 ~~Department of~~ Community Affairs.

28 (3) CERTIFICATION.--

29 (e) Any person who practices fraud, deception, or
30 misrepresentation in performing radon gas or radon progeny
31 measurements or in performing mitigation of buildings for

1 radon gas or radon progeny is subject to the penalties
2 provided in s. 404.161.

3 Section 58. Subsections (2), (3), and (5) of section
4 404.0614, Florida Statutes, are amended to read:

5 404.0614 Licensing of commercial low-level radioactive
6 waste management facilities.--

7 (2) The department, within 90 days of receiving an
8 application for a license to construct, operate, or close a
9 commercial low-level radioactive waste management facility,
10 shall forward a copy of the application to the Department of
11 Environmental Protection and, after review by both
12 departments, notify the applicant of any errors or omissions
13 and request any additional information needed by the
14 Department of Environmental Protection to issue a report to
15 the Department of Health ~~and Rehabilitative Services~~ as
16 required by subsection (3) and needed by the Department of
17 Health ~~and Rehabilitative Services~~ to review the license
18 application.

19 (3) The department, after receiving a complete license
20 application, shall notify the Department of Environmental
21 Protection that a complete license application to construct,
22 operate, or close a commercial low-level radioactive waste
23 management facility has been received, shall send a copy of
24 the complete application to the Department of Environmental
25 Protection, and shall request a report from the Department of
26 Environmental Protection describing the ecological,
27 meteorological, topographical, hydrological, geological, and
28 seismological characteristics of the proposed site. Such
29 report shall be completed no later than 180 days from the date
30 the department requests the report. The Department of
31 Environmental Protection shall be reimbursed for the cost of

1 the report from fees collected by the Department of Health ~~and~~
2 ~~Rehabilitative Services~~ pursuant to subsection (8).

3 (5) The department shall consider the report by the
4 Department of Environmental Protection in addition to
5 information required by the Department of Health ~~and~~
6 ~~Rehabilitative Services~~ in the license application and, within
7 180 days from receiving that report, decide whether to grant a
8 license to construct, operate, or close the commercial
9 low-level radioactive waste management facility. Such a
10 license shall be subject to renewal by the department as
11 specified in the terms of the license initially granted by the
12 department. The failure of the department to renew a license
13 does not relieve the licensee of any obligations incurred
14 under this section.

15 Section 59. Subsection (1) of section 404.131, Florida
16 Statutes, 1996 Supplement, is amended to read:

17 404.131 Fees.--

18 (1) The department ~~of Health and Rehabilitative~~
19 ~~Services~~ is authorized to charge and collect reasonable fees
20 for specific and general licenses and for the registration of
21 radiation machines. The fees shall not exceed the estimated
22 costs to the department of performing licensing, registration,
23 inspection, and other regulatory duties. Unless otherwise
24 provided by law, such fees shall be deposited to the credit of
25 the Radiation Protection Trust Fund, to be held and applied
26 solely for salaries and expenses of the department incurred in
27 implementing and enforcing the provisions of this chapter.

28 Section 60. Subsections (1), (2), (6), and (8) of
29 section 404.20, Florida Statutes, are amended to read:

30 404.20 Transportation of radioactive materials.--

31

1 (1) The department ~~of Health and Rehabilitative~~
2 ~~Services~~ shall adopt reasonable rules governing the
3 transportation of radioactive materials which, in the judgment
4 of the department, will promote the public health, safety, or
5 welfare and protect the environment.

6 (a) Such rules shall be limited to provisions for the
7 packing, marking, loading, and handling of radioactive
8 materials, and the precautions necessary to determine whether
9 the material when offered is in proper condition for
10 transport, and shall include criteria for departmental
11 approval of routes in this state which are to be used for the
12 transportation of radioactive materials as defined in 49
13 C.F.R. s. 173.403(1)(1), (2), and (3) and (n)(4)(i), (ii), and
14 (iii), and all radioactive materials shipments destined for
15 treatment, storage, or disposal facilities as defined in the
16 Southeast Interstate Low-Level Radioactive Waste Compact. The
17 department may designate routes in the state to be used for
18 the transportation of all other shipments of radioactive
19 materials.

20 (b) Such rules shall be compatible with, but no less
21 restrictive than, those established by the United States
22 Nuclear Regulatory Commission, the United States Federal
23 Aviation Agency, the United States Department of
24 Transportation, the United States Coast Guard, or the United
25 States Postal Service.

26 (2)(a) Rules adopted by the department ~~of Health and~~
27 ~~Rehabilitative Services~~ pursuant to subsection (1) may be
28 enforced, within their respective jurisdictions, by any
29 authorized representative of the department ~~of Health and~~
30 ~~Rehabilitative Services~~, the Department of Highway Safety and
31 Motor Vehicles, and the Department of Transportation.

1 (b) The department ~~of Health and Rehabilitative~~
2 ~~Services~~, through any authorized representative, is authorized
3 to inspect any records of persons engaged in the
4 transportation of radioactive materials when such records
5 reasonably relate to the method or contents of packing,
6 marking, loading, handling, or shipping of radioactive
7 materials.

8 (c) The department ~~of Health and Rehabilitative~~
9 ~~Services~~, through any authorized representative, is authorized
10 to enter upon and inspect the premises or vehicles of any
11 person engaged in the transportation of radioactive materials,
12 with or without a warrant, for the purpose of determining
13 compliance with the provisions of this section and the rules
14 promulgated hereunder.

15 (6) Any person desiring to transport radioactive
16 materials into or through the borders of this state, destined
17 to a treatment, storage, or disposal facility as defined in
18 the Southeast Interstate Low-Level Radioactive Waste Compact,
19 shall obtain a permit from the department ~~of Health and~~
20 ~~Rehabilitative Services~~ to bring such materials into the
21 state. A permit application shall contain the time at which
22 such radioactive materials will enter the state; a description
23 of the radioactive materials to be shipped; the proposed route
24 over which such radioactive materials will be transported into
25 the state; and, in the event that such radioactive materials
26 will leave the state, the time at which that will occur.

27 (8) Upon a finding by the department ~~of Health and~~
28 ~~Rehabilitative Services~~ that any provision of this section, or
29 of the rules adopted ~~promulgated~~ hereunder, is being violated,
30 it may issue an order requiring correction.

31

1 Section 61. Subsections (1), (2), (3), (4), and (5) of
2 section 404.22, Florida Statutes, are amended to read:

3 404.22 Radiation machines and components;
4 inspection.--

5 (1) The department ~~of Health and Rehabilitative~~
6 ~~Services~~ and its duly authorized agents have the power to
7 inspect in a lawful manner at all reasonable hours any
8 hospital or other health care facility or other place in the
9 state in which a radiation machine is installed for the
10 purpose of determining whether the facility, the radiation
11 machine and its components, the film and film processing
12 equipment, and the resultant image produced meet the standards
13 of the department ~~of Health and Rehabilitative Services~~ as set
14 forth in this chapter and rules adopted pursuant thereto. If,
15 in the opinion of the department, a radiation machine which
16 fails to meet such standards can be made to meet the standards
17 through an adjustment or limitation upon the stations or range
18 of the radiation machine or through the purchase of a
19 component meeting the standards, the department shall order
20 the owner of the radiation machine to make the necessary
21 adjustment or to purchase the necessary component within 90
22 days of the date of receipt of the order. However, if the
23 radiation machine cannot be made to meet the standards, the
24 department shall order the owner to cease the utilization of
25 the radiation machine.

26 (2) Any person who enters the state with a radiation
27 machine or component owned by him for the purpose of
28 installing and utilizing the radiation machine shall register
29 the radiation machine with the department ~~of Health and~~
30 ~~Rehabilitative Services~~. The department shall inspect the
31 radiation machine to determine its compliance with the

1 standards and shall approve or disapprove the radiation
2 machine or shall order adjustments to the radiation machine in
3 accordance with the provisions of subsection (1).

4 (3) No person shall sell or offer to sell in this
5 state any radiation machine or component thereof which does
6 not meet the standards of the department ~~of Health and~~
7 ~~Rehabilitative Services~~ or which cannot be adjusted to meet
8 such standards in accordance with the provisions of subsection
9 (1).

10 (4) The department ~~of Health and Rehabilitative~~
11 ~~Services~~ shall enforce the provisions of this section and may
12 impose an administrative fine, in addition to all other fines
13 and penalties imposed by law, in an amount of \$1,000 for each
14 violation of this section.

15 (5)(a) The department may ~~is authorized to~~ charge and
16 collect reasonable fees annually for the registration and
17 inspection of radiation machines pursuant to this section.
18 Such fees shall include the registration fee provided in s.
19 404.131 and shall be deposited into the Radiation Protection
20 Trust Fund. Registration shall be on an annual basis.
21 Registration shall consist of having the registrant file, on
22 forms prescribed and furnished by the department, information
23 which includes, but is not limited to: type and number of
24 radiation machines, location of radiation machines, and
25 changes in ownership. ~~Subsequent to fiscal year 1981-1982,~~
26 The department shall establish by rule a ~~an annual~~ fee
27 schedule based upon the actual costs incurred by the
28 department in carrying out its registration and inspection
29 responsibilities, including the salaries, expenses, and
30 equipment of inspectors, but excluding costs of supervision
31 and program administration. The fee schedule shall reflect

1 differences in the frequency and complexity of inspections
2 necessary to ensure that the radiation machines are
3 functioning in accordance with the applicable standards
4 developed pursuant to this chapter and rules adopted pursuant
5 hereto.

6 (b) The fee schedule and frequency of inspections
7 shall be determined as follows:

8 1. Radiation machines which are used in the practice
9 of medicine, chiropractic medicine, osteopathic medicine, or
10 naturopathic medicine shall be inspected at least once every 2
11 years, but not more than annually, for an annual fee which is
12 not less than \$83 or more than \$145 for the first radiation
13 machine within an office or facility and not less than \$36 or
14 more than \$85 for each additional radiation machine therein.

15 2. Radiation machines which are used in the practice
16 of veterinary medicine shall be inspected at least once every
17 3 years for an annual fee which is not less than \$28 or more
18 than \$50 for the first radiation machine within an office or
19 facility and not less than \$19 or more than \$34 for each
20 additional radiation machine therein.

21 3. Radiation machines which are used for educational
22 or industrial purposes shall be inspected at least once every
23 3 years for an annual fee which is not less than \$26 or more
24 than \$47 for the first radiation machine within an office or
25 facility and not less than \$12 or more than \$23 for each
26 additional radiation machine therein.

27 4. Radiation machines which are used in the practice
28 of dentistry or podiatry shall be inspected at least once
29 every 5 years but not more often than once every 4 years for
30 an annual fee which is not less than \$16 or more than \$31 for
31 the first radiation machine within an office or facility and

1 not less than \$5 or more than \$11 for each additional
2 radiation machine therein.

3 5. Radiation machines which accelerate particles and
4 are used in the healing arts shall be inspected at least
5 annually for an annual fee which is not less than \$153 or more
6 than \$258 for the first radiation machine within an office or
7 facility and not less than \$87 or more than \$148 for each
8 additional radiation machine therein.

9 6. Radiation machines which accelerate particles and
10 are used for educational or industrial purposes shall be
11 inspected at least once every 2 years for an annual fee which
12 is not less than \$46 or more than \$81 for the first radiation
13 machine within an office or facility and not less than \$26 or
14 more than \$48 for each additional radiation machine therein.

15 7. If a radiation machine fails to meet the applicable
16 standards upon initial inspection, the department may
17 reinspect the radiation machine and charge a reinspection fee
18 in accordance with the same schedule of fees as in
19 subparagraphs 1. through 6.

20 (c) The fee schedule for fiscal year 1981-1982 shall
21 be the minimum fee prescribed in subparagraphs (b)1. through
22 6. and shall remain in effect until the effective date of a
23 fee schedule adopted ~~promulgated~~ by rule by the department
24 pursuant to this subsection.

25 Section 62. Paragraph (e) of subsection (1) and
26 paragraph (f) of subsection (3) of section 408.033, Florida
27 Statutes, are amended to read:

28 408.033 Local and state health planning.--

29 (1) LOCAL HEALTH COUNCILS.--

30 (e) Local health councils may employ personnel or
31 contract for staffing services with persons who possess

1 appropriate qualifications to carry out the councils'
2 purposes. ~~Such personnel shall possess qualifications and be~~
3 ~~compensated in a manner commensurate with comparable positions~~
4 ~~in the Career Service System.~~ However, such personnel are
5 ~~shall not be deemed to be~~ state employees.

6 (3) FUNDING.--

7 (f) The agency shall deposit in the Health Care Trust
8 Fund all health care facility assessments that are assessed
9 under this subsection and proceeds from the
10 certificate-of-need application fees. The agency shall
11 transfer to the Department of Health an amount which are
12 sufficient to maintain the aggregate funding level for the
13 local health councils and the Statewide Health Council as
14 specified in the General Appropriations Act. The remaining
15 certificate-of-need application fees shall be used only for
16 the purpose of administering the Health Facility and Services
17 Development Act.

18 Section 63. Subsection (13) of section 408.701,
19 Florida Statutes, is amended to read:

20 408.701 Community health purchasing; definitions.--As
21 used in ss. 408.70-408.706, the term:

22 (13) "Health care provider" or "provider" means a
23 state-licensed or state-authorized facility, a facility
24 principally supported by a local government or by funds from a
25 charitable organization that holds a current exemption from
26 federal income tax under s. 501(c)(3) of the Internal Revenue
27 Code, a licensed practitioner, or a county health department
28 ~~public health unit~~ established under part I of chapter 154, a
29 patient care center described in s. 391.031, a prescribed
30 pediatric extended care center defined in s. 391.202, a
31 federally supported primary-care program such as a migrant

1 health center or a community health center authorized under s.
2 329 or s. 330 of the United States Public Health Services Act
3 that ~~which~~ delivers health care services to individuals, or a
4 community facility that receives funds from the state under
5 the Community Alcohol, Drug Abuse, and Mental Health Services
6 Act and provides mental health services to individuals.

7 Section 64. Subsections (1) and (3) and paragraph (b)
8 of subsection (5) of section 409.905, Florida Statutes, 1996
9 Supplement, are amended to read:

10 409.905 Mandatory Medicaid services.--The agency may
11 make payments for the following services, which are required
12 of the state by Title XIX of the Social Security Act,
13 furnished by Medicaid providers to recipients who are
14 determined to be eligible on the dates on which the services
15 were provided. Any service under this section shall be
16 provided only when medically necessary and in accordance with
17 state and federal law. Nothing in this section shall be
18 construed to prevent or limit the agency from adjusting fees,
19 reimbursement rates, lengths of stay, number of visits, number
20 of services, or any other adjustments necessary to comply with
21 the availability of moneys and any limitations or directions
22 provided for in the General Appropriations Act or chapter 216.

23 (1) ADVANCED REGISTERED NURSE PRACTITIONER
24 SERVICES.--The agency shall pay for services provided to a
25 recipient by a licensed advanced registered nurse practitioner
26 who has a valid collaboration agreement with a licensed
27 physician on file with the Department of Health ~~Department of~~
28 ~~Business and Professional Regulation~~ or who provides
29 anesthesia services in accordance with established protocol
30 required by state law and approved by the medical staff of the
31 facility in which the anesthetic service is performed.

1 Reimbursement for such services must be provided in an amount
2 that equals not less than 80 percent of the reimbursement to a
3 physician who provides the same services, unless otherwise
4 provided for in the General Appropriations Act.

5 (3) FAMILY PLANNING SERVICES.--The agency shall pay
6 for services necessary to enable a recipient voluntarily to
7 plan family size or to space children. These services include
8 information; education; counseling regarding the
9 availability, benefits, and risks of each method of pregnancy
10 prevention; drugs and supplies; and necessary medical care
11 and followup. Each recipient participating in the family
12 planning portion of the Medicaid program must be provided
13 freedom to choose any alternative method of family planning,
14 as required by federal law.

15 (5) HOSPITAL INPATIENT SERVICES.--The agency shall pay
16 for all covered services provided for the medical care and
17 treatment of a recipient who is admitted as an inpatient by a
18 licensed physician or dentist to a hospital licensed under
19 part I of chapter 395. However, the agency shall limit the
20 payment for inpatient hospital services for a Medicaid
21 recipient 21 years of age or older to 45 days or the number of
22 days necessary to comply with the General Appropriations Act.

23 (b) A licensed hospital maintained primarily for the
24 care and treatment of patients having mental disorders or
25 mental diseases is not eligible to participate in the hospital
26 inpatient portion of the Medicaid program except as provided
27 in federal law. However, the department shall apply for a
28 waiver, within 9 months after June 5, 1991, designed to
29 provide hospitalization services for mental health reasons to
30 children and adults in the most cost-effective and lowest cost
31 setting possible. Such waiver shall include a request for the

1 opportunity to pay for care in hospitals known under federal
2 law as "institutions for mental disease" or "IMD's." The
3 waiver proposal shall propose no additional aggregate cost to
4 the state or Federal Government, and shall be conducted in
5 Hillsborough County, Highlands County, Hardee County, Manatee
6 County, and Polk County ~~District 6 of the Department of Health~~
7 ~~and Rehabilitative Services~~. The waiver proposal may
8 incorporate competitive bidding for hospital services,
9 comprehensive brokering, prepaid capitated arrangements, or
10 other mechanisms deemed by the department to show promise in
11 reducing the cost of acute care and increasing the
12 effectiveness of preventive care. When developing the waiver
13 proposal, the department shall take into account price,
14 quality, accessibility, linkages of the hospital to community
15 services and family support programs, plans of the hospital to
16 ensure the earliest discharge possible, and the
17 comprehensiveness of the mental health and other health care
18 services offered by participating providers. The department
19 is directed to monitor and evaluate the implementation of this
20 waiver program if it is granted and report to the chairs of
21 the appropriations committees of the Senate and the House of
22 Representatives by February 1, 1992.

23 Section 65. Subsection (19) of section 409.908,
24 Florida Statutes, 1996 Supplement, is amended to read:

25 409.908 Reimbursement of Medicaid providers.--Subject
26 to specific appropriations, the agency shall reimburse
27 Medicaid providers, in accordance with state and federal law,
28 according to methodologies set forth in the rules of the
29 agency and in policy manuals and handbooks incorporated by
30 reference therein. These methodologies may include fee
31 schedules, reimbursement methods based on cost reporting,

1 negotiated fees, competitive bidding pursuant to s. 287.057,
2 and other mechanisms the agency considers efficient and
3 effective for purchasing services or goods on behalf of
4 recipients. Payment for Medicaid compensable services made on
5 behalf of Medicaid eligible persons is subject to the
6 availability of moneys and any limitations or directions
7 provided for in the General Appropriations Act or chapter 216.
8 Further, nothing in this section shall be construed to prevent
9 or limit the agency from adjusting fees, reimbursement rates,
10 lengths of stay, number of visits, or number of services, or
11 making any other adjustments necessary to comply with the
12 availability of moneys and any limitations or directions
13 provided for in the General Appropriations Act, provided the
14 adjustment is consistent with legislative intent.

15 (19) County health department ~~public health clinic~~
16 services may be reimbursed a rate per visit based on total
17 reasonable costs of the clinic, as determined by the agency in
18 accordance with federal regulations under the authority of 42
19 C.F.R. s. 431.615. ~~However, this cost-based reimbursement~~
20 ~~shall not be implemented until the State Health Officer has~~
21 ~~certified that cost accounting systems have been modified and~~
22 ~~are in place prior to implementation in a specific county in~~
23 ~~order to ensure accurate and timely reporting of~~
24 ~~Medicaid-related costs in accordance with established Medicaid~~
25 ~~reimbursement standards. This section shall be repealed~~
26 ~~effective June 30, 1995, unless otherwise provided for in the~~
27 ~~General Appropriations Act or other provision of law. The~~
28 ~~agency shall develop a methodology to adequately evaluate the~~
29 ~~cost-effectiveness of this method of reimbursement and shall~~
30 ~~make recommendations to the Legislature based on this~~
31 ~~evaluation prior to the 1995 regular legislative session.~~

1 Section 66. Paragraphs (a) and (c) of subsection (3)
2 of section 409.912, Florida Statutes, 1996 Supplement, are
3 amended to read:

4 409.912 Cost-effective purchasing of health care.--The
5 agency shall purchase goods and services for Medicaid
6 recipients in the most cost-effective manner consistent with
7 the delivery of quality medical care. The agency shall
8 maximize the use of prepaid per capita and prepaid aggregate
9 fixed-sum basis services when appropriate and other
10 alternative service delivery and reimbursement methodologies,
11 including competitive bidding pursuant to s. 287.057, designed
12 to facilitate the cost-effective purchase of a case-managed
13 continuum of care. The agency shall also require providers to
14 minimize the exposure of recipients to the need for acute
15 inpatient, custodial, and other institutional care and the
16 inappropriate or unnecessary use of high-cost services.

17 (3) The agency may contract with:

18 (a) An entity that provides no prepaid health care
19 services other than Medicaid services under contract with the
20 agency and which is owned and operated by a county, county
21 public health unit, or county-owned and operated hospital to
22 provide health care services on a prepaid or fixed-sum basis
23 to recipients, which entity may provide such prepaid services
24 either directly or through arrangements with other providers.
25 Such prepaid health care services entities must be licensed
26 under parts I and III by January 1, 1998 ~~July 1, 1997~~, and
27 until then are exempt from the provisions of part I of chapter
28 641. An entity recognized under this paragraph which
29 demonstrates to the satisfaction of the Department of
30 Insurance that it is backed by the full faith and credit of
31

1 the county in which it is located may be exempted from s.
2 641.225.

3 (c) A federally qualified health center or an entity
4 owned by one or more federally qualified health centers or an
5 entity owned by other migrant and community health centers
6 receiving non-Medicaid financial support from the Federal
7 Government to provide health care services on a prepaid or
8 fixed-sum basis to recipients. Such prepaid health care
9 services entity must be licensed under parts I and III of
10 chapter 641 by January 1, 1998, but shall be prohibited from
11 serving Medicaid recipients on a prepaid basis, until such
12 licensure has been obtained July 1, 1997. However, such an
13 entity is exempt from s. 641.225 if the entity meets the
14 requirements specified in subsections (14) and (15).

15 Section 67. Paragraph (a) of subsection (2) of section
16 414.026, Florida Statutes, 1996 Supplement, is amended to
17 read:

18 414.026 WAGES Program State Board of Directors.--

19 (2)(a) The board of directors shall be composed of the
20 following members:

21 1. The Commissioner of Education, or the
22 commissioner's designee.

23 2. The Secretary of Children and Family ~~Health and~~
24 ~~Rehabilitative~~ Services.

25 3. The Secretary of Health.

26 ~~4.3.~~ The Secretary of Labor and Employment Security.

27 ~~5.4.~~ The Secretary of Community Affairs.

28 ~~6.5.~~ The Secretary of Commerce.

29 ~~7.6.~~ The president of Enterprise Florida Jobs and
30 Education Partnership, established under s. 288.0475.

31

1 8.7. Nine members appointed by the Governor, as
2 follows:

3 a. Six members shall be appointed from a list of ten
4 nominees, of which five must be submitted by the President of
5 the Senate and five must be submitted by the Speaker of the
6 House of Representatives. The list of five nominees submitted
7 by the President of the Senate and the Speaker of the House of
8 Representatives must each contain at least three individuals
9 employed in the private sector, two of whom must have
10 management experience. One of the five nominees submitted by
11 the President of the Senate and one of the five nominees
12 submitted by the Speaker of the House of Representatives must
13 be an elected local government official who shall serve as an
14 ex officio member.

15 b. Three members shall be at-large members appointed
16 by the Governor.

17 c. Of the nine members appointed by the Governor, at
18 least six must be employed in the private sector and of these,
19 at least five must have management experience.
20

21 The members appointed by the Governor shall be appointed to
22 4-year, staggered terms. Within 60 days after a vacancy occurs
23 on the board, the Governor shall fill the vacancy of a member
24 appointed from the nominees submitted by the President of the
25 Senate and the Speaker of the House of Representatives for the
26 remainder of the unexpired term from one nominee submitted by
27 the President of the Senate and one nominee submitted by the
28 Speaker of the House of Representatives. Within 60 days after
29 a vacancy of a member appointed at-large by the Governor
30 occurs on the board, the Governor shall fill the vacancy for
31 the remainder of the unexpired term. The composition of the

1 board must generally reflect the racial, gender, and ethnic
2 diversity of the state as a whole. ~~The list of initial five~~
3 ~~nominees shall be submitted by the President of the Senate and~~
4 ~~the Speaker of the House of Representatives by July 1, 1996,~~
5 ~~and the initial appointments by the Governor shall be made by~~
6 ~~September 1, 1996.~~

7 Section 68. Subsection (7) of section 414.23, Florida
8 Statutes, 1996 Supplement, is amended to read:

9 414.23 Evaluation.--The department shall arrange for
10 evaluation of programs operated under this chapter, as
11 follows:

12 (7) Evaluations described in this section are exempt
13 from the provisions of s. 381.85 ~~s. 402.105~~.

14 Section 69. Paragraph (c) of subsection (10) of
15 section 414.38, Florida Statutes, 1996 Supplement, is amended
16 to read:

17 414.38 Pilot work experience and job training for
18 noncustodial parents program.--

19 (10)

20 (c) In order to provide evaluation findings with the
21 highest feasible level of scientific validity, the Department
22 of Health and Rehabilitative Services may contract for an
23 evaluation design that includes random assignment of program
24 participants to program groups and control groups. Under such
25 design, members of control groups must be given the level of
26 job training and placement services generally available to
27 noncustodial parents who are not included in the local work
28 experience and job training pilot program areas. The
29 provisions of s. 381.85 ~~s. 402.105~~ or similar provisions of
30 federal or state law do not apply under this section.

31

1 Section 70. Section 414.391, Florida Statutes, is
2 created to read:

3 414.391 Automated fingerprint imaging.--

4 (1) The Department of Children and Family Services
5 shall develop and implement, as part of the electronic
6 benefits transfer program, a statewide program to prevent
7 public assistance fraud by using a type of automated
8 fingerprint imaging of adult and teen parent applicants for,
9 and adult and teen parent recipients of, public assistance
10 under this chapter.

11 (2) In adopting rules under this section, the
12 department shall ensure that any automated fingerprint imaging
13 performed by the department is used only to prevent fraud by
14 adult and teen parent recipients of public assistance and is
15 in compliance with state and federal disclosure requirements.

16 (3) The department shall prepare, by April 1998, a
17 plan for implementation of this program. Implementation shall
18 begin with a pilot of the program in one or more areas of the
19 state by November 1, 1998. Pilot evaluation results shall be
20 used to determine the method of statewide expansion. The
21 priority for use of the savings derived from reducing fraud
22 through this program shall be to expand the program to other
23 areas of the state.

24 (4) The department shall request any waivers of
25 federal regulations necessary to implement the program within
26 the limits described in this section.

27 Section 71. Section 414.392, Florida Statutes, is
28 created to read:

29 414.392 Applicant screening.--At the time of
30 application or reapplication, each adult or teen parent
31 applying for public assistance benefits under this chapter

1 must provide the state with an automated fingerprint image
2 performed by the state, before receiving any benefits.

3 Section 72. Subsection (2) of section 458.316, Florida
4 Statutes, is amended to read:

5 458.316 Public health certificate.--

6 (2) Such certificate shall be issued pursuant to the
7 following conditions:

8 (a) The certificate shall authorize the holder to
9 practice only in conjunction with his employment duties with
10 the Department of Health ~~and Rehabilitative Services~~ and shall
11 automatically expire when the holder's relationship with the
12 department is terminated.

13 (b) The certificate is subject to biennial renewal and
14 shall be renewable only if the secretary of the Department of
15 Health ~~and Rehabilitative Services~~ recommends in writing that
16 the certificate be renewed.

17 Section 73. Subsections (5) and (15) of section
18 468.301, Florida Statutes, are amended to read:

19 468.301 Definitions.--As used in this part, the term:

20 (5) "Department" means the Department of Health ~~and~~
21 ~~Rehabilitative Services~~.

22 (15) "Secretary" means the Secretary of Health ~~and~~
23 ~~Rehabilitative Services~~.

24 Section 74. Present paragraphs (d) through (i) of
25 subsection (1) of section 468.3101, Florida Statutes, are
26 redesignated as paragraphs (e) through (j), respectively, a
27 new paragraph (d) is added to that section, and subsection (2)
28 of that section is reenacted to read:

29 468.3101 Disciplinary grounds and actions.--

30 (1) The following acts shall be grounds for
31 disciplinary action as set forth in this section:

1 (d) Being convicted or found guilty, regardless of
2 adjudication, in any jurisdiction of a crime against a person.
3 A plea of nolo contendere shall be considered a conviction for
4 the purposes of this provision.

5 (2) If the department finds any person or firm guilty
6 of any of the grounds set forth in subsection (1), it may
7 enter an order imposing one or more of the following
8 penalties:

9 (a) Refusal to approve an application for
10 certification.

11 (b) Revocation or suspension of a certificate.

12 (c) Imposition of an administrative fine not to exceed
13 \$1,000 for each count or separate offense.

14 (d) Issuance of a reprimand.

15 (e) Placement of the radiologic technologist on
16 probation for such period of time and subject to such
17 conditions as the department may specify, including requiring
18 the radiologic technologist to submit to treatment, to
19 undertake further relevant education or training, to take an
20 examination, or to work under the supervision of a licensed
21 practitioner.

22 Section 75. Subsection (1) of section 468.314, Florida
23 Statutes, is amended to read:

24 468.314 Advisory Council on Radiation Protection;
25 appointment; terms; powers; duties.--

26 (1) The Advisory Council on Radiation Protection is
27 created within the Department of Health ~~and Rehabilitative~~
28 ~~Services~~ and shall consist of 15 persons to be appointed by
29 the secretary for 3-year terms.

30
31

1 Section 76. Subsections (4) and (5) of section
2 489.553, Florida Statutes, 1996 Supplement, are amended to
3 read:

4 489.553 Administration of part; registration
5 qualifications; examination.--

6 (4) To be eligible for registration by the department
7 as a septic tank contractor, the applicant must:

8 (a) Be of good moral character. In considering good
9 moral character, the department may consider any matter that
10 has a substantial connection between the good moral character
11 of the applicant and the professional responsibilities of a
12 registered contractor, including, but not limited to: the
13 applicant being convicted or found guilty of, or entering a
14 plea of nolo contendere to, regardless of adjudication, a
15 crime in any jurisdiction which directly relates to the
16 practice of contracting or the ability to practice
17 contracting; and previous disciplinary action involving septic
18 tank contracting, where all judicial reviews have been
19 completed.

20 (b) Pass an examination approved by the department
21 which demonstrates that the applicant has a fundamental
22 knowledge of the state laws relating to the installation and
23 maintenance of onsite sewage treatment and disposal systems.

24 (c) Be at least 18 years of age.

25 (d) Have a total of at least 3 years of active
26 experience serving an apprenticeship as a skilled workman
27 under the supervision and control of a registered septic tank
28 contractor or a plumbing contractor as defined in s. 489.105
29 who has provided septic tank contracting services. Related
30 work experience or educational experience may be substituted
31 for no more than 2 years of active contracting experience.

1 Each 30 hours of course work approved by the department will
2 substitute for 6 months of work experience.

3 (e) Have not had a registration revoked, the effective
4 date of which was less than 5 years before the application.

5 (5) To be eligible for registration by the department
6 as a master septic tank contractor, the applicant must:

7 (a) Have been a registered septic tank contractor in
8 Florida for at least 3 years or a plumbing contractor
9 certified under part I of this chapter who has provided septic
10 tank contracting services for at least 3 years.

11 (b) Take and complete, to the satisfaction of the
12 department, a minimum of 30 hours of approved coursework.

13 (c) Pass an examination approved by the department
14 which demonstrates that the applicant has advanced knowledge
15 relating to the installation and maintenance of onsite sewage
16 treatment and disposal systems, including, but not limited to,
17 the fundamental knowledge required to close residential repair
18 jobs, design systems, and perform soil evaluations, when
19 determined to meet site-evaluation expertise established by
20 rule.

21 (d) Be reviewed by the department for any major
22 infractions of this chapter or other law relating to onsite
23 sewage treatment and disposal.

24 Section 77. Subsection (1) of section 514.011, Florida
25 Statutes, is amended to read:

26 514.011 Definitions.--As used in this chapter:

27 (1) "Department" means the Department of Health ~~and~~
28 ~~Rehabilitative Services.~~

29 Section 78. Subsection (3) of section 514.028, Florida
30 Statutes, is amended to read:

31 514.028 Advisory review board.--

1 (3) Members shall ~~not~~ be reimbursed for travel
2 expenses incurred in connection with service on the advisory
3 review board pursuant to s. 112.061.

4 Section 79. Subsection (3) of section 627.4236,
5 Florida Statutes, is amended to read:

6 627.4236 Coverage for bone marrow transplant
7 procedures.--

8 (3)(a) The Agency for Health Care Administration shall
9 ~~Secretary of Health and Rehabilitative Services must~~ adopt
10 rules specifying the bone marrow transplant procedures that
11 are accepted within the appropriate oncological specialty and
12 are not experimental for purposes of this section. The rules
13 must be based upon recommendations of an advisory panel
14 appointed by the director of the agency ~~secretary~~, composed
15 of:

16 1. One adult oncologist, selected from a list of three
17 names recommended by the Florida Medical Association;

18 2. One pediatric oncologist, selected from a list of
19 three names recommended by the Florida Pediatric Society;

20 3. One representative of the J. Hillis Miller Health
21 Center at the University of Florida;

22 4. One representative of the H. Lee Moffitt Cancer
23 Center and Research Institute, Inc.;

24 5. One consumer representative, selected from a list
25 of three names recommended by the Insurance Commissioner;

26 6. One representative of the Health Insurance
27 Association of America;

28 7. Two representatives of health insurers, one of whom
29 represents the insurer with the largest Florida health
30 insurance premium volume and one of whom represents the
31

1 insurer with the second largest Florida health insurance
2 premium volume; and

3 8. One representative of the insurer with the largest
4 Florida small group health insurance premium volume.

5 (b) The director shall also ~~secretary must~~ appoint a
6 member of the advisory panel to serve as chairperson.

7 (c) The agency shall ~~Office of the Deputy Secretary~~
8 ~~for Health of the Department of Health and Rehabilitative~~
9 ~~Services must~~ provide, within existing resources, staff
10 support to enable the panel to carry out its responsibilities
11 under this section.

12 (d) In making recommendations and adopting rules under
13 this section, the advisory panel and the director ~~secretary~~
14 shall:

15 1. Take into account findings, studies, or research of
16 the federal Agency for Health Care Policy, National Cancer
17 Institute, National Academy of Sciences, Health Care Financing
18 Administration, and Congressional Office of Technology
19 Assessment, and any other relevant information.

20 2. Consider whether the federal Food and Drug
21 Administration or National Cancer Institute are conducting or
22 sponsoring assessment procedures to determine the safety and
23 efficacy of the procedure or substantially similar procedures,
24 or of any part of such procedures.

25 3. Consider practices of providers with respect to
26 requesting or requiring patients to sign a written
27 acknowledgment that a bone marrow transplant procedure is
28 experimental.

29 (e) The advisory panel shall conduct, at least
30 biennially, a review of scientific evidence to ensure that its
31 recommendations are based on current research findings and

1 that insurance policies offer coverage for the latest
2 medically acceptable bone marrow transplant procedures.

3 Section 80. Subsection (1) of section 766.101, Florida
4 Statutes, 1996 Supplement, is amended to read:

5 766.101 Medical review committee, immunity from
6 liability.--

7 (1) As used in this section:

8 (a) The term "medical review committee" or "committee"
9 means:

10 1.a. A committee of a hospital or ambulatory surgical
11 center licensed under chapter 395 or a health maintenance
12 organization certificated under part I of chapter 641,

13 b. A committee of a state or local professional
14 society of health care providers,

15 c. A committee of a medical staff of a licensed
16 hospital or nursing home, provided the medical staff operates
17 pursuant to written bylaws that have been approved by the
18 governing board of the hospital or nursing home,

19 d. A committee of the Department of Corrections or the
20 Correctional Medical Authority as created under s. 945.602, or
21 employees, agents, or consultants of either the department or
22 the authority or both,

23 e. A committee of a professional service corporation
24 formed under chapter 621 or a corporation organized under
25 chapter 607 or chapter 617, which is formed and operated for
26 the practice of medicine as defined in s. 458.305(3), and
27 which has at least 25 health care providers who routinely
28 provide health care services directly to patients,

29 f. A committee of a mental health treatment facility
30 licensed under chapter 394 or a community mental health center
31 as defined in s. 394.907, provided the quality assurance

1 program operates pursuant to the guidelines which have been
2 approved by the governing board of the agency,
3 g. A committee of a substance abuse treatment and
4 education prevention program licensed under chapter 397
5 provided the quality assurance program operates pursuant to
6 the guidelines which have been approved by the governing board
7 of the agency,
8 h. A peer review or utilization review committee
9 organized under chapter 440, or
10 i. A committee of a county health department, healthy
11 start coalition, or certified rural health network, when
12 reviewing quality of care, or employees of these entities when
13 reviewing mortality records ~~An optometric service plan~~
14 ~~certified under chapter 637,~~
15
16 which committee is formed to evaluate and improve the quality
17 of health care rendered by providers of health service or to
18 determine that health services rendered were professionally
19 indicated or were performed in compliance with the applicable
20 standard of care or that the cost of health care rendered was
21 considered reasonable by the providers of professional health
22 services in the area; or
23 2. A committee of an insurer, self-insurer, or joint
24 underwriting association of medical malpractice insurance, or
25 other persons conducting review under s. 766.106.
26 (b) The term "health care providers" means physicians
27 licensed under chapter 458, osteopaths licensed under chapter
28 459, podiatrists licensed under chapter 461, optometrists
29 licensed under chapter 463, dentists licensed under chapter
30 466, chiropractors licensed under chapter 460, pharmacists
31

1 licensed under chapter 465, or hospitals or ambulatory
2 surgical centers licensed under chapter 395.

3 Section 81. Paragraph (b) of subsection (4) of section
4 766.314, Florida Statutes, 1996 Supplement, is amended to
5 read:

6 766.314 Assessments; plan of operation.--

7 (4) The following persons and entities shall pay into
8 the association an initial assessment in accordance with the
9 plan of operation:

10 (b)1. On or before October 15, 1988, all physicians
11 licensed pursuant to chapter 458 or chapter 459 as of October
12 1, 1988, other than participating physicians, shall be
13 assessed an initial assessment of \$250, which must be paid no
14 later than December 1, 1988.

15 2. Any such physician who becomes licensed after
16 September 30, 1988, and before January 1, 1989, shall pay into
17 the association an initial assessment of \$250 upon licensure.

18 3. Any such physician who becomes licensed on or after
19 January 1, 1989, shall pay an initial assessment equal to the
20 most recent assessment made pursuant to this paragraph,
21 paragraph (5)(a), or paragraph (7)(b).

22 4. However, if the physician is a physician specified
23 in this subparagraph, the assessment is not applicable:

24 a. A resident physician, assistant resident physician,
25 or intern in an approved postgraduate training program, as
26 defined by the Board of Medicine or the Board of Osteopathic
27 Medicine by rule;

28 b. A retired physician who has withdrawn from the
29 practice of medicine but who maintains an active license as
30 evidenced by an affidavit filed with the Department of
31 Business and Professional Regulation. Prior to reentering the

1 practice of medicine in this state, a retired physician as
2 herein defined must notify the Board of Medicine or the Board
3 of Osteopathic Medicine and pay the appropriate assessments
4 pursuant to this section;

5 c. A physician who holds a limited license pursuant to
6 s. 458.317 and who is not being compensated for medical
7 services;

8 d. A physician who is employed full time by the United
9 States Department of Veterans Affairs and whose practice is
10 confined to United States Department of Veterans Affairs
11 hospitals; or

12 e. A physician who is a member of the Armed Forces of
13 the United States and who meets the requirements of s. 455.02.

14 f. A physician who is employed full time by the State
15 of Florida and whose practice is confined to state-owned
16 correctional institutions, a county health department, or ~~and~~
17 state-owned mental health or developmental services
18 facilities, or who is employed full time by the Department of
19 Health.

20 Section 82. Section 28.101, Florida Statutes, 1996
21 Supplement, is amended to read:

22 28.101 Petitions and records of dissolution of
23 marriage; additional charges.--

24 (1) When a party petitions for a dissolution of
25 marriage, in addition to the filing charges in s. 28.241, the
26 clerk shall collect and receive:

27 (a) A charge of \$5. On a monthly basis, the clerk
28 shall transfer the moneys collected pursuant to this paragraph
29 ~~to the Department of Health and Rehabilitative Services~~ for
30 deposit in the Child Welfare Training Trust Fund created in s.
31 402.40.

1 (b) A charge of \$5. On a monthly basis, the clerk
2 shall transfer the moneys collected pursuant to this paragraph
3 to the State Treasury for deposit in the Displaced Homemaker
4 Trust Fund created in s. 410.30. If a petitioner does not have
5 sufficient funds with which to pay this fee and signs an
6 affidavit so stating, all or a portion of the fee shall be
7 waived subject to a subsequent order of the court relative to
8 the payment of the fee.

9 (c) A charge of \$18. On a monthly basis, the clerk
10 shall transfer the moneys collected pursuant to this paragraph
11 to the State Treasury for deposit in the Domestic Violence
12 Trust Fund. Such funds which are generated shall be directed
13 to the Department of Children and Family Health and
14 ~~Rehabilitative~~ Services for the specific purpose of funding
15 domestic violence centers.

16 (2) Upon receipt of a final judgment of dissolution of
17 marriage for filing, and in addition to the filing charges in
18 s. 28.241, the clerk shall collect and receive a service
19 charge of \$7 pursuant to s. 382.023 for the recording and
20 reporting of such final judgment of dissolution of marriage to
21 the Department of Health ~~and Rehabilitative Services~~.

22 Section 83. Paragraph (g) of subsection (3) of section
23 28.222, Florida Statutes, is amended to read:

24 28.222 Clerk to be county recorder.--

25 (3) The clerk of the circuit court shall record the
26 following kinds of instruments presented to him or her for
27 recording, upon payment of the service charges prescribed by
28 law:

29 (g) Certified copies of death certificates authorized
30 for issuance by the Department of Health ~~and Rehabilitative~~
31 ~~Services~~ which exclude the information that is confidential

1 under s. 382.008(6), and certified copies of death
2 certificates issued by another state whether or not they
3 exclude the information described as confidential in s.
4 382.008(6).

5 Section 84. Paragraph (b) of subsection (1) of section
6 63.062, Florida Statutes, is amended to read:

7 63.062 Persons required to consent to adoption.--

8 (1) Unless consent is excused by the court, a petition
9 to adopt a minor may be granted only if written consent has
10 been executed after the birth of the minor by:

11 (b) The father of the minor, if:

12 1. The minor was conceived or born while the father
13 was married to the mother.

14 2. The minor is his child by adoption.

15 3. The minor has been established by court proceeding
16 to be his child.

17 4. He has acknowledged in writing, signed in the
18 presence of a competent witness, that he is the father of the
19 minor and has filed such acknowledgment with the Office of
20 Vital Statistics of the Department of Health ~~and~~
21 ~~Rehabilitative Services.~~

22 5. He has provided the child with support in a
23 repetitive, customary manner.

24 Section 85. Section 63.165, Florida Statutes, is
25 amended to read:

26 63.165 State registry of adoption information; duty to
27 inform and explain.--Notwithstanding any other law to the
28 contrary, the department shall maintain a registry with the
29 last known names and addresses of an adoptee and his or her
30 natural parents and adoptive parents and any other identifying
31 information which the adoptee, natural parents, or adoptive

1 parents desire to include in the registry. The registry shall
2 be open with respect to all adoptions in the state, regardless
3 of when they took place. The registry shall be available for
4 those persons choosing to enter information therein, but no
5 one shall be required to do so.

6 (1) Anyone seeking to enter, change, or use
7 information in the registry, or any agent of such person,
8 shall present verification of his or her identity and, if
9 applicable, his or her authority. A person who enters
10 information in the registry shall be required to indicate
11 clearly the persons to whom he or she is consenting to release
12 this information, which persons shall be limited to the
13 adoptee and the natural mother, natural father, adoptive
14 mother, adoptive father, natural siblings, and maternal and
15 paternal natural grandparents of the adoptee. Except as
16 provided in this section, information in the registry is
17 confidential and exempt from the provisions of s. 119.07(1).
18 Consent to the release of this information may be made in the
19 case of a minor adoptee by his or her adoptive parents or by
20 the court after a showing of good cause. At any time, any
21 person may withdraw, limit, or otherwise restrict consent to
22 release information by notifying the department in writing.

23 (2) The department may charge a reasonable fee to any
24 person seeking to enter, change, or use information in the
25 registry. The department shall deposit such fees in a trust
26 fund to be used by the department only for the efficient
27 administration of this section. The department and agencies
28 shall make counseling available for a fee to all persons
29 seeking to use the registry, and the department shall inform
30 all affected persons of the availability of such counseling.

31

1 (3) The department, intermediary, or licensed
2 child-placing agency must inform the birth parents before
3 parental rights are terminated, and the adoptive parents
4 before placement, in writing, of the existence and purpose of
5 the registry established under this section ~~s. 382.027~~, but
6 failure to do so does not affect the validity of any
7 proceeding under this chapter.

8 Section 86. Subsection (4) of section 68.07, Florida
9 Statutes, is amended to read:

10 68.07 Change of name.--

11 (4) On filing the final judgment, the clerk shall, if
12 the birth occurred in this state, send a report of the
13 judgment to the Office of Vital Statistics of the Department
14 of Health ~~and Rehabilitative Services~~ on a form to be
15 furnished by the ~~that~~ department. The form shall contain
16 sufficient information to identify the original birth
17 certificate of the person, the new name, and the file number
18 of the judgment. This report shall be filed by the department
19 ~~state registrar~~ with respect to a person born in this state
20 and shall become a part of the vital statistics of this state.
21 With respect to a person born in another state, the clerk
22 shall provide the petitioner with a certified copy of the
23 final judgment. ~~Department of Health and Rehabilitative~~
24 ~~Services shall send the report to the office of vital~~
25 ~~statistics of the state in which the person's birth occurred.~~

26 Section 87. Section 382.002, Florida Statutes, is
27 amended to read:

28 382.002 Definitions.--As used in this chapter, the
29 term:

30 ~~(1) "Applicant" means the person requesting a copy of~~
31 ~~a vital record.~~

1 (1)~~(2)~~ "Computer Certification" or "certified" means a
2 document ~~produced by computer or other electromagnetic~~
3 ~~equipment~~ containing all or a part of the exact information
4 contained on the original vital record, and which, when issued
5 ~~certified~~ by the State Registrar, has the full force and
6 effect of the original vital record.

7 (2)~~(3)~~ "Dead body" means a human body or such parts of
8 a human body from the condition of which it reasonably may be
9 concluded that death recently occurred.

10 ~~(4)~~ "~~Death without medical attendance~~" means a death
11 ~~occurring more than 30 days after the decedent was last~~
12 ~~treated by a physician, except where death was medically~~
13 ~~expected as certified by an attending physician.~~

14 (3)~~(5)~~ "Department" means the Department of Health ~~and~~
15 ~~Rehabilitative Services.~~

16 (4)~~(6)~~ "Dissolution of marriage" includes an annulment
17 of marriage.

18 (5)~~(7)~~ "Fetal death" means death prior to the complete
19 expulsion or extraction of a product of human conception from
20 its mother if the 20th week of gestation has been reached and
21 the death is indicated by the fact that after such expulsion
22 or extraction the fetus does not breathe or show any other
23 evidence of life such as beating of the heart, pulsation of
24 the umbilical cord, or definite movement of voluntary muscles.

25 (6)~~(8)~~ "Final disposition" means the burial,
26 interment, cremation, removal from the state, or other
27 authorized disposition of a dead body or a fetus, as described
28 ~~defined~~ in subsection (5)~~(7)~~. In the case of cremation,
29 dispersion of ashes or cremation residue is considered to
30 occur after final disposition; the cremation itself is
31 considered final disposition.

1 ~~(7)(9)~~ "Funeral director" means a licensed funeral
2 director or direct disposer licensed pursuant to chapter 470
3 or other person who first assumes custody of or effects the
4 final disposition of a dead body or a fetus, as described
5 ~~defined~~ in subsection ~~(5)(7)~~.

6 (8) "Legal age" means a person who is not a minor, or
7 a minor who has had the disability of nonage removed as
8 provided under chapter 743.

9 ~~(9)(10)~~ "Live birth" means the complete expulsion or
10 extraction of a product of human conception from its mother,
11 irrespective of the duration of pregnancy, which, after such
12 expulsion, breathes or shows any other evidence of life such
13 as beating of the heart, pulsation of the umbilical cord, and
14 definite movement of the voluntary muscles, whether or not the
15 umbilical cord has been cut or the placenta is attached.

16 ~~(10)(11)~~ "Medical examiner" means a person ~~so~~
17 appointed pursuant to chapter 406.

18 ~~(11)(12)~~ "Physician" means a person authorized to
19 practice medicine, ~~or~~ osteopathic medicine, or chiropractic
20 pursuant to chapter 458, ~~or~~ chapter 459, or chapter 460.

21 ~~(13)~~ ~~"Presumptive death" means determination by a~~
22 ~~court of competent jurisdiction that a death has occurred or~~
23 ~~is presumed to have occurred in this state or adjacent waters,~~
24 ~~but the body of the person involved has not been located or~~
25 ~~recovered.~~

26 ~~(12)(14)~~ "Registrant" means the child entered on a
27 birth certificate, the deceased entered on a death
28 certificate, and ~~both~~ the husband or ~~and~~ wife entered on a
29 marriage or dissolution of marriage record.

30 ~~(13)(15)~~ "Vital records" or "records" means
31 certificates or reports of birth, death, fetal death,

1 marriage, dissolution of marriage, name change filed pursuant
2 to s. 68.07, and data related thereto.

3 ~~(14)~~~~(16)~~ "Vital statistics" means a system of
4 registration, collection, preservation, amendment, and
5 certification of vital records, the collection of other
6 reports required by this act, and activities related thereto,
7 including the tabulation, analysis, and publication of data
8 obtained from vital records.

9 Section 88. Subsections (2), (6), (7), (8), and (10)
10 of section 382.003, Florida Statutes, are amended to read:

11 382.003 Powers and duties of the department.--The
12 department may:

13 (2) Procure the complete registration of all vital
14 records ~~the same~~ in each registration district ~~as constituted~~
15 ~~in subsection (4)~~ and in the Office of Vital Statistics.

16 (6) Investigate cases of irregularity or violation of
17 law, and all local registrars of vital statistics shall aid
18 the department in such investigations. When necessary, the
19 department shall report cases of violations of any of the
20 provisions of this chapter to the state attorney having charge
21 of the prosecution of misdemeanors in the registration
22 district in which the ~~such~~ violation occurs ~~shall occur~~.

23 (7) Approve all forms used in registering, recording,
24 certifying, and preserving vital records, or in otherwise
25 carrying out the purposes of this chapter, and no other forms
26 shall be used other than those approved by the department. The
27 department is responsible for the careful examination of the
28 certificates received monthly from the local registrars and
29 marriage certificates and dissolution of marriage reports
30 received from the circuit and county courts. A certificate
31 that is complete and satisfactory shall be accepted and given

1 a state file number and considered a state-filed record. If
2 any such certificates are incomplete or unsatisfactory, the
3 department shall require ~~such~~ further information to be
4 supplied as may be necessary to make the record complete and
5 satisfactory. All physicians, midwives, informants, or
6 funeral directors, and all other persons having knowledge of
7 the facts, are required to supply, upon a form approved by the
8 department or upon the original certificate, such information
9 as they may possess regarding any vital record, ~~as requested~~
10 ~~by the department.~~

11 (8) Prepare and publish an annual report of vital
12 statistics and such other reports as may be required ~~by the~~
13 ~~department.~~

14 (10) Adopt, promulgate, and enforce rules necessary
15 for the creation, issuance, recording, rescinding,
16 maintenance, and processing ~~preservation and protection~~ of
17 vital records and for carrying out the other provisions of ss.
18 382.004-382.014 and ss. 382.016-382.019 ~~this chapter.~~

19 Section 89. Section 382.004, Florida Statutes, is
20 amended to read:

21 382.004 Reproduction ~~Microfilming~~ and destruction of
22 ~~destroying~~ records.--

23 (1) The department is authorized to photograph,
24 microphotograph, reproduce on film, or reproduce by electronic
25 means vital records in such a manner that the data on each
26 page are in exact conformity with the original record.

27 (2) The department is ~~hereby~~ authorized to destroy any
28 of the original vital records after they have been
29 photographed or reproduced in exact conformity with the
30 original record and after approval for destruction in
31 accordance with chapter 257.

1 (3) Photographs, microphotographs, or reproductions of
2 any record in the form of film, prints, or electronically
3 produced certifications made in compliance with the provisions
4 of this chapter and certified by the department shall have the
5 same force and effect as the originals thereof, ~~and~~ shall be
6 treated as originals for the purpose of their admissibility in
7 any court or case, and shall be prima facie evidence in all
8 courts and cases of the facts stated therein ~~where the~~
9 ~~documents have been duly certified by the department.~~

10 Section 90. Section 382.005, Florida Statutes, is
11 amended to read:

12 382.005 Duties of local registrars.--

13 (1) Each local registrar is charged with the strict
14 and thorough enforcement of the provisions of this chapter and
15 rules adopted hereunder in his or her registration district,
16 and ~~he or she~~ shall make an immediate report to the department
17 of any violation or apparent violation of this law or rules
18 adopted hereunder.

19 (2) Each local registrar shall make available blank
20 forms as necessary ~~to such persons as required of them~~ and
21 shall examine ~~be responsible for the careful examination of~~
22 each certificate of live birth, death, or fetal death when
23 presented for registration, in order to ascertain whether or
24 not it has been completed in accordance with the provisions of
25 this chapter and adopted, ~~rules adopted hereunder, and the~~
26 ~~instructions of the department.~~ All birth, death, and fetal
27 death certificates shall be typewritten ~~or printed legibly~~ in
28 permanent black ink, and a certificate is not complete and
29 correct if it does not supply each item of information called
30 for ~~therein~~ or satisfactorily account for its omission.

31

1 ~~(3) If any certificate of death or fetal death is~~
2 ~~incomplete or unsatisfactory, the local registrar shall call~~
3 ~~attention to the defect in the record and may withhold the~~
4 ~~burial, removal, or other permit until such defects are~~
5 ~~corrected. If the certificate of death or fetal death is~~
6 ~~properly executed and complete, the local registrar shall then~~
7 ~~issue a burial, removal, or other permit to the funeral~~
8 ~~director; provided, that in case the death occurred from some~~
9 ~~disease which is held by the department to be infectious,~~
10 ~~contagious, or communicable and dangerous to the public~~
11 ~~health, no permit for the removal or other disposition of the~~
12 ~~dead body shall be issued by the local registrar, except under~~
13 ~~such conditions as may be prescribed by the department.~~

14 ~~(4) If a certificate of birth is incomplete, the local~~
15 ~~registrar shall immediately notify the institution where the~~
16 ~~birth occurred or the informant, and require the completion of~~
17 ~~the missing items of information, if they can be obtained~~
18 ~~prior to issuing certified copies of the record.~~

19 ~~(3)(5)~~ The local registrar or his or her deputy, if so
20 authorized by the department, shall sign as registrar in
21 attestation of the date of registration in his or her office
22 and may also make and preserve a local record of each birth,
23 death, and fetal death certificate registered by him or her,
24 in such manner as directed by the department. And The local
25 registrar or deputy shall, on or before the 7th day of each
26 month, transmit daily to the department all original
27 certificates registered by him or her for the preceding
28 month. And If no births, or deaths, or no fetal deaths
29 occurred in any month, the local registrar or deputy shall, on
30 the 7th day of the following month, report that fact to the
31 department on a form provided for such purpose.

1 ~~(4)(6)~~ Each local registrar, immediately upon ~~his or~~
2 ~~her acceptance of~~ appointment, shall designate one or more
3 deputy registrars to act on behalf of the local registrar
4 ~~appoint a chief deputy registrar, who shall act in the local~~
5 ~~registrar's stead in case of his or her absence or disability~~
6 ~~and may appoint other deputy registrars.~~

7 Section 91. Section 382.006, Florida Statutes, is
8 amended to read:

9 382.006 Burial-transit permit.--

10 (1) The funeral director who first assumes custody of
11 a dead body or fetus must ~~shall~~ obtain a burial-transit permit
12 prior to final disposition ~~or removal from the state of the~~
13 ~~dead body or fetus~~ and within 5 days after death. The
14 application for a burial-transit permit must be signed by the
15 funeral director and include the funeral director's license
16 number. The funeral director must attest on the application
17 that he or she has contacted the physician's or medical
18 examiner's office and has received assurance that the
19 physician or medical examiner will provide medical
20 certification of the cause of death within 72 hours after
21 receipt of the death certificate from the funeral director.

22 (2) A ~~Such~~ burial-transit permit shall be issued by
23 the local registrar or subregistrar of the registration
24 district in which the death occurred or the body was found. A
25 ~~No such~~ burial-transit permit shall not be issued:

26 (a) Until a complete and satisfactory certificate of
27 death or fetal death has been filed in accordance with the
28 requirements of this chapter and adopted rules, unless ~~or~~ the
29 funeral director provides adequate assurance that a complete
30 and satisfactory certificate will be so registered.

31

1 (b) Except under conditions prescribed by the
2 department, if the death occurred from some disease which is
3 held by the department to be infectious, contagious, or
4 communicable and dangerous to the public health.

5 ~~(3)(2)~~ The funeral director shall deliver the
6 burial-transit permit to the person in charge of the place of
7 final disposition, before interring or otherwise disposing of
8 the dead body or fetus within this state; or when transported
9 to a point outside the state, the permit shall accompany the
10 dead body or fetus to its destination.

11 ~~(4)(3)~~ A burial-transit permit issued under the law of
12 another state or country, or a certification of a death
13 certificate issued under the law of a state or country that
14 does not issue burial-transit permits, which accompanies a
15 dead body or fetus brought into this state, shall be authority
16 for final disposition of the dead body or fetus in this state.

17 (5) Rules of the department may provide for the
18 issuance of a burial-transit permit prior to the filing of a
19 certificate of death or fetal death upon conditions designed
20 to assure compliance with the purposes of this chapter in
21 cases in which compliance with the requirement that the
22 certificate be filed prior to the issuance of the permit would
23 result in undue hardship.

24 (6) Burial-transit permits filed with the local
25 registrar under the provisions of this chapter may be
26 destroyed after the expiration of 3 years from the date of
27 filing.

28 ~~(4) A permit for disinterment and reinterment shall be~~
29 ~~required prior to disinterment or reinterment of a dead body~~
30 ~~or fetus except as authorized or otherwise provided by law.~~
31 ~~Such permit shall be issued by the local registrar for vital~~

1 ~~statistics of the district in which the dead body or fetus is~~
2 ~~buried, to a funeral director, upon proper application.~~

3 Section 92. Section 382.007, Florida Statutes, is
4 amended to read:

5 382.007 Final dispositions prohibited without
6 burial-transit ~~burial~~ permit; records of dead bodies
7 disposed.--A ~~No~~ person in charge of any premises on which
8 final dispositions are made shall not inter or permit the
9 interment or other disposition of any dead body unless it is
10 accompanied by a burial-transit permit ~~burial, other~~
11 ~~disposition, or removal permit as herein provided.~~ Any such
12 person shall endorse upon the permit the date of interment, or
13 other disposition, over his or her signature, and shall return
14 all permits so endorsed to the local registrar of the district
15 where the place of final disposition is located ~~his or her~~
16 ~~district~~ within 10 days from the date of interment or other
17 disposition. He or she shall keep a record of all dead bodies
18 interred or otherwise disposed of on the premises under his or
19 her charge, in each case stating the name of each deceased
20 person, place of death, date of burial or other disposition,
21 and name and address of the funeral director which record
22 shall at all times be open to official inspection. ~~provided,~~
23 ~~that~~ The funeral director, when burying a dead body in a
24 cemetery ~~or burial grounds~~ having no person in charge, shall
25 sign the burial-transit ~~burial or removal~~ permit, giving the
26 date of burial, and shall write across the face of the permit
27 the words "No person in charge," and file the ~~burial or~~
28 ~~removal~~ permit within 10 days after burial with the local
29 registrar of the district in which the cemetery is located.
30 ~~Permits filed with the local registrar under the provisions of~~

31

1 ~~this section may be destroyed by the official custodian after~~
2 ~~the expiration of 3 years from the date of such filing.~~

3 Section 93. Section 382.008, Florida Statutes, 1996
4 Supplement, is amended to read:

5 382.008 Death and fetal death registration.--
6 (1) A certificate for each death and fetal death which
7 occurs in this state shall be filed on a form prescribed by
8 the department ~~registered~~ with the local registrar of the
9 district in which the death occurred within 5 days after such
10 death and prior to final disposition ~~or removal of the dead~~
11 ~~body or fetus from the state~~, and shall be registered by such
12 registrar if it has been completed and filed in accordance
13 with this chapter or adopted rules. In addition, each
14 certificate of death or fetal death:

15 (a) If requested by the informant, shall include
16 aliases or "also known as" (AKA) names of a decedent in
17 addition to the decedent's name of record. Aliases shall be
18 entered on the face of the death certificate in the space
19 provided for name if there is sufficient space. If there is
20 not sufficient space, aliases may be recorded on the back of
21 the certificate and shall be considered part of the official
22 record of death ~~The certificate of death or fetal death shall~~
23 ~~be in the form prescribed by the department;~~

24 (b) If the place of death is unknown, ~~a certificate~~
25 shall be registered in the registration district in which the
26 ~~a~~ dead body or fetus is found within 5 days after such
27 occurrence; and

28 (c) If death occurs in a moving conveyance, ~~a death~~
29 ~~certificate~~ shall be registered in the registration district
30 in which the dead body was first removed from such conveyance.

31

1 (2) The funeral director who first assumes custody of
2 a dead body or fetus shall file the certificate of death or
3 fetal death ~~certificate~~. In the absence of the funeral
4 director ~~such a person~~, the physician or other person in
5 attendance at or after the death shall file the certificate of
6 death or fetal death. The person who files ~~registers~~ the
7 certificate shall obtain ~~the~~ personal data from the next of
8 kin or the best qualified person or source available. The
9 medical certification of cause of death shall be furnished to
10 the funeral director, either in person or via certified mail,
11 by the physician or medical examiner responsible for
12 furnishing such information. For fetal deaths, the physician,
13 midwife, or hospital administrator shall provide any medical
14 or health information to the funeral director within 72 hours
15 after expulsion or extraction.

16 (3) Within 72 hours after receipt of a death or fetal
17 death certificate from the ~~a~~ funeral director, the medical
18 certification of cause of death shall be completed, ~~signed,~~
19 and made available to the funeral director by the physician in
20 charge of the decedent's care for the illness or condition
21 which resulted in death, ~~or~~ the physician in attendance at the
22 time of death or fetal death or immediately before or after
23 such death or fetal death, or the medical examiner if the
24 provisions of s. 382.011 apply. The physician or medical
25 examiner, ~~who~~ shall certify over his or her signature the
26 cause of death to the best of his or her best knowledge and
27 belief; ~~except the provisions of s. 382.011 apply when the~~
28 ~~death or fetal death requires investigation pursuant to s.~~
29 ~~406.11 or the death or fetal death occurred without medical~~
30 ~~attendance.~~

31

1 (a) The local registrar may grant the funeral director
2 an extension of time upon a good and sufficient showing of any
3 of the following conditions:

4 1. An autopsy is pending.

5 2. Toxicology, laboratory, or other diagnostic reports
6 have not been completed.

7 3. The identity of the decedent is unknown and further
8 investigation or identification is required.

9 (b) If the physician or medical examiner has indicated
10 that he or she will sign and complete the medical
11 certification of cause of death, but will not be available
12 until after the 5-day registration deadline, the local
13 registrar may grant an extension of 5 days. If a further
14 extension is required, the funeral director must provide
15 written justification to the registrar.

16 (4) If the local registrar has granted an extension of
17 time to provide the medical certification of cause of death,
18 the funeral director shall file a temporary certificate of
19 death or fetal death which shall contain all available
20 information, including the fact that the cause of death is
21 pending. The physician or medical examiner shall provide an
22 estimated date for completion of the permanent certificate.

23 (5) A permanent certificate of death or fetal death,
24 containing the cause of death and any other information which
25 was previously unavailable, shall be registered as a
26 replacement for the temporary certificate. The permanent
27 certificate may also include corrected information if the
28 items being corrected are noted on the back of the certificate
29 and dated and signed by the funeral director, physician, or
30 medical examiner, as appropriate.

31

1 ~~(4) The department may by rule and upon such~~
2 ~~conditions as it may prescribe to assure compliance with the~~
3 ~~purposes of this act, provide for the extension of the periods~~
4 ~~prescribed in this chapter for the filing of death~~
5 ~~certificates, fetal death certificates, medical certifications~~
6 ~~of causes of death, and for the obtaining of burial-transit~~
7 ~~permits in cases in which compliance with the applicable~~
8 ~~prescribed period would result in undue hardship.~~

9 ~~(5) Rules of the department may provide for the~~
10 ~~issuance of a burial-transit permit prior to the filing of a~~
11 ~~certificate of death or fetal death upon conditions designed~~
12 ~~to assure compliance with the purposes of this act in cases in~~
13 ~~which compliance with the requirement that the certificate be~~
14 ~~filed prior to the issuance of the permit would result in~~
15 ~~undue hardship.~~

16 (6) The original certificate of death or fetal death
17 shall contain all the information required by the department
18 for legal, social, and health research purposes. All
19 information relating to cause of death in ~~The cause of death~~
20 section of all death and fetal death records and the
21 parentage, marital status, and medical information included in
22 all fetal death records of this state are confidential and
23 exempt from the provisions of s. 119.07(1), except for health
24 research purposes as approved by the department; nor may
25 copies of the same be issued except as provided in s.
26 382.025(4).

27 ~~(7) The provisions of s. 382.013(5), (6), and (7) also~~
28 ~~apply to the entry of similar information on fetal death~~
29 ~~certificates.~~

30 Section 94. Section 382.011, Florida Statutes, is
31 amended to read:

1 382.011 Medical examiner determination of cause of
2 death ~~When Death occurs without medical attendance or due to~~
3 ~~unlawful act or neglect.--~~

4 (1) In the case of any death or fetal death due to
5 causes or conditions listed in s. 406.11, or where the death
6 occurred more than 30 days after the decedent was last treated
7 by a physician unless the death was medically expected as
8 certified by an attending physician ~~occurring without medical~~
9 ~~attendance~~, or where there is reason to believe that the death
10 may have been due to unlawful act or neglect, the funeral
11 director or other person to whose attention the death may come
12 shall refer the case to the medical examiner of the district
13 in which the death occurred for ~~his or her~~ investigation and
14 determination of certification; ~~and the medical examiner shall~~
15 ~~certify the cause of death, as required for a burial permit,~~
16 ~~and to properly classify the cause of death.~~

17 (2) The medical examiner shall complete and sign the
18 medical certification of cause of death ~~section~~ of the death
19 or fetal death certificate within 72 hours after notification,
20 whether or not final determination of the cause of death has
21 been established, unless an extension has been granted as
22 provided under s. 382.008. Any amendment fees prescribed in
23 s. 382.0255 shall be ~~are~~ waived when a later determination of
24 cause of death is made ~~in such a case.~~

25 (3) The funeral director shall retain the
26 responsibility for preparation of the death or fetal death
27 certificate, obtaining the necessary signatures, filing with
28 the local registrar in a timely manner, and disposing of the
29 remains when the remains are released by the medical examiner.

30 Section 95. Section 382.012, Florida Statutes, is
31 amended to read:

1 382.012 Presumptive death certificate.--
2 (1) "Presumptive death" means a determination by a
3 court of competent jurisdiction that:
4 (a) A death of a resident of this state has occurred
5 or is presumed to have occurred, but the body of the person
6 involved has not been located or recovered; or
7 (b) A death of a nonresident of this state has
8 occurred or is presumed to have occurred in this state, but
9 the body of the person involved has not been located or
10 recovered.
11 (2) The department shall file a presumptive death
12 certificate when ordered by a court of competent jurisdiction.
13 In case of a presumptive death certificate, the medical
14 certification of cause of death must ~~section shall~~ be signed
15 by the judge issuing the court order. A petitioner seeking a
16 presumptive death certificate must include in the petition
17 before the court all information necessary to complete the
18 presumptive death certificate.
19 Section 96. Section 382.013, Florida Statutes, is
20 amended to read:
21 (Substantial rewording of section. See
22 s. 382.013, F.S., for present text.)
23 382.013 Birth registration.--A certificate for each
24 live birth that occurs in this state shall be filed within 5
25 days after such birth with the local registrar of the district
26 in which the birth occurred and shall be registered by the
27 local registrar if the certificate has been completed and
28 filed in accordance with this chapter and adopted rules.
29 (1) FILING.--
30 (a) If a birth occurs in a hospital, birth center, or
31 other health care facility, or en route thereto, the person in

1 charge of the facility shall be responsible for preparing the
2 certificate, certifying the facts of the birth, and filing the
3 certificate with the local registrar. Within 48 hours after
4 the birth, the physician, midwife, or person in attendance
5 during or immediately after the delivery shall provide the
6 facility with the medical information required by the birth
7 certificate.

8 (b) If a birth occurs outside a facility and the child
9 is not taken to the facility within 3 days after delivery, the
10 certificate shall be prepared and filed by one of the
11 following persons in the indicated order of priority:

12 1. The physician or midwife in attendance during or
13 immediately after the birth.

14 2. In the absence of persons described in subparagraph
15 1., any other person in attendance during or immediately after
16 the birth.

17 3. In the absence of persons described in subparagraph
18 2., the father or mother.

19 4. In the absence of the father and the inability of
20 the mother, the person in charge of the premises where the
21 birth occurred.

22 (c) If a birth occurs in a moving conveyance and the
23 child is first removed from the conveyance in this state, the
24 birth shall be filed and registered in this state and the
25 place to which the child is first removed shall be considered
26 the place of birth.

27 (d) At least one of the parents of the child shall
28 attest to the accuracy of the personal data entered on the
29 certificate in time to permit the timely registration of the
30 certificate.

31

1 (e) If a certificate of live birth is incomplete, the
2 local registrar shall immediately notify the health care
3 facility or person filing the certificate and shall require
4 the completion of the missing items of information if they can
5 be obtained prior to issuing certified copies of the birth
6 certificate.

7 (2) PATERNITY.--

8 (a) If the mother is married at the time of birth, the
9 name of the husband shall be entered on the birth certificate
10 as the father of the child, unless paternity has been
11 determined otherwise by a court of competent jurisdiction.

12 (b) If the husband of the mother dies while the mother
13 is pregnant but before the birth of the child, the name of the
14 deceased husband shall be entered on the birth certificate as
15 the father of the child, unless paternity has been determined
16 otherwise by a court of competent jurisdiction.

17 (c) If the mother is not married at the time of birth,
18 the name of the father may not be entered on the birth
19 certificate without the execution of a consenting affidavit
20 signed by both the mother and the person to be named as the
21 father. The facility shall provide the mother and the person
22 to be named as the father with the affidavit, as well as
23 information provided by the Title IV-D agency established
24 pursuant to s. 409.2557, regarding the benefits of voluntary
25 establishment of paternity. Upon request of the mother and
26 the person to be named as the father, the facility shall
27 assist in the execution of the affidavit.

28 (d) If the paternity of the child is determined by a
29 court of competent jurisdiction as provided under s. 382.015,
30 the name of the father and the surname of the child shall be
31 entered on the certificate in accordance with the finding and

1 order of the court. If the court fails to specify a surname
2 for the child, the surname shall be entered in accordance with
3 subsection (3).

4 (e) If the father is not named on the certificate, no
5 other information about the father shall be entered on the
6 certificate.

7 (3) NAME OF CHILD.--

8 (a) If the mother is married at the time of birth, the
9 mother and father whose names are entered on the birth
10 certificate shall select the given names and surname of the
11 child if both parents have custody of the child, otherwise the
12 parent who has custody shall select the child's name.

13 (b) If the mother and father whose names are entered
14 on the birth certificate disagree on the surname of the child
15 and both parents have custody of the child, the surname
16 selected by the father and the surname selected by the mother
17 shall both be entered on the birth certificate, separated by a
18 hyphen, with the selected names entered in alphabetical order.
19 If the parents disagree on the selection of a given name, the
20 given name may not be entered on the certificate until a joint
21 agreement that lists the agreed upon given name and is
22 notarized by both parents is submitted to the department, or
23 until a given name is selected by a court.

24 (c) If the mother is not married at the time of birth,
25 the person who will have custody of the child shall select the
26 child's given name and surname.

27 (d) If multiple names of the child exceed the space
28 provided on the face of the birth certificate they shall be
29 listed on the back of the certificate. Names listed on the
30 back of the certificate shall be part of the official record.

31

1 (4) UNDETERMINED PARENTAGE.--A birth certificate shall
2 be registered for every child of undetermined parentage
3 showing all known or approximate facts relating to the birth.
4 To assist in later determination, information concerning the
5 place and circumstances under which the child was found shall
6 be included on the portion of the birth certificate relating
7 to marital status and medical details. In the event the child
8 is later identified to the satisfaction of the department, a
9 new birth certificate shall be prepared which shall bear the
10 same number as the original birth certificate, and the
11 original certificate shall be sealed and filed, shall be
12 confidential and exempt from the provisions of s. 119.07(1),
13 and shall not be opened to inspection by, nor shall certified
14 copies of the same be issued except by court order to, any
15 person other than the registrant if of legal age.

16 (5) DISCLOSURE.--The original certificate of live
17 birth shall contain all the information required by the
18 department for legal, social, and health research purposes.
19 However, all information concerning parentage, marital status,
20 and medical details shall be confidential and exempt from the
21 provisions of s. 119.07(1), except for health research
22 purposes as approved by the department, nor shall copies of
23 the same be issued except as provided in s. 382.025.

24 Section 97. Section 382.0135, Florida Statutes, is
25 amended to read:

26 382.0135 Social security numbers; enumeration-at-birth
27 program.--~~The department of Health and Rehabilitative~~
28 ~~Services, through the State Registrar,~~ shall make arrangements
29 with the United States Social Security Administration to
30 participate ~~enable this state to begin participating, as soon~~
31 ~~as practicable,~~ in the voluntary enumeration-at-birth program

1 ~~established by that federal agency.~~ The State Registrar is
2 authorized to ~~and shall~~ take any actions ~~that are necessary in~~
3 ~~order~~ to administer the program in this state, including
4 modifying the procedures and forms used in the birth
5 registration process.

6 Section 98. Section 382.015, Florida Statutes, 1996
7 Supplement, is amended to read:

8 382.015 New ~~or amended~~ certificates of live birth;
9 duty of clerks of court and department.--The clerk of the
10 court in which any proceeding for ~~determination of paternity,~~
11 adoption, ~~or~~ annulment of an adoption, affirmation of parental
12 status, or determination of paternity is to ~~shall~~ be
13 registered, shall within 30 days after the final disposition,
14 thereof forward to the department a court-certified copy of
15 the court decree, or a report of the said proceedings upon a
16 form to be furnished by the department, together with, ~~which~~
17 ~~form shall contain~~ sufficient information to identify the
18 original birth certificate ~~of the child~~ and to enable the
19 preparation of a an amendatory or new birth certificate to be
20 prepared.

21 (1) ADOPTION AND ANNULMENT OF ADOPTION.--

22 (a) Upon receipt of the report or certified copy of an
23 adoption decree, together with the information necessary to
24 identify the original certificate of live birth, and establish
25 a new certificate of an adoption from a clerk of the court, or
26 upon receipt of a certified copy of a final decree of
27 adoption, together with all necessary information, from any
28 registrant or adoptive parent of a registrant, the department
29 shall prepare and file a new birth certificate, absent
30 objection by the court decreeing the adoption, the adoptive
31 parents, or the adoptee if of legal age. The, which

1 certificate shall bear the same file number as the original
2 birth certificate. All names and identifying information
3 relating to the adoptive parents ~~statistical particulars~~
4 entered on the new certificate shall refer to the adoptive
5 parents, but nothing in the said certificate shall refer to or
6 designate the said parents as being adoptive. All other items
7 not affected by adoption shall be copied as on the original
8 certificate, including the date of registration and filing.

9 (b) Upon receipt of the report or certified copy of an
10 annulment-of-adoption decree, together with the sufficient
11 information to identify the original certificate of live
12 birth, the department shall, if a new certificate of birth was
13 filed following an adoption report or decree, remove the new
14 certificate and restore the original certificate to its
15 original place in the files, and the certificate so removed
16 shall be sealed by the department.

17 (c) Upon receipt of a report or certified copy of an
18 adoption decree or annulment-of-adoption decree for a person
19 born in another state, the department shall forward the report
20 or decree to the state of the registrant's birth. If the
21 adoptee was born in Canada, the department shall send a copy
22 of the report or decree to the appropriate birth registration
23 authority in Canada.

24 (2) DETERMINATION OF PATERNITY.--

25 (a) Upon receipt of the report ~~or of a determination~~
26 ~~of paternity from a clerk of the court, or upon receipt of a~~
27 certified copy of a final decree ~~or judgment~~ of determination
28 of paternity, or upon written request and receipt of a
29 consenting affidavit signed by both parents acknowledging the
30 paternity of the registrant, together with sufficient
31 information to identify the original certificate of live birth

1 ~~all necessary information from a registrant or the parent or~~
2 ~~parents of a registrant, or upon receipt of evidence of the~~
3 ~~marriage of the parents of a person subsequent to the birth of~~
4 ~~said person, the department shall prepare and file a new birth~~
5 ~~certificate which certificate shall bear the same file number~~
6 ~~as the original birth certificate. If paternity has been~~
7 ~~established pursuant to court order, the registrant's name~~
8 ~~shall be entered as decreed by the court. Otherwise, the~~
9 ~~surname of the registrant may be changed from that shown on~~
10 ~~the original birth certificate at the request of the parents~~
11 ~~or the registrant if of legal age. The names and identifying~~
12 ~~information of the parents statistical particulars shall be~~
13 ~~entered as of the date of the registrant's birth ~~but as though~~~~
14 ~~the parents were married at that time.~~

15 (b) If the parents marry each other at any time after
16 the registrant's birth, the department shall, upon request of
17 the parents or registrant if of legal age and proof of the
18 marriage, amend the certificate with regard to the parent's
19 marital status as though the parents were married at the time
20 of birth.

21 (c) If a father's name is already listed on the birth
22 certificate, the birth certificate may only be amended to add
23 a different father's name upon court order. If a change in
24 the registrant's surname is also desired, such change must be
25 included in the court order determining paternity or the name
26 must be changed pursuant to s. 68.07.

27 (3) AFFIRMATION OF PARENTAL STATUS.--Upon receipt of
28 an order of affirmation of parental status issued pursuant to
29 s. 742.16, together with sufficient information to identify
30 the original certificate of live birth, the department shall
31 prepare and file a new birth certificate which shall bear the

1 same file number as the original birth certificate. The names
2 and identifying information of the registrant's parents
3 entered on the new certificate shall be the commissioning
4 couple, but the new certificate may not make reference to or
5 designate the parents as the commissioning couple.

6 ~~(3) ANNULMENT OF ADOPTION.--Upon receipt of the report~~
7 ~~of an annulment of an adoption from a clerk of the court, or~~
8 ~~upon receipt of a certified copy of a final decree, or~~
9 ~~judgment of the annulment of adoption, the department shall,~~
10 ~~if a new certificate of birth was filed, based upon an~~
11 ~~adoption order, remove such new certificate and restore the~~
12 ~~original certificate to its original place in the files and~~
13 ~~the certificate so removed shall then be destroyed by the~~
14 ~~department.~~

15 ~~(4) DUTY OF DEPARTMENT UPON RECEIPT OF REPORTS ON~~
16 ~~CHILDREN NOT BORN IN THIS STATE.--Upon receipt of a report of~~
17 ~~an adoption, determination of paternity, or annulment of an~~
18 ~~adoption from a clerk of the court, in which report it~~
19 ~~affirmatively appears that the person involved was born in a~~
20 ~~state other than the State of Florida, it shall be the duty of~~
21 ~~the department to forward a copy of such report to the State~~
22 ~~Registrar or comparable official of the state in which said~~
23 ~~person was born.~~

24 (4)(5) SUBSTITUTION OF NEW CERTIFICATE OF BIRTH FOR
25 ORIGINAL.--When a new certificate of birth is prepared, the
26 department shall substitute the new certificate of birth for
27 the original certificate one on file in the Office of Vital
28 Statistics. All copies of the original certificate of live
29 birth in the custody of a local registrar or other state
30 custodian of vital records shall be forwarded to the State
31 Registrar. Thereafter, when a certified copy of the

1 certificate of birth of such person or portion thereof is
2 issued, it shall be a copy of the new certificate of birth or
3 portion thereof, except when a court an order requires of a
4 ~~court of competent jurisdiction shall require the issuance of~~
5 a certified copy of the original certificate of birth. In,
6 ~~and in the case of an adoption, change in paternity,~~
7 affirmation of parental status, undetermined parentage, or
8 court-ordered substitution, the department shall place the
9 original certificate of birth and all papers pertaining
10 thereto under seal, not to be broken ~~or opened~~ except by order
11 of a court of competent jurisdiction or as otherwise provided
12 by law. The original birth certificate is confidential and
13 ~~exempt from the provisions of s. 119.07(1). In the case of an~~
14 ~~adoptive child, access to the original certificate of birth~~
15 ~~shall be governed by s. 63.162.~~

16 (5) FORM.--Except for certificates of foreign birth
17 which are registered as provided in s. 382.017, and delayed
18 certificates of birth which are registered as provided in ss.
19 382.019 and 382.0195, all original, new, or amended
20 certificates of live birth shall be identical in form,
21 regardless of the marital status of the parents or the fact
22 that the registrant is adopted or of undetermined parentage.

23 (6) RULES.--The department shall adopt and enforce all
24 rules necessary for carrying out the provisions of this
25 section.

26 Section 99. Section 382.016, Florida Statutes, is
27 amended:

28 (Substantial rewording of section. See
29 s. 382.016, F.S., for present text.)

30 382.016 Amendment of records.--

31

1 (1) The department, upon receipt of the fee prescribed
2 in s. 382.0255, documentary evidence of any misstatement,
3 error, or omission occurring in any birth, death, or fetal
4 death record as may be required by department rule, and an
5 affidavit setting forth the changes to be made, shall amend or
6 replace the original certificate as necessary. However, except
7 for a misspelling or an omission on a death certificate with
8 regard to the name of the surviving spouse, the department may
9 not change the name of the surviving spouse on the certificate
10 except by order of a court of competent jurisdiction.

11 (2) Until a child's first birthday, the child's given
12 name or surname may be amended upon receipt of the fees
13 prescribed in s. 382.0255 and an affidavit signed by each
14 parent named on the original birth certificate or by the
15 registrant's guardian. If both parents are named on the
16 certificate but both are not willing or available to sign the
17 affidavit, the registrant's name may only be amended by court
18 order.

19 Section 100. Section 382.017, Florida Statutes, is
20 amended to read:

21 (Substantial rewording of section. See
22 s. 382.017, F.S., for present text.)
23 382.017 Foreign births.--

24 (1) Upon request, the department shall prepare and
25 register a certificate of foreign birth for an adoptee born in
26 a foreign country who is not a citizen of the United States
27 and whose judgment of adoption was entered by a court of
28 competent jurisdiction of this state. The certificate shall
29 be established upon receipt of the report or certified copy of
30 the adoption decree, proof of the date and place of the
31 adoptee's birth, and a request that the certificate be

1 prepared from the court, the adopting parents, or the adoptee
2 if of legal age. The certificate shall be labeled
3 "Certificate of Foreign Birth" and shall show the true country
4 and date of birth of the adoptee, and must include a statement
5 that the certificate is not evidence of United States
6 citizenship. After registering the certificate of foreign
7 birth in the new name of the adoptee, the department shall
8 place the adoption report or decree under seal, not to be
9 broken except pursuant to court order.

10 (2) If the adoptee was born in a foreign country but
11 was a citizen of the United States at the time of birth, the
12 department shall not prepare a certificate of foreign birth
13 but shall notify the adoptive parents, or the adoptee if of
14 legal age, of the procedure for obtaining a revised birth
15 certificate through the United States Department of State.

16 Section 101. Section 382.018, Florida Statutes, is
17 renumbered as section 382.0195, Florida Statutes, and amended
18 to read:

19 (Substantial rewording of section. See
20 s. 382.018, F.S., for present text.)

21 382.0195 Court-issued delayed birth certificate.--

22 (1) In addition to the provisions of s. 382.019, any
23 state resident or person born in this state who does not have
24 a birth certificate may, at any time after birth, file a
25 petition in the circuit court in the county of residence or in
26 the alleged county of his or her birth, setting forth the
27 date, place, and parentage of birth and petitioning the court
28 to issue a delayed birth certificate. The petition must be on
29 a form furnished by the department and must be accompanied by
30 a certified statement from the state registrar of the alleged
31 state of birth, stating that, based on the facts submitted by

1 the petitioner, a birth certificate for the petitioner is not
2 on file.

3 (2) Upon the filing of the petition, the court shall
4 hold a hearing at which time such evidence may be presented as
5 may be required by the court to establish the fact of the
6 petitioner's birth and the date, place, and parentage of his
7 or her birth. However, a certificate may not be granted based
8 solely on the uncorroborated testimony of the petitioner.

9 (3) If the evidence is sufficient, the court shall
10 issue a delayed birth certificate on a form furnished by the
11 department. Documentation submitted by the petitioner in
12 support of the petition shall be recorded on the delayed birth
13 certificate.

14 (4) The original and court copies of the delayed birth
15 certificate issued by the court shall be distributed as
16 follows:

17 (a) One copy shall be filed in the circuit court as a
18 permanent record.

19 (b) If the birth occurred in this state, one copy
20 shall be delivered to the petitioner and the original shall be
21 mailed to the department by the clerk of the court within 10
22 days after the delayed certificate is issued by the court.

23 (c) If the birth occurred outside this state, the
24 original certificate plus one copy shall be delivered to the
25 petitioner by the court.

26 (5) A delayed birth certificate issued by a court
27 pursuant to this section and registered with the department
28 may not be amended except by court order.

29 Section 102. Section 382.019, Florida Statutes, is
30 amended to read:

31

1 382.019 Delayed registration ~~Filing of certificates of~~
2 ~~birth, death, or fetal death in cases where no certificate was~~
3 ~~filed at time of birth, death, or fetal death.--~~

4 (1) Registration after 1 year is a delayed
5 registration, and the department may, upon receipt of the fee
6 required under s. 382.0255, and proof of the birth, death, or
7 fetal death as prescribed by this section or rule, register a
8 delayed certificate if the department does not already have a
9 certificate of the birth, death, or fetal death on file. ~~If~~
10 ~~at any time after the birth, death, or fetal death of any~~
11 ~~person within the state, a copy of the official record or~~
12 ~~portion thereof of said birth, death, or fetal death is~~
13 ~~necessary and, after search by the department or its~~
14 ~~representative, it should appear that no such certificate of~~
15 ~~birth, death, or fetal death was prepared or filed, the~~
16 ~~physician, midwife, or funeral director responsible for the~~
17 ~~report, or father, mother, older brother or sister, or other~~
18 ~~person knowing the facts may file with the department such~~
19 ~~certificate of birth, death, or fetal death, together with~~
20 ~~such sworn statements and affidavits and other evidence as may~~
21 ~~be required by rule of the department.~~

22 (2) The department may require such supporting
23 documents ~~affidavits~~ to be presented and such proof to be
24 filed as it deems ~~may deem advisable or necessary~~ and
25 sufficient to establish the truth of the facts ~~endeavored~~ to
26 ~~be made or~~ recorded by the certificate, provided for in
27 ~~subsection (1) and~~ may withhold registering ~~filing~~ of the
28 birth, death, or fetal death certificate ~~involved~~ until its
29 requirements are met ~~complied with~~.

30 (3) Certificates registered ~~filed and accepted~~ under
31 this section are ~~shall be~~ admissible as prima facie evidence

1 of the facts recited therein with like force and effect as
2 other vital ~~statistics~~ records ~~are~~ received or admitted in
3 evidence. ~~The department may make and enforce appropriate~~
4 ~~rules to carry out this section and to prevent fraud and~~
5 ~~deception.~~

6 (4) A delayed certificate of birth filed under this
7 section shall include a summary statement of the evidence
8 submitted in support of the delayed registration.

9 (5) A delayed certificate of birth submitted for
10 registration under this section shall be signed before a
11 notarizing official by the registrant if of legal age, or by
12 the parent or guardian of a minor registrant.

13 (6) A person may not establish more than one birth
14 certificate, and a delayed certificate of birth may not be
15 registered for a deceased person.

16 (7) A delayed death or fetal death record shall be
17 registered on a certificate of death or fetal death and marked
18 "delayed."

19 Section 103. Section 382.021, Florida Statutes, is
20 amended to read:

21 382.021 Department to receive marriage licenses.--

22 ~~(1) Upon the return of each marriage license to the~~
23 ~~issuing county court judge or clerk of the circuit court, as~~
24 ~~provided and issued under chapter 741, the issuing county~~
25 ~~court judge or clerk of the circuit court shall forthwith~~
26 ~~record the same, and shall, On or before the 5th day of each~~
27 ~~month, the county court judge or clerk of the circuit court~~
28 shall transmit all the original marriage licenses, with
29 endorsements thereon, received by him or her during the
30 preceding calendar month, to the department. Any marriage
31 licenses issued and not returned to the issuing county court

1 ~~judge or clerk of the circuit court~~ or any marriage licenses
2 returned but ~~to the issuing county court judge or clerk of the~~
3 ~~circuit court and not recorded by him or her so as to be~~
4 ~~transmitted to the department~~ shall be reported by the issuing
5 county court judge or clerk of the circuit court to the
6 department at the time of transmitting the recorded licenses
7 on the forms to be prescribed and furnished by the department.
8 If during any month no marriage licenses are issued or
9 returned ~~to a county court judge or clerk of the circuit~~
10 ~~court~~, the county court judge or clerk of the circuit court
11 shall report such fact to the department upon forms prescribed
12 and furnished by the department.

13 ~~(2) From and after October 1, 1987, marriage licenses~~
14 ~~shall be valid only for a period of 60 days after issuance,~~
15 ~~and no person shall perform any ceremony of marriage after the~~
16 ~~expiration date of such license. The county court judge or~~
17 ~~clerk of the circuit court shall recite on each marriage~~
18 ~~license the final date that such is so valid.~~

19 Section 104. Section 382.022, Florida Statutes, is
20 amended to read:

21 382.022 ~~County court judges and clerks of the circuit~~
22 ~~courts to transmit~~ Marriage application fees monthly.--Upon
23 the receipt of each application for the issuance of a marriage
24 license, the county court judge or clerk of the circuit court
25 shall, pursuant to s. 741.02, collect and receive a fee of \$4
26 which shall be transmitted, on or before the 10th day of each
27 month, each of the several county court judges and clerks of
28 the circuit courts of the state shall transmit to the
29 department to defray part of the cost of maintaining marriage
30 records, for deposit in the trust fund provided in s.
31

1 ~~382.025(9), the fees collected by him or her under the~~
2 ~~provisions of s. 741.02 during the preceding calendar months.~~

3 Section 105. Section 382.023, Florida Statutes, is
4 amended to read:

5 (Substantial rewording of section. See

6 s. 382.023, F.S., for present text.)

7 382.023 Department to receive dissolution-of-marriage
8 records; fees.--Clerks of the circuit courts shall collect for
9 their services at the time of the filing of a final judgment
10 of dissolution of marriage a fee of \$7, of which \$3 shall be
11 retained by the circuit court as a part of the cost in the
12 cause in which the judgment is granted. The remaining \$4,
13 together with a record of each and every judgment of
14 dissolution of marriage granted by the court during the
15 preceding calendar month, giving names of parties and such
16 other data as required by forms prescribed by the department,
17 shall be transmitted to the department, on or before the 10th
18 day of each month, to defray part of the cost of maintaining
19 the dissolution-of-marriage records.

20 Section 106. Section 382.025, Florida Statutes, 1996
21 Supplement, is amended to read:

22 382.025 Certified copies of vital records, ~~birth~~
23 ~~records, and other records; confidentiality; research copies~~
24 ~~as evidence; searches of records; fees; disposition of fees.--~~

25 (1) BIRTH RECORDS.--All birth records of this state
26 shall be confidential and are exempt from the provisions of s.
27 119.07(1).

28 (a)(2) Certified copies of the original birth
29 certificate ~~and computer certifications and birth cards in~~
30 ~~such form as the department may designate or a any new or~~
31 amended ~~amendatory~~ certificate, or affidavits thereof, are

1 confidential and exempt from the provisions of s. 119.07(1)
2 and, upon receipt of a request and payment of the fee
3 prescribed in s. 382.0255, shall be issued only as authorized
4 by the department and in the form prescribed by the
5 department, and only:

- 6 1. To the registrant, if of legal age;
- 7 2. To the registrant's ~~his or her~~ parent or guardian
8 or other legal representative;
- 9 3. Upon receipt of the registrant's death certificate,
10 to the registrant's spouse or to the registrant's child,
11 grandchild, or sibling, if of legal age, or to the legal
12 representative of any of such persons;
- 13 4. To any person if the birth record is over 100 years
14 old and not under seal pursuant to court order;
- 15 5. To a law enforcement agency for official purposes;
16 ~~the purpose of facilitating the prosecution of offenses under~~
17 ~~s. 794.011, s. 794.05, s. 800.04 and s. 827.04(4); or~~
- 18 6. To any agency of the state or the United States for
19 official purposes upon approval of the department; or
- 20 7. Upon order of any court of competent jurisdiction.

21 (b)(3) To protect the integrity of vital records and
22 prevent the fraudulent use of the birth certificates of
23 deceased persons, the department shall match birth and death
24 certificates and post the fact of death to the appropriate
25 birth certificate. A certification of a birth certificate of
26 a deceased registrant shall be marked "deceased."~~All such~~
27 ~~computer certificates of birth or birth cards, including those~~
28 ~~for persons born out of wedlock or of undetermined parentage~~
29 ~~or for persons for whom paternity has been determined or for~~
30 ~~adopted persons, shall be identical in form.~~
31

1 (c) The department shall issue, upon request and upon
2 payment of an additional fee as prescribed under s. 382.0255,
3 a commemorative birth certificate representing that the birth
4 of the person named thereon is recorded in the office of the
5 registrar. The certificate issued under this paragraph shall
6 be in a form consistent with the need to protect the integrity
7 of vital records but shall be suitable for display. It may
8 bear the seal of the state printed thereon and may be signed
9 by the Governor.

10 (2)(4) OTHER RECORDS.--

11 (a) The department shall authorize the issuance of a
12 certified copy ~~or computer certification~~ of all or part of any
13 marriage, dissolution of marriage, or death or fetal death
14 certificate, excluding that portion which is confidential
15 pursuant to s. 382.008(6) and exempt from the provisions of s.
16 119.07(1) as provided under s. 382.008, to any person
17 requesting it upon receipt of a request and payment of the fee
18 prescribed by this section. A ~~copy or computer~~ certification
19 of the death ~~certificate~~ or fetal death certificate which
20 includes, ~~including~~ the confidential portions, shall be issued
21 only:

22 1. To the registrant's spouse or parent, or to the
23 registrant's child, grandchild, or sibling, if of legal age,
24 or to any family member who provides a will, insurance policy,
25 or other document that demonstrates the family member's
26 interest in the estate of the registrant, or to any person who
27 provides documentation that he or she is acting on behalf of
28 any of them; ~~immediate family or guardian, the representative~~
29 of the family or guardian, or

1 2. To any agency of the state or local government or
2 the United States for official purposes upon approval of the
3 department; or

4 3. Upon order of any court of competent jurisdiction.

5 (b) All portions of a certificate of death shall cease
6 to be exempt from the provisions of s. 119.07(1) 50 years
7 after the date of death.

8 (c) The department shall issue, upon request and upon
9 payment of an additional fee prescribed by this section, a
10 commemorative marriage license representing that the marriage
11 of the persons named thereon is recorded in the office of the
12 registrar. The certificate issued under this paragraph shall
13 be in a form consistent with the need to protect the integrity
14 of vital records but shall be suitable for display. It may
15 bear the seal of the state printed thereon and may be signed
16 by the Governor.

17 ~~(5) Any copy of any record or part thereof filed under~~
18 ~~the provisions of this act when properly certified by the~~
19 ~~department shall be prima facie evidence in all courts and~~
20 ~~cases of the facts therein stated.~~

21 ~~(6) The department is entitled to fees as follows:~~

22 ~~(a) Not less than \$3 or more than \$5 for the first~~
23 ~~calendar year of records searched for a vital record and not~~
24 ~~less than \$1 or more than \$2 for each additional calendar year~~
25 ~~of records searched, up to a maximum of \$50. If the record is~~
26 ~~located, this fee entitles the applicant to one computer~~
27 ~~certification of the record or a photocopy or birth card if~~
28 ~~computer certification is not available. An additional fee of~~
29 ~~not less than \$3 or more than \$5 is required if a photocopy,~~
30 ~~short-form photocopy, or birth card is requested in place of~~
31 ~~or in addition to a computer certification.~~

1 ~~(b) Not less than \$10 or more than \$20 for processing~~
2 ~~and filing a delayed certification of birth, death, or fetal~~
3 ~~death. This fee entitles the applicant to one certification of~~
4 ~~the record, if filed.~~

5 ~~(c) Not less than \$10 or more than \$20 for processing~~
6 ~~and filing a change of name, a correction on a death record,~~
7 ~~or a correction on a birth record. This fee entitles the~~
8 ~~applicant to one certification of the corrected record.~~

9 ~~(d) Not less than \$10 or more than \$20 for processing~~
10 ~~and filing a new birth certificate for reason of adoption or~~
11 ~~for reason of determination of paternity. This fee entitles~~
12 ~~the applicant to one certification of the new certificate.~~

13 ~~(e) Not less than \$2 or more than \$4 for each~~
14 ~~certification of a vital record in excess of one certification~~
15 ~~for which a fee for search or a filing fee is paid, when~~
16 ~~ordered at the same time.~~

17 ~~(f) Not less than \$5 or more than \$10 for processing~~
18 ~~and forwarding each exemplified copy of a vital record.~~

19 ~~(g) Twenty-five dollars for a commemorative~~
20 ~~certificate of birth or marriage. Fees collected pursuant to~~
21 ~~this paragraph in excess of expenses shall be deposited by the~~
22 ~~department in the Maternal and Child Health Block Grant Trust~~
23 ~~Fund.~~

24 ~~(h) Not less than \$5 or more than \$10 for each search~~
25 ~~of state census records.~~

26 ~~(i) Not less than \$5 or more than \$10 for expedited~~
27 ~~processing of an initial certified copy or certified statement~~
28 ~~of a vital record.~~

29 ~~(j) Not less than 5 cents or more than 10 cents for~~
30 ~~each vital record listed on computer tape or printout plus~~
31

1 ~~cost of preparation and handling or a fee consistent with a~~
2 ~~nationally negotiated or established schedule of charges.~~

3 ~~(7) Until rules establishing fees under subsection (6)~~
4 ~~are promulgated by the department, the fees assessed pursuant~~
5 ~~to this subsection shall be the minimum fees cited. All fees~~
6 ~~are due and payable at the time that services are requested~~
7 ~~and are nonrefundable, except that, when a search is conducted~~
8 ~~and no vital record is found, any fees paid for additional~~
9 ~~copies shall be refunded.~~

10 ~~(3)(8) RECORDS AND DATA DISTRIBUTION.--The department~~
11 ~~may issue vital records or data to: federal, state, local, or~~
12 ~~other public or private agencies, as specified in this~~
13 ~~subsection. Issuance of such records or data is exempt from~~
14 ~~the provisions of s. 119.07(1). The copies of records or data~~
15 ~~issued pursuant to this subsection shall remain the property~~
16 ~~of the department. The department shall govern what use may~~
17 ~~be made of these records and data.~~

18 ~~(a) A The federal agency responsible for national~~
19 ~~vital statistics may be furnished such copies or data from the~~
20 ~~system of vital statistics as are required for national~~
21 ~~statistics, if the agency shares in the cost of collecting,~~
22 ~~processing, and transmitting such data and if the data is only~~
23 ~~used by the federal agency for statistical purposes or for~~
24 ~~other purposes specifically authorized by the department.~~

25 ~~(b) Federal, state, local, and other public or private~~
26 ~~agencies may, upon request, be furnished copies or data from~~
27 ~~the system of vital statistics for statistical or~~
28 ~~administrative purposes upon such terms or conditions as may~~
29 ~~be prescribed by the department, but such copies or data may~~
30 ~~not be used for purposes other than those for which they are~~
31 ~~requested unless specifically authorized by the department.~~

1 ~~(b)(c) The department may, by agreement, transmit~~
2 ~~copies of records and other reports to~~ An office of vital
3 statistics for a jurisdiction outside this state, pursuant to
4 an agreement with the department, when such records or other
5 reports relate to residents of that jurisdiction or persons
6 born in that jurisdiction. The agreement must require that
7 the copies be used for statistical and administrative purposes
8 only, and ~~the agreement~~ must provide for the retention and
9 disposition of such copies.

10 (c) Other governmental agencies upon such terms or
11 conditions as may be prescribed by the department.

12 (d) A research entity, if the entity seeks the records
13 or data pursuant to a research protocol approved by the
14 department and maintains the records or data in accordance
15 with the approved protocol and a purchase and data-use
16 agreement with the department. The department may deny a
17 request for records or data if the protocol provides for
18 intrusive follow-back contacts, has not been approved by a
19 human studies institutional review board, does not plan for
20 the destruction of confidential records after the research is
21 concluded, or does not have scientific merit. The agreement
22 must restrict the release of any information which would
23 permit the identification of persons found in vital statistics
24 records, limit the use of the records or data to the approved
25 research protocol, and prohibit any other use of the records
26 or data.

27
28 Records or data issued under this subsection are exempt from
29 the provisions of s. 119.07(1) and copies of records or data
30 issued pursuant to this subsection remain the property of the
31 department.

1 ~~(9) All fees prescribed herein shall be paid by the~~
2 ~~applicant. The department may waive any or all of the fees~~
3 ~~required in this section. The department shall keep a true and~~
4 ~~correct account of all fees required under this section and~~
5 ~~deposit such fees in a trust fund to be used by the department~~
6 ~~for the efficient administration of this chapter.~~

7 (4)(10) CERTIFIED COPIES OF ORIGINAL
8 CERTIFICATES.--Only the state registrar and local registrars
9 are authorized to ~~No person shall prepare or~~ issue any
10 certificate which purports to be a certified copy of an
11 ~~original, or a copy of an original,~~ certificate of live birth,
12 ~~death, or fetal death, except as authorized in this act or~~
13 ~~rules adopted hereunder.~~ Except as provided in this section,
14 preparing or issuing certificates is exempt from the
15 provisions of s. 119.07(1).

16 (5) RULES.--The department shall adopt and enforce all
17 rules necessary for carrying out the provisions of this
18 section.

19 ~~(11) The fee charged for each request for a certified~~
20 ~~birth certificate or birth record as issued by the department~~
21 ~~or by the local registrar shall be subject to a nonrefundable~~
22 ~~additional fee of \$4, due and payable at the time the request~~
23 ~~is made. The state and local registrars shall collect the~~
24 ~~additional fee and deposit it in the appropriate department~~
25 ~~trust funds. On a quarterly basis, the department shall~~
26 ~~transfer \$2 of each additional fee collected by the state and~~
27 ~~local registrars to the General Revenue Fund and \$1.50 to the~~
28 ~~Child Welfare Training Trust Fund created in s. 402.40. Fifty~~
29 ~~cents of the fee shall be available for appropriation to the~~
30 ~~department for administration of this chapter.~~

31

1 ~~(12)(a) In addition to the original birth certificate~~
2 ~~and any other birth record or copy thereof, the State~~
3 ~~Registrar shall issue upon request and upon payment of an~~
4 ~~additional fee prescribed by this section a birth certificate~~
5 ~~representing that the birth of the person named thereon is~~
6 ~~recorded in the office of the registrar. The certificate~~
7 ~~issued under this paragraph shall be in a form consistent with~~
8 ~~the need to protect the integrity of vital records but shall~~
9 ~~be suitable for display. It may bear the seal of the state~~
10 ~~printed thereon and may be signed by the Governor. It shall~~
11 ~~have the same status as evidence as the original birth~~
12 ~~certificate. Funds derived from such fee in excess of~~
13 ~~departmental expenses shall be deposited by the department~~
14 ~~into the Maternal and Child Health Block Grant Trust Fund for~~
15 ~~use in the Regional Perinatal Intensive Care Centers (RPICC)~~
16 ~~Program to prevent child abuse and neglect.~~

17 ~~(b) In addition to the original marriage license or~~
18 ~~copy thereof, the State Registrar shall issue upon request and~~
19 ~~upon payment of an additional fee prescribed by this section a~~
20 ~~marriage license representing that the marriage of the persons~~
21 ~~named thereon is recorded in the office of the registrar. The~~
22 ~~certificate issued under this paragraph shall be in a form~~
23 ~~consistent with the need to protect the integrity of vital~~
24 ~~records but shall be suitable for display. It may bear the~~
25 ~~seal of the state printed thereon and may be signed by the~~
26 ~~Governor. It shall have the same status as evidence as the~~
27 ~~original marriage license. Funds derived from such fee in~~
28 ~~excess of departmental expenses shall be deposited by the~~
29 ~~department into the Maternal and Child Health Block Grant~~
30 ~~Trust Fund for use in funding the Improved Pregnancy Outcome~~
31 ~~Program.~~

1 Section 107. Section 382.0255, Florida Statutes, is
2 created to read:

3 382.0255 Fees.--

4 (1) The department is entitled to fees, as follows:

5 (a) Not less than \$3 or more than \$5 for the first
6 calendar year of records searched or retrieved and a computer
7 certification of the record, a photocopy or birth card if a
8 computer certification is not available, or, if no record is
9 located, a certified statement to that effect. An additional
10 fee of not less than \$3 or more than \$5 if a photocopy is
11 requested in place of or in addition to a computer
12 certification. Additional fees of not less than \$1 or more
13 than \$2, up to a maximum total of \$50, shall be charged for
14 additional calendar years of records searched or retrieved.

15 (b) Not less than \$10 or more than \$20 for processing
16 and filing a delayed certification of birth, death, fetal
17 death, or presumptive death. This fee entitles the applicant
18 to one certification of the record if filed.

19 (c) Not less than \$10 or more than \$20 for processing
20 and filing a change of name, an amendment to a death record,
21 or an amendment to a birth record. This fee entitles the
22 applicant to one certification of the corrected record.

23 (d) Not less than \$10 or more than \$20 for processing
24 and filing a new birth certificate due to an adoption,
25 affirmation of parental status, or determination of paternity.
26 This fee entitles the applicant to one certification of the
27 new certificate.

28 (e) Not less than \$2 or more than \$4 for each
29 additional certification of the same vital record when ordered
30 at the same time as the initial certification.

31

1 (f) Not less than \$5 or more than \$10 for processing
2 and forwarding each exemplified copy of a vital record.

3 (g) Not less than \$5 or more than \$10 for an expedited
4 processing of a vital record.

5 (h) Not less than 5 cents or more than 10 cents for
6 each vital record listed on electronic media plus a reasonable
7 charge for the cost of preparation, as defined by department
8 rule.

9 (i) Twenty-five dollars for a commemorative
10 certificate of birth or marriage. Fees collected pursuant to
11 this paragraph in excess of expenses shall be available for
12 use by the Regional Perinatal Intensive Care Centers (RPICC)
13 Program to prevent child abuse and neglect. Funds derived
14 from the issuance of commemorative marriage certificates shall
15 be available for use by the Improved Pregnancy Outcome
16 Program.

17 (2) The fee charged for each request for a
18 certification of a birth record issued by the department or by
19 the local registrar shall be subject to an additional fee of
20 \$4 which shall be deposited in the appropriate departmental
21 trust fund. On a quarterly basis, the department shall
22 transfer \$2 of this additional fee to the General Revenue Fund
23 and \$1.50 to the Child Welfare Training Trust Fund created in
24 s. 402.40. Fifty cents of the fee shall be available for
25 appropriation to the department for administration of this
26 chapter.

27 (3) Fees shall be established by rule. However, until
28 rules are adopted, the fees assessed pursuant to this section
29 shall be the minimum fees cited. The fees established by rule
30 must be sufficient to meet the cost of providing the service.
31 All fees shall be paid by the person requesting the record,

1 are due and payable at the time services are requested, and
2 are nonrefundable, except that, when a search is conducted and
3 no vital record is found, any fees paid for additional
4 certified copies shall be refunded. The department may waive
5 all or part of the fees required under this section for any
6 government entity.

7 (4) The department shall keep an account of all fees
8 required under this chapter, and deposit such fees in a trust
9 fund used by the department to pay for the efficient
10 administration of this chapter and services provided. It is
11 the intent of the Legislature that the total fees assessed
12 under this chapter be in an amount sufficient to meet the cost
13 of carrying out the provisions of this chapter.

14 Section 108. Section 382.026, Florida Statutes, is
15 amended to read:

16 382.026 Penalties.--

17 (1) Any person who willfully and knowingly makes any
18 false statement in a certificate, record, or report required
19 by this chapter, or in an application for an amendment
20 thereof, or in an application for a certified copy of a vital
21 record, or who willfully and knowingly supplies false
22 information, intending that such information be used in the
23 preparation of any such report, record, or certificate, or
24 amendment thereof, commits a felony of the third degree,
25 punishable as provided in s. 775.082, s. 775.083, or s.
26 ~~775.084 makes or alters any certificate or record or~~
27 ~~certification therefrom provided for in this chapter, or who~~
28 ~~shall willfully furnish false or fraudulent information~~
29 ~~affecting any certificate or record required by this chapter,~~
30 ~~is guilty of a misdemeanor of the second degree, punishable as~~
31 ~~provided in s. 775.082 or s. 775.083.~~

1 (2) Any person who, without lawful authority and with
2 the intent to deceive, makes, counterfeits, alters, amends, or
3 mutilates any certificate, record, or report required by this
4 chapter, or a certified copy of such certificate, record, or
5 report, commits a felony of the third degree, punishable as
6 provided in s. 775.082, s. 775.083, or s. 775.084.

7 (3) Any person who willfully and knowingly obtains,
8 possesses, uses, sells, or furnishes to another, or attempts
9 to obtain, possess, use, sell, or furnish to another, for any
10 purpose of deception, any certificate, record, or report
11 required by this chapter, or any certified copy thereof so
12 made, counterfeited, altered, amended, or mutilated, or which
13 is false in whole or in part, or which relates to the birth of
14 another person, commits a felony of the third degree,
15 punishable as provided in s. 775.082, s. 775.083, or s.
16 775.084.

17 (4) Any employee of the department charged with
18 responsibility for maintaining vital records who willfully or
19 knowingly furnishes or possesses a certificate of live birth,
20 death, or fetal death, or a certified copy of a certificate of
21 birth, death, or fetal death, with the knowledge or intention
22 that it be used for purposes of deception commits a felony of
23 the third degree, punishable as provided in s. 775.082, s.
24 775.083, or s. 775.084.

25 (5) Any person who, without lawful authority,
26 possesses any certificate, record, or report required by this
27 chapter or a copy or certified copy of such certificate,
28 record, or report, knowing same to have been stolen or
29 otherwise unlawfully obtained, commits a felony of the third
30 degree, punishable as provided in s. 775.082, s. 775.083, or
31 s. 775.084.

1 (6) Any person who is authorized by this chapter to
2 certify the cause of death of a person and who charges a fee
3 for making such certification commits a misdemeanor of the
4 second degree, punishable as provided in s. 775.082 or s.
5 775.083.

6 ~~(7)(2)~~ Any person who knowingly transports or accepts
7 for transport, inters, or otherwise disposes of a dead body
8 without an accompanying permit issued in accordance with the
9 provisions of this chapter commits, ~~is guilty of~~ a misdemeanor
10 of the second degree, punishable as provided in s. 775.083.

11 ~~(8)(3)~~ Except where a different penalty is provided
12 for in this section, any person who violates any of the
13 provisions of this chapter, or the rules ~~and regulations~~ of
14 the department, or who neglects or refuses to perform any of
15 the duties imposed upon him or her thereunder, commits is
16 ~~guilty of~~ a misdemeanor of the second degree, punishable as
17 provided in s. 775.082 or s. 775.083.

18 ~~(9)(4)~~ In addition to any other sanction or penalty
19 authorized by law, the department may impose a fine which may
20 not exceed ~~\$1,000~~\$500 for each violation of this chapter s.
21 ~~382.006, s. 382.007, s. 382.008, or s. 382.013,~~ or rules
22 adopted thereunder. ~~Notice of intent to impose such fine must~~
23 ~~be given by the department to the alleged violator.~~ Each day
24 that a violation continues may constitute a separate
25 violation. In determining the amount of any fine to be
26 imposed for a violation, the department shall consider the
27 following factors:

28 (a) The gravity of the violation or extent to which
29 the provisions of the applicable statute or rule were
30 violated.

31

1 (b) Any action taken by the alleged violator to
2 correct the violation or assure that the violation will not
3 reoccur.

4 (c) Any previous violation.

5
6 ~~(5)~~ All fines collected under this subsection ~~subsections~~
7 ~~(1)-(4)~~ shall be deposited in a the trust fund used by the
8 department to pay for the efficient administration of this
9 chapter and services provided for in s. 382.025(9).

10 (10) The department shall adopt and enforce all rules
11 to carry out the provisions of this section.

12 Section 109. Section 382.356, Florida Statutes, 1996
13 Supplement, is amended to read:

14 382.356 Protocol for sharing certain birth certificate
15 information.--In order to facilitate the prosecution of
16 offenses under s. 794.011, s. 794.05, s. 800.04, or s.
17 827.04(4), ~~the Office of Vital Statistics of the Department of~~
18 ~~Health and Rehabilitative Services~~, the Department of Revenue,
19 and the Florida Prosecuting Attorneys Association shall
20 develop a protocol for sharing birth certificate information
21 for all children born to unmarried mothers who are less than
22 17 years of age at the time of the child's birth.

23 Section 110. Section 383.2161, Florida Statutes, is
24 amended to read:

25 383.2161 Maternal and child health report.--~~Beginning~~
26 ~~in 1993,~~The Department of Health ~~and Rehabilitative Services~~
27 annually shall compile and analyze the risk information
28 collected by the Office of Vital Statistics and the district
29 prenatal and infant care coalitions and shall prepare and
30 submit to the Legislature by January 2 a report that includes,
31 but is not limited to:

1 (1) The number of families identified as families at
2 potential risk;

3 (2) The number of families that receive family
4 outreach services;

5 (3) The increase in demand for services; and

6 (4) The unmet need for services for identified target
7 groups.

8 Section 111. Paragraph (c) of subsection (5) of
9 section 402.40, Florida Statutes, 1996 Supplement, is amended
10 to read:

11 402.40 Child welfare training academies established;
12 Child Welfare Standards and Training Council created;
13 responsibilities of council; Child Welfare Training Trust Fund
14 created.--

15 (5) CHILD WELFARE TRAINING TRUST FUND.--

16 (c) In addition to the funds generated by paragraph
17 (b), the trust fund shall receive funds generated from an
18 additional fee on birth certificates and dissolution of
19 marriage filings, as specified in ss. 382.0255 ~~382.025~~ and
20 28.101, respectively, and may receive funds from any other
21 public or private source.

22 Section 112. Section 460.414, Florida Statutes, is
23 amended to read:

24 460.414 Chiropractic physicians subject to state and
25 municipal rules and regulations.--All licensed chiropractic
26 physicians shall observe and be subject to all state and
27 municipal rules and regulations relating to the control of
28 contagious and infectious diseases, sign death certificates in
29 accordance with chapter 382, and comply with all laws
30 pertaining to public health, reporting to the proper authority
31 as other practitioners are required to do.

1 Section 113. Section 741.041, Florida Statutes, is
2 amended to read:

3 741.041 Marriage license application valid for 60 ~~30~~
4 days.--Marriage licenses shall be valid only for a period of
5 60 days after issuance, and no person shall perform any
6 ceremony of marriage after the expiration date of such
7 license. The county court judge or clerk of the circuit court
8 shall recite on each marriage license the final date that the
9 license is valid ~~license applications shall be valid only for~~
10 ~~a period of 30 days after receipt by an applicant, and no~~
11 ~~clerk of the circuit court shall issue a license for the~~
12 ~~marriage of two people more than 30 days after the application~~
13 ~~was received by the applicant.~~

14 Section 114. Subsection (1) of section 742.10, Florida
15 Statutes, is amended to read:

16 742.10 Establishment of paternity for children born
17 out of wedlock.--

18 (1) This chapter provides the primary jurisdiction and
19 procedures for the determination of paternity for children
20 born out of wedlock. When the establishment of paternity has
21 been raised and determined within an adjudicatory hearing
22 brought under the statutes governing inheritance, or
23 dependency under workers' compensation or similar compensation
24 programs, ~~or vital statistics~~, or when an affidavit
25 acknowledging paternity or a stipulation of paternity is
26 executed by both parties and filed with the clerk of the
27 court, or when a consenting affidavit as provided for in s.
28 382.013 or s. 382.015 ~~s. 382.013(6)(b)~~ is executed by both
29 parties, it shall constitute the establishment of paternity
30 for purposes of this chapter. If no adjudicatory proceeding
31 was held, a voluntary acknowledgment of paternity shall create

1 a rebuttable presumption, as defined by s. 90.304, of
2 paternity. Except for consenting affidavits under seal
3 pursuant to s. 382.015, the Office Bureau of Vital Statistics
4 shall provide certified copies of ~~consenting~~ affidavits to the
5 Title IV-D agency upon request.

6 Section 115. Subsection (8) of section 742.16, Florida
7 Statutes, 1996 Supplement, is amended to read:

8 742.16 Expedited affirmation of parental status for
9 gestational surrogacy.--

10 (8) Within 30 days after entry of the order, the clerk
11 of the court shall prepare a certified statement of the order
12 for the state registrar of vital statistics on a form provided
13 by the registrar. The court shall thereupon enter an order
14 requiring the Department of Health ~~and Rehabilitative Services~~
15 to issue a new birth certificate naming the commissioning
16 couple as parents and requiring the department to seal the
17 original birth certificate.

18 Section 116. Subsections (1) and (2) and paragraphs
19 (b) and (c) of subsection (7) of section 945.602, Florida
20 Statutes, 1996 Supplement, are amended to read:

21 945.602 State of Florida Correctional Medical
22 Authority; creation; members.--

23 (1) There is created ~~in the Department of Corrections~~
24 the State of Florida Correctional Medical Authority, which for
25 administrative purposes shall be assigned to the Department of
26 Health. The governing board of the authority shall be
27 composed of nine persons appointed by the Governor subject to
28 confirmation by the Senate. One member must be a member of
29 the Florida Hospital Association; one member must be a member
30 of the Florida League of Hospitals; one member must be a
31 member of the Association of Community ~~Voluntary~~ Hospitals and

1 Health Systems of Florida; and one member must be a member of
2 the Florida Medical Association. The authority shall contract
3 with the Department of Health for the provision of
4 administrative support services, including purchasing,
5 personnel, general services, and budgetary matters.~~The~~
6 ~~Department of Corrections shall provide administrative support~~
7 ~~and service to the authority.~~ The authority shall not be
8 subject to control, supervision, or direction by the
9 Department of Health or the Department of Corrections. The
10 authority shall annually elect one member to serve as
11 chairman. Members shall be appointed for terms of 4 years
12 each. Each member is authorized to continue to serve upon the
13 expiration of his term until his successor is duly appointed
14 as provided in this section. Before entering upon his duties,
15 each member of the authority shall take and subscribe to the
16 oath or affirmation required by the State Constitution.

17 (2) A member of the authority may not be a current
18 employee of the Department of Corrections. Not more than one
19 member of the authority may be a former employee of the
20 Department of Corrections and such member, if appointed, may
21 not be appointed to a term of office which begins within 5
22 years after the date of his or her last employment with ~~by~~ the
23 Department of Corrections.

24 (7)

25 (b) Neither the provisions of this section nor those
26 of chapter 119, or of s. 154.207(7), shall apply to any health
27 care provider under contract with the Department of
28 Corrections except to the extent such provisions would apply
29 to any similar provider ~~entity~~ not under contract with the
30 Department of Corrections.

31

1 (c) Notwithstanding any general or special law, rule,
2 regulation, or ordinance of any local agency to the contrary,
3 service as a member of an authority by a trustee, director,
4 officer, or employee of a health facility shall not in and of
5 itself constitute a conflict of interest. However, any member
6 of the authority who is employed by, or has received income
7 from, a health facility under consideration by the authority
8 or the Department of Corrections shall not vote on any matter
9 related to such facility.

10 Section 117. Section 945.603, Florida Statutes, 1996
11 Supplement, is amended to read:

12 945.603 Powers and duties of authority.--The purpose
13 of the authority is to assist in the delivery of health care
14 services for inmates in the Department of Corrections by
15 advising the Secretary of Corrections on the professional
16 conduct of primary, convalescent, dental, and mental health
17 care and the management of costs consistent with quality care,
18 by advising the Governor and the Legislature on the status of
19 the Department of Corrections'~~department's~~ health care
20 delivery system, and by assuring that adequate standards of
21 physical and mental health care for inmates are maintained at
22 all Department of Corrections institutions. For this purpose,
23 the authority has the authority to:

24 (1) Review and advise the Secretary of Corrections on
25 cost containment measures the Department of Corrections could
26 implement.

27 (2) Review and make recommendations regarding health
28 care for the delivery of health care services including, but
29 not limited to, acute hospital-based services and facilities,
30 primary and tertiary care services, ancillary and clinical
31 services, dental services, mental health services, intake and

1 screening services, medical transportation services, and the
2 use of nurse practitioner and physician assistant personnel to
3 act as physician extenders as these relate to inmates in the
4 Department of Corrections.

5 (3) Develop and recommend to the Governor and the
6 Legislature an annual budget for all or part of the operation
7 of the State of Florida prison health care system.

8 (4) Review and advise the Secretary of Corrections on
9 contracts between the Department of Corrections and third
10 parties for quality management programs.

11 (5) Review and advise the Secretary of Corrections on
12 minimum standards needed to ensure that an adequate physical
13 and mental health care delivery system is maintained by the
14 Department of Corrections.

15 (6) Review and advise the Secretary of Corrections on
16 the sufficiency, adequacy, and effectiveness of the Department
17 of Corrections'~~department's~~ Office of Health Services'
18 quality management program.

19 (7) Review and advise the Secretary of Corrections on
20 the projected medical needs of the inmate population and the
21 types of programs and resources required to meet such needs.

22 (8) Review and advise the Secretary of Corrections on
23 the adequacy of preservice, inservice, and continuing medical
24 education programs for all health care personnel and, if
25 necessary, recommend changes to such programs within the
26 Department of Corrections.

27 (9) Identify and recommend to the Secretary of
28 Corrections the professional incentives required to attract
29 and retain qualified professional health care staff within the
30 prison health care system.

31

1 (10) Coordinate the development of prospective payment
2 arrangements as described in s. 408.50 when appropriate for
3 the acquisition of inmate health care services.

4 (11) Review the Department of Corrections'
5 ~~department's~~ health services plan and advise the Secretary of
6 Corrections on its implementation.

7 (12) Sue and be sued in its own name and plead and be
8 impleaded.

9 (13) Make and execute agreements of lease, contracts,
10 deeds, mortgages, notes, and other instruments necessary or
11 convenient in the exercise of its powers and functions under
12 this act.

13 (14) Employ or contract with health care providers,
14 medical personnel, management consultants, consulting
15 engineers, architects, surveyors, attorneys, accountants,
16 financial experts, and such other employees, entities, or
17 agents as may be necessary in its judgment to carry out the
18 mandates of the Correctional Medical Authority and fix their
19 compensation.

20 (15) Recommend to the Legislature such performance and
21 financial audits of the Office of Health Services in the
22 Department of Corrections as the authority considers
23 advisable.

24 Section 118. Section 945.6031, Florida Statutes, 1996
25 Supplement, is amended to read:

26 945.6031 Required reports and surveys.--

27 (1) Not less than annually, the authority shall report
28 to the Governor and the Legislature the status of the
29 Department of Corrections'~~department's~~ health care delivery
30 system. The report must include, but need not be limited to:

31

1 (a) Recommendations regarding cost containment
2 measures the Department of Corrections could implement; and

3 (b) Recommendations regarding performance and
4 financial audits of the Department of Corrections'Office of
5 Health Services.

6 (2) The authority shall conduct surveys of the
7 physical and mental health care system at each correctional
8 institution at least triennially and shall report the survey
9 findings for each institution to the Secretary of Corrections.

10 (3) Deficiencies found by the authority to be
11 life-threatening or otherwise serious shall be immediately
12 reported to the Secretary of Corrections. The Department of
13 Corrections shall take immediate action to correct
14 life-threatening or otherwise serious deficiencies identified
15 by the authority and within 3 calendar days file a written
16 corrective action plan with the authority indicating the
17 actions that will be taken to address the deficiencies.
18 Within 60 calendar days following a survey, the authority
19 shall submit a report to the Secretary of Corrections
20 indicating deficiencies found at the institution.

21 (4) Within 30 calendar days after the receipt of a
22 survey report from the authority, the Department of
23 Corrections shall file a written corrective action plan with
24 the authority, indicating the actions which will be taken to
25 address deficiencies determined by the authority to exist at
26 an institution. Each plan shall set forth an estimate of the
27 time and resources needed to correct identified deficiencies.

28 (5) The authority shall monitor the Department of
29 Corrections'~~department's~~ implementation of corrective actions
30 which have been taken at each institution to address
31 deficiencies related to the Department of Corrections'

1 ~~department's~~ provision of physical and mental health care
2 services found to exist by the authority.

3 (6) Failure of the Department of Corrections to file a
4 corrective action plan or to timely implement the provisions
5 of a corrective action plan correcting identified deficiencies
6 may result in the initiation of the dispute resolution
7 procedures by the authority pursuant to s. 945.6035.

8 Section 119. Subsections (1) and (2) of section
9 945.6032, Florida Statutes, 1996 Supplement, are amended to
10 read:

11 945.6032 Quality management program requirements.--

12 (1) The authority shall appoint a medical review
13 committee pursuant to s. 766.101 to provide oversight for the
14 Department of Corrections' inmate health care ~~department's~~
15 quality management program. The authority shall also
16 designate one of its members to serve on the Department of
17 Corrections' ~~department's~~ medical review committee in order to
18 ensure coordination between the department and the authority
19 with regard to issues of quality management and to enhance the
20 authority's oversight of the Department of Corrections'
21 ~~department's~~ quality management system.

22 (2) The authority's medical review committee shall
23 review amendments to the Department of Corrections' inmate
24 health care ~~department's~~ quality management program prior to
25 implementation by the department.

26 Section 120. All powers, duties, functions, rules,
27 records, personnel, property, and unexpended balances of
28 appropriations, allocations, and other funds of the Agency for
29 Health Care Administration related to rural health networks
30 and rural health network cooperative agreements as provided in
31 sections 381.0406 and 381.04065, Florida Statutes, and local

1 health councils as established in section 408.033, Florida
2 Statutes, are transferred by a type two transfer, as defined
3 in section 20.06, Florida Statutes, to the Department of
4 Health. The Department of Health may organize, classify, and
5 manage the positions transferred in a manner that will reduce
6 duplication, achieve maximum efficiency, and ensure
7 accountability.

8 Section 121. All powers, duties, functions, rules,
9 records, personnel, property, and unexpended balances of
10 appropriations, allocations, and other funds of the
11 Correctional Medical Authority are transferred by a type two
12 transfer, as defined in section 20.06, Florida Statutes, to
13 the Department of Health.

14 Section 122. The administrative rules of the agencies
15 involved in this reorganization that are in effect immediately
16 prior to the effective date of this act shall remain in effect
17 until specifically changed in the manner provided by law.

18 Section 123. This act shall not affect the validity of
19 any judicial or administrative proceeding pending on the
20 effective date of this act, and any agency to which are
21 transferred the powers, duties, and functions relating to the
22 pending proceeding shall be substituted as a party in interest
23 for that proceeding.

24 Section 124. If any provision of this act or the
25 application thereof to any person or circumstance is held
26 invalid, the invalidity does not affect other provisions or
27 applications of the act which can be given effect without the
28 invalid provision or application, and to this end the
29 provisions of this act are declared severable.

30 Section 125. Sections 110.1125, 381.81, 382.024,
31 387.01, 387.02, 387.03, 387.04, 387.05, 387.06, 387.07,

1 387.08, 387.09, 387.10, 402.37, 501.061, 501.065, 501.071,
2 501.081, 501.085, 501.091, 501.095, 501.101, 501.105, 501.111,
3 501.115, 501.121, and 501.124, Florida Statutes; paragraph (e)
4 of subsection (1) of section 403.7045, Florida Statutes;
5 section 381.698, Florida Statutes, as amended by chapter
6 95-148, Laws of Florida; section 382.014, Florida Statutes, as
7 amended by chapters 96-215 and 96-406, Laws of Florida;
8 section 382.027, Florida Statutes, as amended by chapters
9 95-148 and 96-406, Laws of Florida; and section 501.075,
10 Florida Statutes, as amended by chapter 96-406, Laws of
11 Florida, are repealed.

12 Section 126. Effective June 30, 1997, subsection (12)
13 of section 766.1115, as created by section 1 of chapter
14 92-278, Laws of Florida, is repealed.

15 Section 127. (1) Each person who applies for initial
16 licensure as a physician under chapter 458, chapter 459,
17 chapter 460, or chapter 461, Florida Statutes, must, at the
18 time of application, and each physician who applies for
19 license renewal under chapter 458, chapter 459, chapter 460,
20 or chapter 461, Florida Statutes, must, in conjunction with
21 the renewal of such license and under procedures adopted by
22 the Department of Health, and in addition to any other
23 information that may be required from the applicant, furnish
24 the following information to the Department of Health:

25 (a)1. The name of each medical school that the
26 applicant has attended, with the dates of attendance and the
27 date of graduation, and a description of all graduate medical
28 education completed by the applicant, excluding any coursework
29 taken to satisfy medical licensure continuing education
30 requirements.

31

1 2. The name of each hospital at which the applicant
2 has privileges.

3 3. The address at which the applicant will primarily
4 conduct his or her practice.

5 4. Any certification that the applicant has received
6 from a specialty board that is recognized by the board to
7 which the applicant is applying.

8 5. The year that the applicant began practicing
9 medicine.

10 6. Any appointment to the faculty of a medical school
11 which the applicant currently holds and an indication as to
12 whether the applicant has had the responsibility for graduate
13 medical education within the most recent 10 years.

14 7. A description of any criminal offense of which the
15 applicant has been found guilty, regardless of whether
16 adjudication of guilt was withheld, or to which the applicant
17 has pled guilty or nolo contendere. A criminal offense
18 committed in another jurisdiction which would have been a
19 felony or misdemeanor if committed in this state must be
20 reported. If the applicant indicates that a criminal offense
21 is under appeal and submits a copy of the notice for appeal of
22 that criminal offense, the department must state that the
23 criminal offense is under appeal if the criminal offense is
24 reported in the applicant's profile. If the applicant
25 indicates to the department that a criminal offense is under
26 appeal, the applicant must, upon disposition of the appeal,
27 submit to the department a copy of the final written order of
28 disposition.

29 8. A description of any final disciplinary action
30 taken within the previous 10 years against the applicant by
31 the agency regulating the profession that the applicant is or

1 has been licensed to practice, whether in this state or in any
2 other jurisdiction, by a specialty board that is recognized by
3 the American Board of Medical Specialities, the American
4 Osteopathic Association, or a similar national organization,
5 or by a licensed hospital, health maintenance organization,
6 prepaid health clinic, ambulatory surgical center, or nursing
7 home. Disciplinary action includes resignation from or
8 nonrenewal of medical staff membership or the restriction of
9 privileges at a licensed hospital, health maintenance
10 organization, prepaid health clinic, ambulatory surgical
11 center, or nursing home taken in lieu of or in settlement of a
12 pending disciplinary case related to competence or character.
13 If the applicant indicates that the disciplinary action is
14 under appeal and submits a copy of the document initiating an
15 appeal of the disciplinary action, the department must state
16 that the disciplinary action is under appeal if the
17 disciplinary action is reported in the applicant's profile.

18 (b) In addition to the information required under
19 paragraph (a), each applicant who seeks licensure under
20 chapter 458, chapter 459, or chapter 461, Florida Statutes,
21 and who has practiced previously in this state or in another
22 jurisdiction or a foreign country must provide the information
23 required of licensees under those chapters pursuant to section
24 455.247, Florida Statutes. An applicant for licensure under
25 chapter 460, Florida Statutes, who has practiced previously in
26 this state or in another jurisdiction or a foreign country
27 must provide the same information as is required of licensees
28 under chapter 458, Florida Statutes, pursuant to section
29 455.247, Florida Statutes.

30 (2) Before the issuance of the licensure renewal
31 notice required by section 455.273, Florida Statutes, the

1 Department of Health shall send a notice to each person
2 licensed under chapter 458, chapter 459, chapter 460, or
3 chapter 461, Florida Statutes, at the licensee's last known
4 address of record with the department, regarding the
5 requirements for information to be submitted by those
6 practitioners pursuant to this section in conjunction with the
7 renewal of such license and under procedures adopted by the
8 department.

9 (3) Each person who has submitted information pursuant
10 to subsection (1) must update that information in writing by
11 notifying the Department of Health within 45 days after the
12 occurrence of an event or the attainment of a status that is
13 required to be reported by subsection (1). Failure to comply
14 with the requirements of this subsection to update and submit
15 information constitutes a ground for disciplinary action under
16 each respective licensing chapter and section 455.227(1)(k),
17 Florida Statutes. For failure to comply with the requirements
18 of this subsection to update and submit information, the
19 department or board, as appropriate, may:

20 (a) Refuse to issue a license to any person applying
21 for initial licensure who fails to submit and update the
22 required information.

23 (b) Issue a citation to any licensee who fails to
24 submit and update the required information and may fine the
25 licensee up to \$50 for each day that the licensee is not in
26 compliance with this subsection. The citation must clearly
27 state that the licensee may choose, in lieu of accepting the
28 citation, to follow the procedure under section 455.225,
29 Florida Statutes. If the licensee disputes the matter in the
30 citation, the procedures set forth in section 455.225, Florida
31 Statutes, must be followed. However, if the licensee does not

1 dispute the matter in the citation with the department within
2 30 days after the citation is served, the citation becomes a
3 final order and constitutes discipline. Service of a citation
4 may be made by personal service or certified mail, restricted
5 delivery, to the subject at the licensee's last known address.

6 (4)(a) An applicant for initial licensure must submit
7 a set of fingerprints to the Department of Health in
8 accordance with section 458.311, section 458.313, section
9 459.0055, section 460.406, or section 461.006, Florida
10 Statutes.

11 (b) An applicant for renewed licensure must submit a
12 set of fingerprints for the initial renewal of his or her
13 license after January 1, 2000, to the agency regulating that
14 profession in accordance with procedures established under
15 section 458.319, section 459.008, section 460.407, or section
16 461.007, Florida Statutes.

17 (c) The Department of Health shall submit the
18 fingerprints provided by an applicant for initial licensure to
19 the Florida Department of Law Enforcement for a statewide
20 criminal history check, and the Florida Department of Law
21 Enforcement shall forward the fingerprints to the Federal
22 Bureau of Investigation for a national criminal history check
23 of the applicant. The department shall submit the fingerprints
24 provided by an applicant for a renewed license to the Florida
25 Department of Law Enforcement for a statewide criminal history
26 check, and the Florida Department of Law Enforcement shall
27 forward the fingerprints to the Federal Bureau of
28 Investigation for a national criminal history check for the
29 initial renewal of the applicant's license after January 1,
30 2000; for any subsequent renewal of the applicant's license
31

1 the department shall submit the required information for a
2 statewide criminal history check of the applicant.

3 (5) Each person who is required to submit information
4 pursuant to this section may submit additional information.
5 Such information may include, but is not limited to:

6 (a) Information regarding publications in
7 peer-reviewed medical literature within the previous 10 years.

8 (b) Information regarding professional or
9 community-service activities or awards.

10 (c) Languages, other than English, used by the
11 applicant to communicate with patients and identification of
12 any translating service that may be available at the place
13 where the applicant primarily conducts his or her practice.

14 (d) An indication of whether the person participates
15 in the Medicaid program.

16 Section 128. (1) Beginning July 1, 1999, the
17 Department of Health shall compile the information submitted
18 pursuant to section 1 into a practitioner profile of the
19 applicant submitting the information, except that the
20 Department of Health may develop a format to compile uniformly
21 any information submitted under paragraph 1(4)(b).

22 (2) On the profile required under subsection (1), the
23 department shall indicate if the information provided under
24 section 1(1)(a)7. is not corroborated by a criminal history
25 check conducted according to this subsection. If the
26 information provided under section 1(1)(a)7. is corroborated
27 by the criminal history check, the fact that the criminal
28 history check was performed need not be indicated on the
29 profile. The department, or the board having regulatory
30 authority over the practitioner acting on behalf of the
31 department, shall investigate any information received by the

1 department or the board when it has reasonable grounds to
2 believe that the practitioner has violated any law that
3 relates to the practitioner's practice.

4 (3) The Department of Health may include in each
5 practitioner's practitioner profile that criminal information
6 that directly relates to the practitioner's ability to
7 competently practice his or her profession. The department
8 must include in each practitioner's practitioner profile the
9 following statement: "The criminal history information, if
10 any exists, may be incomplete; federal criminal history
11 information is not available to the public."

12 (4) The Department of Health shall include, with
13 respect to a practitioner licensed under chapter 458 or
14 chapter 459, Florida Statutes, a statement of how the
15 practitioner has elected to comply with the financial
16 responsibility requirements of section 458.320 or section
17 459.0085, Florida Statutes. The department shall include, with
18 respect to practitioners licensed under chapter 458, chapter
19 459, or chapter 461, Florida Statutes, information relating to
20 liability actions which has been reported under section
21 455.247 or section 627.912, Florida Statutes, within the
22 previous 10 years for any paid claim that exceeds \$5,000. Such
23 claims information shall be reported in the context of
24 comparing an individual practitioner's claims to the
25 experience of other physicians within the same specialty to
26 the extent such information is available to the Department of
27 Health. If information relating to a liability action is
28 included in a practitioner's practitioner profile, the profile
29 must also include the following statement: "Settlement of a
30 claim may occur for a variety of reasons that do not
31 necessarily reflect negatively on the professional competence

1 or conduct of the physician. A payment in settlement of a
2 medical malpractice action or claim should not be construed as
3 creating a presumption that medical malpractice has occurred."

4 (5) The Department of Health may include in the
5 practitioner's practitioner profile any other information that
6 is a public record of any governmental entity and that relates
7 to a practitioner's ability to competently practice his or her
8 profession. However, the department must consult with the
9 board having regulatory authority over the practitioner before
10 such information is included in his or her profile.

11 (6) Upon the completion of a practitioner profile
12 under this section, the Department of Health shall furnish the
13 practitioner who is the subject of the profile a copy of it.
14 The practitioner has a period of 30 days in which to review
15 the profile and to correct any factual inaccuracies in it.
16 The Department of Health shall make the profile available to
17 the public at the end of the 30-day period. The department
18 shall make the profiles available to the public through the
19 World Wide Web and other commonly used means of distribution.

20 (7) Making a practitioner profile available to the
21 public under this section does not constitute agency action
22 for which a hearing under section 120.57, Florida Statutes,
23 may be sought.

24 Section 129. The Department of Health shall update
25 each practitioner's practitioner profile periodically. An
26 updated profile is subject to the same requirements as an
27 original profile with respect to the period within which the
28 practitioner may review the profile for the purpose of
29 correcting factual inaccuracies.

30 Section 130. Effective upon this act becoming a law,
31 the Department of Health must develop or contract for a

1 computer system to accommodate the new data collection and
2 storage requirements under this act pending the development
3 and operation of a computer system by the Department of Health
4 for handling the collection, input, revision, and update of
5 data submitted by physicians as a part of their initial
6 licensure or renewal to be compiled into individual
7 practitioner profiles. The Department of Health must
8 incorporate any data required by this act into the computer
9 system used in conjunction with the regulation of health care
10 professions under its jurisdiction. The department must
11 develop, by the year 2000, a schedule and procedures for each
12 practitioner within a health care profession regulated within
13 the Division of Medical Quality Assurance to submit relevant
14 information to be compiled into a profile to be made available
15 to the public. The Department of Health is authorized to
16 contract with and negotiate any interagency agreement
17 necessary to develop and implement the practitioner profiles.
18 The Department of Health shall have access to any information
19 or record maintained by the Agency for Health Care
20 Administration, including any information or record that is
21 otherwise confidential and exempt from the provisions of
22 chapter 119, Florida Statutes, and Section 24(a), Article I of
23 the State Constitution, so that the Department of Health may
24 corroborate any information that physicians are required to
25 report under section 1 of this act.

26 Section 131. Effective upon this act becoming a law,
27 the Department of Health shall adopt rules for the form of a
28 practitioner profile that the agency is required to prepare.
29 The Department of Health, pursuant to chapter 120, Florida
30 Statutes, must hold public workshops for purposes of rule
31 development to implement this section. An agency to which

1 information is to be submitted under this act may adopt by
2 rule a form for the submission of the information required
3 under section 1.

4 Section 132. Information in superseded practitioner
5 profiles must be maintained by the Department of Health, in
6 accordance with general law and the rules of the Department of
7 State.

8 Section 133. Paragraph (g) is added to subsection (1)
9 of section 458.311, Florida Statutes, 1996 Supplement, to
10 read:

11 458.311 Licensure by examination; requirements;
12 fees.--

13 (1) Any person desiring to be licensed as a physician
14 shall apply to the department to take the licensure
15 examination. The department shall examine each applicant whom
16 the board certifies:

17 (g) Has submitted to the department a set of
18 fingerprints on a form and under procedures specified by the
19 department, along with a payment in an amount equal to the
20 costs incurred by the Department of Health for the criminal
21 background check of the applicant.

22 Section 134. Subsection (1) of section 458.313,
23 Florida Statutes, 1996 Supplement, is amended to read:

24 458.313 Licensure by endorsement; requirements;
25 fees.--

26 (1) The department shall issue a license by
27 endorsement to any applicant who, upon applying to the
28 department and remitting a fee not to exceed \$500 set by the
29 board, demonstrates to the board that he:

30 (a) Has met the qualifications for licensure in s.
31 458.311(1)(b)-(g)s. ~~458.311(1)(b)-(f);~~

1 (b) Has obtained a passing score, as established by
2 rule of the board, on the licensure examination of the
3 Federation of State Medical Boards of the United States, Inc.
4 (FLEX), the United States Medical Licensing Examination
5 (USMLE), or the examination of the National Board of Medical
6 Examiners, or on a combination thereof, provided that said
7 examination or combination of examinations required shall have
8 been so taken within the 10 years immediately preceding the
9 filing of his application for licensure under this section;
10 and

11 (c) Shows evidence of the active licensed practice of
12 medicine in another jurisdiction, for at least 2 of the
13 immediately preceding 4 years, or completion of board-approved
14 postgraduate training within the year preceding the filing of
15 an application for licensure.

16 Section 135. Subsection (1) of section 458.319,
17 Florida Statutes, is amended to read:

18 458.319 Renewal of license.--

19 (1) The department shall renew a license upon receipt
20 of the renewal application, evidence that the applicant has
21 actively practiced medicine or has been on the active teaching
22 faculty of an accredited medical school within the previous 4
23 years, and a fee not to exceed \$500; provided, however, that
24 if the licensee is either a resident physician, assistant
25 resident physician, fellow, house physician, or intern in an
26 approved postgraduate training program, as defined by the
27 board by rule, the fee shall not exceed \$100 per annum. If
28 the licensee has not actively practiced medicine within the
29 previous 4 years, the board shall require that the licensee
30 successfully complete a board-approved clinical competency
31 examination prior to renewal of the license. "Actively

1 practiced medicine" means that practice of medicine by
2 physicians, including those employed by any governmental
3 entity in community or public health, as defined by this
4 chapter, including physicians practicing administrative
5 medicine. An applicant for a renewed license must also submit
6 the information required under section 1 to the department on
7 a form and under procedures specified by the department, along
8 with payment in an amount equal to the costs incurred by the
9 Department of Health for the statewide criminal background
10 check of the applicant. The applicant must submit a set of
11 fingerprints to the Department of Health on a form and under
12 procedures specified by the department, along with payment in
13 an amount equal to the costs incurred by the department for a
14 national criminal background check of the applicant for the
15 initial renewal of his or her license after January 1, 2000.
16 If the applicant fails to submit either the information
17 required under section 1 or a set of fingerprints to the
18 department as required by this section, the department shall
19 issue a notice of noncompliance, and the applicant will be
20 given 30 additional days to comply. If the applicant fails to
21 comply within 30 days after the notice of noncompliance is
22 issued, the department or board, as appropriate, may issue a
23 citation to the applicant and may fine the applicant up to \$50
24 for each day that the applicant is not in compliance with the
25 requirements of section 1 of this act. The citation must
26 clearly state that the applicant may choose, in lieu of
27 accepting the citation, to follow the procedure under s.
28 455.225. If the applicant disputes the matter in the citation,
29 the procedures set forth in s. 455.225 must be followed.
30 However, if the applicant does not dispute the matter in the
31 citation with the department within 30 days after the citation

1 is served, the citation becomes a final order and constitutes
2 discipline. Service of a citation may be made by personal
3 service or certified mail, restricted delivery, to the subject
4 at the applicant's last known address. If an applicant has
5 submitted fingerprints to the department for a national
6 criminal history check upon initial licensure and is renewing
7 his or her license for the first time, then the applicant need
8 only submit the information and fee required for a statewide
9 criminal history check.

10 Section 136. Subsection (1) of section 459.0055,
11 Florida Statutes, 1996 Supplement, is amended to read:

12 459.0055 General licensure requirements.--

13 (1) Except as otherwise provided herein, any person
14 desiring to be licensed or certified as an osteopathic
15 physician pursuant to this chapter shall:

16 (a) Complete an application form and submit the
17 appropriate fee to the department;

18 (b) Be at least 21 years of age;

19 (c) Be of good moral character;

20 (d) Have completed at least 3 years of preprofessional
21 postsecondary education;

22 (e) Have not previously committed any act which would
23 constitute a violation of this chapter, unless the board
24 determines that such act does not adversely affect the
25 applicant's present ability and fitness to practice
26 osteopathic medicine;

27 (f) Not be under investigation in any jurisdiction for
28 an act which would constitute a violation of this chapter.

29 If, upon completion of such investigation, it is determined
30 that the applicant has committed an act which would constitute
31 a violation of this chapter, the applicant shall be ineligible

1 for licensure unless the board determines that such act does
2 not adversely affect the applicant's present ability and
3 fitness to practice osteopathic medicine;

4 (g) Have not had an application for a license to
5 practice osteopathic medicine denied or a license to practice
6 osteopathic medicine revoked, suspended, or otherwise acted
7 against by the licensing authority of any jurisdiction unless
8 the board determines that the grounds on which such action was
9 taken do not adversely affect the applicant's present ability
10 and fitness to practice osteopathic medicine. A licensing
11 authority's acceptance of a physician's relinquishment of
12 license, stipulation, consent order, or other settlement,
13 offered in response to or in anticipation of the filing of
14 administrative charges against the osteopathic physician,
15 shall be considered action against the osteopathic physician's
16 license;

17 (h) Have met the criteria set forth in s. 459.006, s.
18 459.007, s. 459.0075, s. 459.0077, or s. 459.021, whichever is
19 applicable; ~~;~~

20 (i) Submit to the department a set of fingerprints on
21 a form and under procedures specified by the department, along
22 with a payment in an amount equal to the costs incurred by the
23 Department of Health for the criminal background check of the
24 applicant.

25 Section 137. Subsection (1) of section 459.008,
26 Florida Statutes, is amended to read:

27 459.008 Renewal of licenses and certificates.--

28 (1) The department shall renew a license or
29 certificate upon receipt of the renewal application and fee.
30 An applicant for a renewed license must also submit the
31 information required under section 1 to the department on a

1 form and under procedures specified by the department, along
2 with payment in an amount equal to the costs incurred by the
3 Department of Health for the statewide criminal background
4 check of the applicant. The applicant must submit a set of
5 fingerprints to the Department of Health on a form and under
6 procedures specified by the department, along with payment in
7 an amount equal to the costs incurred by the Department for a
8 national criminal background check of the applicant for the
9 initial renewal of his or her license after January 1, 2000.
10 If the applicant fails to submit either the information
11 required under section 1 or a set of fingerprints to the
12 department as required by this section, the department shall
13 issue a notice of noncompliance, and the applicant will be
14 given 30 additional days to comply. If the applicant fails to
15 comply within 30 days after the notice of noncompliance is
16 issued, the department or board, as appropriate, may issue a
17 citation to the applicant and may fine the applicant up to \$50
18 for each day that the applicant is not in compliance with the
19 requirements of section 1 of this act. The citation must
20 clearly state that the applicant may choose, in lieu of
21 accepting the citation, to follow the procedure under s.
22 455.225. If the applicant disputes the matter in the citation,
23 the procedures set forth in s. 455.225 must be followed.
24 However, if the applicant does not dispute the matter in the
25 citation with the department within 30 days after the citation
26 is served, the citation becomes a final order and constitutes
27 discipline. Service of a citation may be made by personal
28 service or certified mail, restricted delivery, to the subject
29 at the applicant's last known address. If an applicant has
30 submitted fingerprints to the department for a national
31 criminal history check upon initial licensure and is renewing

1 his or her license for the first time, then the applicant need
2 only submit the information and fee required for a statewide
3 criminal history check.

4 Section 138. Paragraph (g) is added to subsection (1)
5 of section 460.406, Florida Statutes, 1996 Supplement, to
6 read:

7 460.406 Licensure by examination.--

8 (1) Any person desiring to be licensed as a
9 chiropractic physician shall apply to the department to take
10 the licensure examination. There shall be an application fee
11 set by the board not to exceed \$100 which shall be
12 nonrefundable. There shall also be an examination fee not to
13 exceed \$500 plus the actual per applicant cost to the
14 department for purchase of portions of the examination from
15 the National Board of Chiropractic Examiners or a similar
16 national organization, which may be refundable if the
17 applicant is found ineligible to take the examination. The
18 department shall examine each applicant who the board
19 certifies has:

20 (g) Submitted to the department a set of fingerprints
21 on a form and under procedures specified by the department,
22 along with payment in an amount equal to the costs incurred by
23 the Department of Health for the criminal background check of
24 the applicant.

25 Section 139. Subsection (1) of section 460.407,
26 Florida Statutes, is amended to read:

27 460.407 Renewal of license.--

28 (1) The department shall renew a license upon receipt
29 of the renewal application and the fee set by the board not to
30 exceed \$500. An applicant for a renewed license must also
31 submit the information required under section 1 to the

1 department on a form and under procedures specified by the
2 department, along with payment in an amount equal to the costs
3 incurred by the Department of Health for the statewide
4 criminal background check of the applicant. The applicant must
5 submit a set of fingerprints to the Department of Health on a
6 form and under procedures specified by the department, along
7 with payment in an amount equal to the costs incurred by the
8 department for a national criminal background check of the
9 applicant for the initial renewal of his or her license after
10 January 1, 2000. If the applicant fails to submit either the
11 information required under section 1 or a set of fingerprints
12 to the department as required by this section, the department
13 shall issue a notice of noncompliance, and the applicant will
14 be given 30 additional days to comply. If the applicant fails
15 to comply within 30 days after the notice of noncompliance is
16 issued, the department or board, as appropriate, may issue a
17 citation to the applicant and may fine the applicant up to \$50
18 for each day that the applicant is not in compliance with the
19 requirements of section 1 of this act. The citation must
20 clearly state that the applicant may choose, in lieu of
21 accepting the citation, to follow the procedure under s.
22 455.225. If the applicant disputes the matter in the citation,
23 the procedures set forth in s. 455.225 must be followed.
24 However, if the applicant does not dispute the matter in the
25 citation with the department within 30 days after the citation
26 is served, the citation becomes a final order and constitutes
27 discipline. Service of a citation may be made by personal
28 service or certified mail, restricted delivery, to the subject
29 at the applicant's last known address. If an applicant has
30 submitted fingerprints to the department for a national
31 criminal history check upon initial licensure and is renewing

1 his or her license for the first time, then the applicant need
2 only submit the information and fee required for a statewide
3 criminal history check.

4 Section 140. Paragraph (f) is added to subsection (1)
5 of section 461.006, Florida Statutes, to read:

6 461.006 Licensure by examination.--

7 (1) Any person desiring to be licensed as a podiatrist
8 shall apply to the department to take the licensure
9 examination. The department shall examine each applicant who
10 the board certifies:

11 (f) Has submitted to the department a set of
12 fingerprints on a form and under procedures specified by the
13 department, along with payment in an amount equal to the costs
14 incurred by the Department of Health for the criminal
15 background check of the applicant.

16 Section 141. Subsection (1) of section 461.007,
17 Florida Statutes, is amended to read:

18 461.007 Renewal of license.--

19 (1) The department shall renew a license upon receipt
20 of the renewal application and a fee not to exceed \$350 set by
21 the board. An applicant for a renewed license must also submit
22 the information required under section 1 to the department on
23 a form and under procedures specified by the department, along
24 with payment in an amount equal to the costs incurred by the
25 Department of Health for the statewide criminal background
26 check of the applicant. The applicant must submit a set of
27 fingerprints to the Department of Health on a form and under
28 procedures specified by the department, along with payment in
29 an amount equal to the costs incurred by the department for a
30 national criminal background check of the applicant for the
31 initial renewal of his or her license after January 1, 2000.

1 If the applicant fails to submit either the information
2 required under section 1 or a set of fingerprints to the
3 department as required by this section, the department shall
4 issue a notice of noncompliance, and the applicant will be
5 given 30 additional days to comply. If the applicant fails to
6 comply within 30 days after the notice of noncompliance is
7 issued, the department or board, as appropriate, may issue a
8 citation to the applicant and may fine the applicant up to \$50
9 for each day that the applicant is not in compliance with the
10 requirements of section 1 of this act. The citation must
11 clearly state that the applicant may choose, in lieu of
12 accepting the citation, to follow the procedure under s.
13 455.225. If the applicant disputes the matter in the citation,
14 the procedures set forth in s. 455.225 must be followed.
15 However, if the applicant does not dispute the matter in the
16 citation with the department within 30 days after the citation
17 is served, the citation becomes a final order and constitutes
18 discipline. Service of a citation may be made by personal
19 service or certified mail, restricted delivery, to the subject
20 at the applicant's last known address. If an applicant has
21 submitted fingerprints to the department for a national
22 criminal history check upon initial licensure and is renewing
23 his or her license for the first time, then the applicant need
24 only submit the information and fee required for a statewide
25 criminal history check.

26 Section 142. Section 455.225, Florida Statutes, 1996
27 Supplement, is amended to read:

28 455.225 Disciplinary proceedings.--Disciplinary
29 proceedings for each board shall be within the jurisdiction of
30 the department or the Agency for Health Care Administration,
31 as appropriate.

1 (1)(a) The department or the Agency for Health Care
2 Administration, for the boards under their respective
3 jurisdictions, shall cause to be investigated any complaint
4 that is filed before it if the complaint is in writing, signed
5 by the complainant, and legally sufficient. A complaint is
6 legally sufficient if it contains ultimate facts that show
7 that a violation of this chapter, of any of the practice acts
8 relating to the professions regulated by the department or the
9 agency, or of any rule adopted by the department, the agency,
10 or a regulatory board in the department or the agency has
11 occurred. In order to determine legal sufficiency, the
12 department or the agency may require supporting information or
13 documentation. The department or the agency may investigate,
14 and the department, the agency, or the appropriate board may
15 take appropriate final action on, a complaint even though the
16 original complainant withdraws it or otherwise indicates a
17 desire not to cause the complaint to be investigated or
18 prosecuted to completion. The department or the agency may
19 investigate an anonymous complaint if the complaint is in
20 writing and is legally sufficient, if the alleged violation of
21 law or rules is substantial, and if the department or the
22 agency has reason to believe, after preliminary inquiry, that
23 the alleged violations in the complaint are true. The
24 department or the agency may investigate a complaint made by a
25 confidential informant if the complaint is legally sufficient,
26 if the alleged violation of law or rule is substantial, and if
27 the department or the agency has reason to believe, after
28 preliminary inquiry, that the allegations of the complainant
29 are true. The department or the agency may initiate an
30 investigation if it has reasonable cause to believe that a
31 licensee or a group of licensees has violated a Florida

1 statute, a rule of the department, a rule of the agency, or a
2 rule of a board.

3 **(b)** Except as provided in ss. 458.331(9), 459.015(9),
4 460.413(5), and 461.013(6), when an investigation of any
5 subject is undertaken, the department or the agency shall
6 promptly furnish to the subject or the subject's attorney a
7 copy of the complaint or document that resulted in the
8 initiation of the investigation. The subject may submit a
9 written response to the information contained in such
10 complaint or document within 20 days after service to the
11 subject of the complaint or document. The subject's written
12 response shall be considered by the probable cause panel. The
13 right to respond does not prohibit the issuance of a summary
14 emergency order if necessary to protect the public. However,
15 if the secretary, or the secretary's designee, and the
16 chairman of the respective board or the chairman of its
17 probable cause panel agree in writing that such notification
18 would be detrimental to the investigation, the department or
19 the agency may withhold notification. The department or the
20 agency may conduct an investigation without notification to
21 any subject if the act under investigation is a criminal
22 offense.

23 (2) The department and the Agency for Health Care
24 Administration shall allocate sufficient and adequately
25 trained staff to expeditiously and thoroughly determine legal
26 sufficiency and investigate all legally sufficient complaints.
27 For purposes of this section, it is the intent of the
28 Legislature that the term "expeditiously" means that the
29 agency, for disciplinary cases under its jurisdiction, should
30 complete the report of its initial investigative findings and
31 recommendations concerning the existence of probable cause

1 within 6 months after its receipt of the complaint. The
2 failure of the agency, for disciplinary cases under its
3 jurisdiction, to comply with the time limits of this section
4 while investigating a complaint against a licensee constitutes
5 harmless error in any subsequent disciplinary action unless a
6 court finds that either the fairness of the proceeding or the
7 correctness of the action may have been impaired by a material
8 error in procedure or a failure to follow prescribed
9 procedure.When its investigation is complete and legally
10 sufficient, the department or the agency shall prepare and
11 submit to the probable cause panel of the appropriate
12 regulatory board the investigative report of the department or
13 the agency. The report shall contain the investigative
14 findings and the recommendations of the department or the
15 agency concerning the existence of probable cause. At any time
16 after legal sufficiency is found, the department or the agency
17 may dismiss any case, or any part thereof, if the department
18 or the agency determines that there is insufficient evidence
19 to support the prosecution of allegations contained therein.
20 The department or the agency shall provide a detailed report
21 to the appropriate probable cause panel prior to dismissal of
22 any case or part thereof, and to the subject of the complaint
23 after dismissal of any case or part thereof, under this
24 section. For cases dismissed prior to a finding of probable
25 cause, such report is confidential and exempt from s.
26 119.07(1). The probable cause panel shall have access, upon
27 request, to the investigative files pertaining to a case prior
28 to dismissal of such case. If the department or the agency
29 dismisses a case, the probable cause panel may retain
30 independent legal counsel, employ investigators, and continue
31

1 the investigation and prosecution of the case as it deems
2 necessary.

3 (3) As an alternative to the provisions of subsections
4 (1) and (2), when a complaint is received, the department or
5 the agency may provide a licensee with a notice of
6 noncompliance for an initial offense of a minor violation.
7 Each board, or the department or the agency if there is no
8 board, shall establish by rule those minor violations under
9 this provision which do not endanger the public health,
10 safety, and welfare and which do not demonstrate a serious
11 inability to practice the profession. Failure of a licensee to
12 take action in correcting the violation within 15 days after
13 notice may result in the institution of regular disciplinary
14 proceedings.

15 (4) The determination as to whether probable cause
16 exists shall be made by majority vote of a probable cause
17 panel of the board, or by the department or the Agency for
18 Health Care Administration, as appropriate. Each regulatory
19 board shall provide by rule that the determination of probable
20 cause shall be made by a panel of its members or by the
21 department or the agency. Each board may provide by rule for
22 multiple probable cause panels composed of at least two
23 members. Each board may provide by rule that one or more
24 members of the panel or panels may be a former board member.
25 The length of term or repetition of service of any such former
26 board member on a probable cause panel may vary according to
27 the direction of the board when authorized by board rule. Any
28 probable cause panel must include one of the board's former or
29 present consumer members, if one is available, willing to
30 serve, and is authorized to do so by the board chairman. Any
31 probable cause panel must include a present board member. Any

1 probable cause panel must include a former or present
2 professional board member. However, any former professional
3 board member serving on the probable cause panel must hold an
4 active valid license for that profession. All proceedings of
5 the panel are exempt from s. 286.011 until 10 days after
6 probable cause has been found to exist by the panel or until
7 the subject of the investigation waives his privilege of
8 confidentiality. The probable cause panel may make a
9 reasonable request, and upon such request the department or
10 the agency shall provide such additional investigative
11 information as is necessary to the determination of probable
12 cause. A request for additional investigative information
13 shall be made within 15 days from the date of receipt by the
14 probable cause panel of the investigative report of the
15 department or the agency. The probable cause panel or the
16 department or the agency, as may be appropriate, shall make
17 its determination of probable cause within 30 days after
18 receipt by it of the final investigative report of the
19 department or the agency. The secretary may grant extensions
20 of the 15-day and the 30-day time limits. ~~If the probable
21 cause panel does not find probable cause within the 30-day
22 time limit, as may be extended, or if the probable cause panel
23 finds no probable cause, the department or the agency may
24 determine, within 10 days after the panel fails to determine
25 probable cause or 10 days after the time limit has elapsed,
26 that probable cause exists.~~In lieu of a finding of probable
27 cause, the probable cause panel, or the department or the
28 agency when there is no board, may issue a letter of guidance
29 to the subject. If, within the 30-day time limit, as may be
30 extended, the probable cause panel does not make a
31 determination regarding the existence of probable cause or

1 does not issue a letter of guidance in lieu of a finding of
2 probable cause, the agency, for disciplinary cases under its
3 jurisdiction, must make a determination regarding the
4 existence of probable cause within 10 days after the
5 expiration of the time limit.If the probable cause panel
6 finds that probable cause exists, it shall direct the
7 department or the agency to file a formal complaint against
8 the licensee. The department or the agency shall follow the
9 directions of the probable cause panel regarding the filing of
10 a formal complaint. If directed to do so, the department or
11 the agency shall file a formal complaint against the subject
12 of the investigation and prosecute that complaint pursuant to
13 chapter 120. However, the department or the agency may decide
14 not to prosecute the complaint if it finds that probable cause
15 had been improvidently found by the panel. In such cases, the
16 department or the agency shall refer the matter to the board.
17 The board may then file a formal complaint and prosecute the
18 complaint pursuant to chapter 120. The department or the
19 agency shall also refer to the board any investigation or
20 disciplinary proceeding not before the Division of
21 Administrative Hearings pursuant to chapter 120 or otherwise
22 completed by the department or the agency within 1 year after
23 the filing of a complaint. The agency, for disciplinary cases
24 under its jurisdiction, must establish a uniform reporting
25 system to quarterly refer to each board the status of any
26 investigation or disciplinary proceeding that is not before
27 the Division of Administrative Hearings or otherwise completed
28 by the department or agency within 1 year after the filing of
29 the complaint. Annually, the agency, for disciplinary cases
30 under its jurisdiction if there is no board, or each board
31 must establish a plan to reduce or otherwise close any

1 investigation or disciplinary proceeding that is not before
2 the Division of Administrative Hearings or otherwise completed
3 by the agency within 1 year after the filing of the complaint.

4 A probable cause panel or a board may retain independent legal
5 counsel, employ investigators, and continue the investigation
6 as it deems necessary; all costs thereof shall be paid from
7 the Health Care Trust Fund or the Professional Regulation
8 Trust Fund, as appropriate. All proceedings of the probable
9 cause panel are exempt from s. 120.525.

10 (5) A formal hearing before an administrative law
11 judge from the Division of Administrative Hearings shall be
12 held pursuant to chapter 120 if there are any disputed issues
13 of material fact. The administrative law judge shall issue a
14 recommended order pursuant to chapter 120. If any party raises
15 an issue of disputed fact during an informal hearing, the
16 hearing shall be terminated and a formal hearing pursuant to
17 chapter 120 shall be held.

18 (6) The appropriate board, with those members of the
19 panel, if any, who reviewed the investigation pursuant to
20 subsection (4) being excused, or the department when there is
21 no board, shall determine and issue the final order in each
22 disciplinary case. Such order shall constitute final agency
23 action. Any consent order or agreed settlement shall be
24 subject to the approval of the department or the agency.

25 (7) The department or the Agency for Health Care
26 Administration, as appropriate, shall have standing to seek
27 judicial review of any final order of the board, pursuant to
28 s. 120.68.

29 (8) Any proceeding for the purpose of summary
30 suspension of a license, or for the restriction of the
31 license, of a licensee pursuant to s. 120.60(6) shall be

1 conducted by the Secretary of Business and Professional
2 Regulation or his designee or the Director of Health Care
3 Administration or his designee, as appropriate, who shall
4 issue the final summary order.

5 (9)(a) The department or the Agency for Health Care
6 Administration, as appropriate, shall periodically notify the
7 person who filed the complaint of the status of the
8 investigation, whether probable cause has been found, and the
9 status of any civil action or administrative proceeding or
10 appeal.

11 (b) In any disciplinary case under the jurisdiction of
12 the Agency for Health Care Administration for which probable
13 cause has been found, the Agency for Health Care
14 Administration shall provide to the person who filed the
15 complaint a copy of the administrative complaint and:

16 1. A written explanation of how an administrative
17 complaint is resolved by the disciplinary process.

18 2. A written explanation of how and when the person
19 may participate in the disciplinary process.

20 3. A written notice of any hearing before the Division
21 of Administrative Hearings or the regulatory board at which
22 final agency action may be taken.

23 (c) In any disciplinary case for which probable cause
24 is not found, the Agency for Health Care Administration shall
25 so inform the person who filed the complaint and notify that
26 person that he or she may, within 60 days, provide any
27 additional information to the probable cause panel which may
28 be relevant to the decision. In any administrative proceeding
29 under s. 120.57, the person who filed the disciplinary
30 complaint shall have the right to present oral or written
31

1 communication relating to the alleged disciplinary violations
2 or to the appropriate penalty.

3 (10) The complaint and all information obtained
4 pursuant to the investigation by the department or the Agency
5 for Health Care Administration are confidential and exempt
6 from s. 119.07(1) until 10 days after probable cause has been
7 found to exist by the probable cause panel or by the
8 department or the agency, or until the regulated professional
9 or subject of the investigation waives his privilege of
10 confidentiality, whichever occurs first. Upon completion of
11 the investigation and pursuant to a written request by the
12 subject, the department or the agency shall provide the
13 subject an opportunity to inspect the investigative file or,
14 at the subject's expense, forward to the subject a copy of the
15 investigative file. Notwithstanding s. 455.241, the subject
16 may inspect or receive a copy of any expert witness report or
17 patient record connected with the investigation, if the
18 subject agrees in writing to maintain the confidentiality of
19 any information received under this subsection until 10 days
20 after probable cause is found and to maintain the
21 confidentiality of patient records pursuant to s. 455.241. The
22 subject may file a written response to the information
23 contained in the investigative file. Such response must be
24 filed within 20 days, unless an extension of time has been
25 granted by the department or the agency. This subsection does
26 not prohibit the department or the Agency for Health Care
27 Administration from providing such information to any law
28 enforcement agency or to any other regulatory agency.

29 (11) A privilege against civil liability is hereby
30 granted to any complainant or any witness with regard to
31 information furnished with respect to any investigation or

1 proceeding pursuant to this section, unless the complainant or
2 witness acted in bad faith or with malice in providing such
3 information.

4 (12)(a) No person who reports in any capacity, whether
5 or not required by law, information to the department or the
6 Division of Health Quality Assurance of the Agency for Health
7 Care Administration with regard to the incompetence,
8 impairment, or unprofessional conduct of any health care
9 provider licensed under chapter 458, chapter 459, chapter 460,
10 chapter 461, chapter 462, chapter 463, chapter 464, chapter
11 465, or chapter 466 shall be held liable in any civil action
12 for reporting against such health care provider if such person
13 acts without intentional fraud or malice.

14 (b) No facility licensed under chapter 395, health
15 maintenance organization certificated under part I of chapter
16 641, physician licensed under chapter 458, or osteopathic
17 physician licensed under chapter 459 shall discharge, threaten
18 to discharge, intimidate, or coerce any employee or staff
19 member by reason of such employee's or staff member's report
20 to the agency about a physician licensed under chapter 458,
21 chapter 459, chapter 460, chapter 461, or chapter 466 who may
22 be guilty of incompetence, impairment, or unprofessional
23 conduct so long as such report is given without intentional
24 fraud or malice.

25 (c) In any civil suit brought outside the protections
26 of paragraphs (a) and (b), where intentional fraud or malice
27 is alleged, the person alleging intentional fraud or malice
28 shall be liable for all court costs and for the other party's
29 reasonable attorney's fees if intentional fraud or malice is
30 not proved.

31

1 Section 143. Present subsections (8) and (9) of
2 section 455.2285, Florida Statutes, are renumbered as
3 subsections (9) and (10), respectively, and a new subsection
4 (8) is added to that section, to read:

5 455.2285 Annual report concerning finances,
6 administrative complaints, disciplinary actions, and
7 recommendations.--The department and the Agency for Health
8 Care Administration are each directed to prepare and submit a
9 report to the President of the Senate and Speaker of the House
10 of Representatives by November 1 of each year. In addition to
11 finances and any other information the Legislature may
12 require, the report shall include statistics and relevant
13 information, profession by profession, detailing:

14 (8) A description of any effort by the agency, for any
15 disciplinary cases under its jurisdiction, to reduce or
16 otherwise close any investigation or disciplinary proceeding
17 not before the Division of Administrative Hearings under
18 chapter 120 or otherwise not completed within 1 year after the
19 initial filing of a complaint under this chapter.

20 Section 144. Subsection (5) of section 458.320,
21 Florida Statutes, 1996 Supplement, is amended to read:

22 458.320 Financial responsibility.--

23 (5) The requirements of subsections (1), (2), and (3)
24 shall not apply to:

25 (a) Any person licensed under this chapter who
26 practices medicine exclusively as an officer, employee, or
27 agent of the Federal Government or of the state or its
28 agencies or its subdivisions. For the purposes of this
29 subsection, an agent of the state, its agencies, or its
30 subdivisions is a person who is eligible for coverage under
31

1 any self-insurance or insurance program authorized by the
2 provisions of s. 768.28(14).

3 (b) Any person whose license has become inactive under
4 this chapter and who is not practicing medicine in this state.
5 Any person applying for reactivation of a license must show
6 either that such licensee maintained tail insurance coverage
7 which provided liability coverage for incidents that occurred
8 on or after January 1, 1987, or the initial date of licensure
9 in this state, whichever is later, and incidents that occurred
10 before the date on which the license became inactive; or such
11 licensee must submit an affidavit stating that such licensee
12 has no unsatisfied medical malpractice judgments or
13 settlements at the time of application for reactivation.

14 (c) Any person holding a limited license pursuant to
15 s. 458.317 and practicing under the scope of such limited
16 license.

17 (d) Any person licensed or certified under this
18 chapter who practices only in conjunction with his teaching
19 duties at an accredited medical school or in its main teaching
20 hospitals. Such person may engage in the practice of medicine
21 to the extent that such practice is incidental to and a
22 necessary part of duties in connection with the teaching
23 position in the medical school.

24 (e) Any person holding an active license under this
25 chapter who is not practicing medicine in this state. If such
26 person initiates or resumes any practice of medicine in this
27 state, he must notify the department of such activity.

28 (f) Any person holding an active license under this
29 chapter who meets all of the following criteria:
30
31

1 1. The licensee has held an active license to practice
2 in this state or another state or some combination thereof for
3 more than 15 years.

4 2. The licensee has either retired from the practice
5 of medicine or maintains a part-time practice of no more than
6 1,000 patient contact hours per year.

7 3. The licensee has had no more than two claims for
8 medical malpractice resulting in an indemnity exceeding
9 \$10,000 within the previous 5-year period.

10 4. The licensee has not been convicted of, or pled
11 guilty or nolo contendere to, any criminal violation specified
12 in this chapter or the medical practice act of any other
13 state.

14 5. The licensee has not been subject within the last
15 10 years of practice to license revocation or suspension for
16 any period of time; probation for a period of 3 years or
17 longer; or a fine of \$500 or more for a violation of this
18 chapter or the medical practice act of another jurisdiction.
19 The regulatory agency's acceptance of a physician's
20 relinquishment of a license, stipulation, consent order, or
21 other settlement, offered in response to or in anticipation of
22 the filing of administrative charges against the physician's
23 license, shall be construed as action against the physician's
24 license for the purposes of this paragraph.

25 6. The licensee has submitted a form supplying
26 necessary information as required by the department and an
27 affidavit affirming compliance with the provisions of this
28 paragraph.

29 7. The licensee shall submit biennially to the
30 department certification stating compliance with the
31 provisions of this paragraph. The licensee shall, upon

1 request, demonstrate to the department information verifying
2 compliance with this paragraph.

3
4 A licensee who meets the requirements of this paragraph shall
5 be required either to post notice in the form of a sign
6 prominently displayed in the reception area and clearly
7 noticeable by all patients or provide a written statement to
8 any person to whom medical services are being provided. Such
9 sign or statement shall state that: Under Florida law,
10 physicians are generally required to carry medical malpractice
11 insurance or otherwise demonstrate financial responsibility to
12 cover potential claims for medical malpractice. However,
13 certain part-time physicians who meet state requirements are
14 exempt from the financial responsibility law. YOUR DOCTOR
15 MEETS THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL
16 MALPRACTICE INSURANCE. This notice is provided pursuant to
17 Florida law.

18 (g) Any person holding an active license under this
19 chapter who agrees to meet all of the following criteria:

20 1. Upon the entry of an adverse final judgment arising
21 from a medical malpractice arbitration award, from a claim of
22 medical malpractice either in contract or tort, or from
23 noncompliance with the terms of a settlement agreement arising
24 from a claim of medical malpractice either in contract or
25 tort, the licensee shall pay the judgment creditor the lesser
26 of the entire amount of the judgment with all accrued interest
27 or either \$100,000, if the physician is licensed pursuant to
28 this chapter but does not maintain hospital staff privileges,
29 or \$250,000, if the physician is licensed pursuant to this
30 chapter and maintains hospital staff privileges, within 60
31 days after the date such judgment became final and subject to

1 execution, unless otherwise mutually agreed to in writing by
2 the parties. Such adverse final judgment shall include any
3 cross-claim, counterclaim, or claim for indemnity or
4 contribution arising from the claim of medical malpractice.
5 Upon notification of the existence of an unsatisfied judgment
6 or payment pursuant to this subparagraph, the department shall
7 notify the licensee by certified mail that he shall be subject
8 to disciplinary action unless, within 30 days from the date of
9 mailing, he either:

10 a. Shows proof that the unsatisfied judgment has been
11 paid in the amount specified in this subparagraph; or

12 b. Furnishes the department with a copy of a timely
13 filed notice of appeal and either:

14 (I) A copy of a supersedeas bond properly posted in
15 the amount required by law; or

16 (II) An order from a court of competent jurisdiction
17 staying execution on the final judgment pending disposition of
18 the appeal.

19 2. The Department of Health shall issue an emergency
20 order suspending the license of any licensee who, after 30
21 days following receipt of a notice from the Department of
22 Health, has failed to: satisfy a medical malpractice claim
23 against him or her; furnish the Department of Health a copy of
24 a timely filed notice of appeal; furnish the Department of
25 Health a copy of a supersedeas bond properly posted in the
26 amount required by law; or furnish the Department of Health an
27 order from a court of competent jurisdiction staying execution
28 on the final judgment pending disposition of the appeal.

29 ~~3.2.~~ Upon the next meeting of the probable cause panel
30 of the board following 30 days after the date of mailing the
31 notice of disciplinary action to the licensee, the panel shall

1 make a determination of whether probable cause exists to take
2 disciplinary action against the licensee pursuant to
3 subparagraph 1.

4 ~~4.3.~~ If the board determines that the factual
5 requirements of subparagraph 1. are met, it shall take
6 disciplinary action as it deems appropriate against the
7 licensee. Such disciplinary action shall include, at a
8 minimum, probation of the license with the restriction that
9 the licensee must make payments to the judgment creditor on a
10 schedule determined by the board to be reasonable and within
11 the financial capability of the physician. Notwithstanding any
12 other disciplinary penalty imposed, the disciplinary penalty
13 may include suspension of the license for a period not to
14 exceed 5 years. In the event that an agreement to satisfy a
15 judgment has been met, the board shall remove any restriction
16 on the license.

17 ~~5.4.~~ The licensee has completed a form supplying
18 necessary information as required by the department.

19

20 A licensee who meets the requirements of this paragraph shall
21 be required to either post notice in the form of a sign
22 prominently displayed in the reception area and clearly
23 noticeable by all patients or provide a written statement to
24 any person to whom medical services are being provided. Such
25 sign or statement shall state that: Under Florida law,
26 physicians are generally required to carry medical malpractice
27 insurance or otherwise demonstrate financial responsibility to
28 cover potential claims for medical malpractice. YOUR DOCTOR
29 HAS DECIDED NOT TO CARRY MEDICAL MALPRACTICE INSURANCE. This
30 is permitted under Florida law subject to certain conditions.
31 Florida law imposes penalties against noninsured physicians

1 who fail to satisfy adverse judgments arising from claims of
2 medical malpractice. This notice is provided pursuant to
3 Florida law.

4 Section 145. Subsection (5) of section 459.0085,
5 Florida Statutes, 1996 Supplement, is amended to read:

6 459.0085 Financial responsibility.--

7 (5) The requirements of subsections (1), (2), and (3)
8 shall not apply to:

9 (a) Any person licensed under this chapter who
10 practices medicine exclusively as an officer, employee, or
11 agent of the Federal Government or of the state or its
12 agencies or its subdivisions. For the purposes of this
13 subsection, an agent of the state, its agencies, and
14 subdivisions is a person who is eligible for coverage under
15 any self-insurance or insurance program authorized by the
16 provisions of s. 768.28(14).

17 (b) Any person whose license has become inactive under
18 this chapter and who is not practicing medicine in this state.
19 Any person applying for reactivation of a license must show
20 either that such licensee maintained tail insurance coverage
21 which provided liability coverage for incidents that occurred
22 on or after January 1, 1987, or the initial date of licensure
23 in this state, whichever is later, and incidents that occurred
24 before the date on which the license became inactive; or such
25 licensee must submit an affidavit stating that such licensee
26 has no unsatisfied medical malpractice judgments or
27 settlements at the time of application for reactivation.

28 (c) Any person holding a limited license pursuant to
29 s. 459.0075 and practicing under the scope of such limited
30 license.

31

1 (d) Any person licensed or certified under this
2 chapter who practices only in conjunction with his teaching
3 duties at a college of osteopathic medicine. Such person may
4 engage in the practice of osteopathic medicine to the extent
5 that such practice is incidental to and a necessary part of
6 duties in connection with the teaching position in the college
7 of osteopathic medicine.

8 (e) Any person holding an active license under this
9 chapter who is not practicing osteopathic medicine in this
10 state. If such person initiates or resumes any practice of
11 osteopathic medicine in this state, he must notify the
12 department of such activity.

13 (f) Any person holding an active license under this
14 chapter who meets all of the following criteria:

15 1. The licensee has held an active license to practice
16 in this state or another state or some combination thereof for
17 more than 15 years.

18 2. The licensee has either retired from the practice
19 of osteopathic medicine or maintains a part-time practice of
20 osteopathic medicine of no more than 1,000 patient contact
21 hours per year.

22 3. The licensee has had no more than two claims for
23 medical malpractice resulting in an indemnity exceeding
24 \$10,000 within the previous 5-year period.

25 4. The licensee has not been convicted of, or pled
26 guilty or nolo contendere to, any criminal violation specified
27 in this chapter or the practice act of any other state.

28 5. The licensee has not been subject within the last
29 10 years of practice to license revocation or suspension for
30 any period of time, probation for a period of 3 years or
31 longer, or a fine of \$500 or more for a violation of this

1 chapter or the medical practice act of another jurisdiction.
2 The regulatory agency's acceptance of an osteopathic
3 physician's relinquishment of a license, stipulation, consent
4 order, or other settlement, offered in response to or in
5 anticipation of the filing of administrative charges against
6 the osteopathic physician's license, shall be construed as
7 action against the physician's license for the purposes of
8 this paragraph.

9 6. The licensee has submitted a form supplying
10 necessary information as required by the department and an
11 affidavit affirming compliance with the provisions of this
12 paragraph.

13 7. The licensee shall submit biennially to the
14 department a certification stating compliance with the
15 provisions of this paragraph. The licensee shall, upon
16 request, demonstrate to the department information verifying
17 compliance with this paragraph.

18
19 A licensee who meets the requirements of this paragraph shall
20 be required either to post notice in the form of a sign
21 prominently displayed in the reception area and clearly
22 noticeable by all patients or to provide a written statement
23 to any person to whom medical services are being provided.
24 Such sign or statement shall state that: Under Florida law,
25 osteopathic physicians are generally required to carry medical
26 malpractice insurance or otherwise demonstrate financial
27 responsibility to cover potential claims for medical
28 malpractice. However, certain part-time osteopathic
29 physicians who meet state requirements are exempt from the
30 financial responsibility law. YOUR OSTEOPATHIC PHYSICIAN MEETS
31 THESE REQUIREMENTS AND HAS DECIDED NOT TO CARRY MEDICAL

1 MALPRACTICE INSURANCE. This notice is provided pursuant to
2 Florida law.

3 (g) Any person holding an active license under this
4 chapter who agrees to meet all of the following criteria:

5 1. Upon the entry of an adverse final judgment arising
6 from a medical malpractice arbitration award, from a claim of
7 medical malpractice either in contract or tort, or from
8 noncompliance with the terms of a settlement agreement arising
9 from a claim of medical malpractice either in contract or
10 tort, the licensee shall pay the judgment creditor the lesser
11 of the entire amount of the judgment with all accrued interest
12 or either \$100,000, if the osteopathic physician is licensed
13 pursuant to this chapter but does not maintain hospital staff
14 privileges, or \$250,000, if the osteopathic physician is
15 licensed pursuant to this chapter and maintains hospital staff
16 privileges, within 60 days after the date such judgment became
17 final and subject to execution, unless otherwise mutually
18 agreed to in writing by the parties. Such adverse final
19 judgment shall include any cross-claim, counterclaim, or claim
20 for indemnity or contribution arising from the claim of
21 medical malpractice. Upon notification of the existence of an
22 unsatisfied judgment or payment pursuant to this subparagraph,
23 the department shall notify the licensee by certified mail
24 that he shall be subject to disciplinary action unless, within
25 30 days from the date of mailing, he either:

26 a. Shows proof that the unsatisfied judgment has been
27 paid in the amount specified in this subparagraph; or

28 b. Furnishes the department with a copy of a timely
29 filed notice of appeal and either:

30 (I) A copy of a supersedeas bond properly posted in
31 the amount required by law; or

1 (II) An order from a court of competent jurisdiction
2 staying execution on the final judgment, pending disposition
3 of the appeal.

4 2. The Department of Health shall issue an emergency
5 order suspending the license of any licensee who, after 30
6 days following receipt of a notice from the Department of
7 Health, has failed to: satisfy a medical malpractice claim
8 against him or her; furnish the Department of Health a copy of
9 a timely filed notice of appeal; furnish the Department of
10 Health a copy of a supersedeas bond properly posted in the
11 amount required by law; or furnish the Department of Health an
12 order from a court of competent jurisdiction staying execution
13 on the final judgment pending disposition of the appeal.

14 ~~3.2.~~ Upon the next meeting of the probable cause panel
15 of the board following 30 days after the date of mailing the
16 notice of disciplinary action to the licensee, the panel shall
17 make a determination of whether probable cause exists to take
18 disciplinary action against the licensee pursuant to
19 subparagraph 1.

20 ~~4.3.~~ If the board determines that the factual
21 requirements of subparagraph 1. are met, it shall take
22 disciplinary action as it deems appropriate against the
23 licensee. Such disciplinary action shall include, at a
24 minimum, probation of the license with the restriction that
25 the licensee must make payments to the judgment creditor on a
26 schedule determined by the board to be reasonable and within
27 the financial capability of the osteopathic physician.
28 Notwithstanding any other disciplinary penalty imposed, the
29 disciplinary penalty may include suspension of the license for
30 a period not to exceed 5 years. In the event that an
31

1 agreement to satisfy a judgment has been met, the board shall
2 remove any restriction on the license.

3 ~~5.4.~~ The licensee has completed a form supplying
4 necessary information as required by the department.

5
6 A licensee who meets the requirements of this paragraph shall
7 be required to either post notice in the form of a sign
8 prominently displayed in the reception area and clearly
9 noticeable by all patients or provide a written statement to
10 any person to whom medical services are being provided. Such
11 sign or statement shall state that: Under Florida law,
12 osteopathic physicians are generally required to carry medical
13 malpractice insurance or otherwise demonstrate financial
14 responsibility to cover potential claims for medical
15 malpractice. YOUR OSTEOPATHIC PHYSICIAN HAS DECIDED NOT TO
16 CARRY MEDICAL MALPRACTICE INSURANCE. This is permitted under
17 Florida law subject to certain conditions. Florida law
18 imposes strict penalties against noninsured osteopathic
19 physicians who fail to satisfy adverse judgments arising from
20 claims of medical malpractice. This notice is provided
21 pursuant to Florida law.

22 Section 146. Section 455.2478, Florida Statutes, is
23 created to read:

24 455.2478 Reports of professional liability actions;
25 bankruptcies; Department of Health's responsibility to
26 provide.--

27 (1) The report of a claim or action for damages for
28 personal injury which is required to be provided to the
29 Department of Health under s. 455.247 or s. 627.912 is public
30 information except for the name of the claimant or injured
31 person, which remains confidential as provided in s.

1 455.247(2)(d) and s. 627.912(2)(e). The Department of Health
2 shall, upon request, make such report available to any person.

3 (2) Any information in the possession of the
4 Department of Health which relates to a bankruptcy proceeding
5 by a practitioner of medicine licensed under chapter 458, a
6 practitioner of osteopathic medicine licensed under chapter
7 459, a podiatrist licensed under chapter 461, or a dentist
8 licensed under chapter 466 is public information. The
9 Department of Health shall, upon request, make such
10 information available to any person.

11 Section 147. Section 627.912, Florida Statutes, 1996
12 Supplement, is amended to read:

13 627.912 Professional liability claims and actions;
14 reports by insurers.--

15 (1) Each self-insurer authorized under s. 627.357 and
16 each insurer or joint underwriting association providing
17 professional liability insurance to a practitioner of medicine
18 licensed under ~~pursuant to the provisions of~~ chapter 458, to a
19 practitioner of osteopathic medicine licensed under ~~pursuant~~
20 ~~to the provisions of~~ chapter 459, to a podiatrist licensed
21 under ~~pursuant to the provisions of~~ chapter 461, to a dentist
22 licensed under ~~pursuant to the provisions of~~ chapter 466, to a
23 hospital licensed under ~~pursuant to the provisions of~~ chapter
24 395, to a crisis stabilization unit licensed under part IV of
25 chapter 394, to a health maintenance organization certificated
26 under part I of chapter 641, to clinics included in chapter
27 390, to an ambulatory surgical center as defined in s.
28 395.002, or to a member of The Florida Bar shall report in
29 duplicate to the Department of Insurance any claim or action
30 for damages for personal injuries claimed to have been caused
31 by error, omission, or negligence in the performance of such

1 insured's professional services or based on a claimed
2 performance of professional services without consent, if the
3 claim resulted in:

4 (a) A final judgment in any amount.

5 (b) A settlement in any amount.

6 (c) A final disposition not resulting in payment on
7 behalf of the insured.

8
9 Reports shall be filed with the department and, if the insured
10 party is licensed under ~~pursuant to~~ chapter 458, chapter 459,
11 chapter 461, or chapter 466, with the Agency for Health Care
12 Administration ~~Department of Business and Professional~~
13 ~~Regulation~~, no later than 30 ~~60~~ days following the occurrence
14 of any event listed in paragraph (a), paragraph (b), or
15 paragraph (c). The Agency for Health Care Administration
16 ~~Department of Business and Professional Regulation~~ shall
17 review each report and determine whether any of the incidents
18 that resulted in the claim potentially involved conduct by the
19 licensee that is subject to disciplinary action, in which case
20 the provisions of s. 455.225 shall apply. The Agency for
21 Health Care Administration ~~Department of Business and~~
22 ~~Professional Regulation~~, as part of the annual report required
23 by s. 455.2285, shall publish annual statistics, without
24 identifying licensees, on the reports it receives, including
25 final action taken on such reports by the agency ~~Department of~~
26 ~~Business and Professional Regulation~~ or the appropriate
27 regulatory board.

28 (2) The reports required by subsection (1) shall
29 contain:

30 (a) The name, address, and specialty coverage of the
31 insured.

- 1 (b) The insured's policy number.
- 2 (c) The date of the occurrence which created the
3 claim.
- 4 (d) The date the claim was reported to the insurer or
5 self-insurer.
- 6 (e) The name and address of the injured person. This
7 information is confidential and exempt from the provisions of
8 s. 119.07(1), and must not be disclosed by the department
9 without the injured person's consent, except for disclosure by
10 the department to the Agency for Health Care Administration
11 ~~Department of Business and Professional Regulation~~. This
12 information may be used by the department for purposes of
13 identifying multiple or duplicate claims arising out of the
14 same occurrence.
- 15 (f) The date of suit, if filed.
- 16 (g) The injured person's age and sex.
- 17 (h) The total number and names of all defendants
18 involved in the claim.
- 19 (i) The date and amount of judgment or settlement, if
20 any, including the itemization of the verdict ~~as required~~
21 ~~under s. 768.48~~, together with a copy of the settlement or
22 judgment.
- 23 (j) In the case of a settlement, such information as
24 the department may require with regard to the injured person's
25 incurred and anticipated medical expense, wage loss, and other
26 expenses.
- 27 (k) The loss adjustment expense paid to defense
28 counsel, and all other allocated loss adjustment expense paid.
- 29 (l) The date and reason for final disposition, if no
30 judgment or settlement.
- 31

1 (m) A summary of the occurrence which created the
2 claim, which shall include:

3 1. The name of the institution, if any, and the
4 location within the institution at which the injury occurred.

5 2. The final diagnosis for which treatment was sought
6 or rendered, including the patient's actual condition.

7 3. A description of the misdiagnosis made, if any, of
8 the patient's actual condition.

9 4. The operation, diagnostic, or treatment procedure
10 causing the injury.

11 5. A description of the principal injury giving rise
12 to the claim.

13 6. The safety management steps that have been taken by
14 the insured to make similar occurrences or injuries less
15 likely in the future.

16 (n) Any other information required by the department
17 to analyze and evaluate the nature, causes, location, cost,
18 and damages involved in professional liability cases.

19 (3) Upon request by the Agency for Health Care
20 Administration ~~Department of Business and Professional~~
21 ~~Regulation~~, the department shall provide the that agency
22 ~~department~~ with any information received under ~~pursuant to~~
23 this section related to persons licensed under chapter 458,
24 chapter 459, chapter 461, or chapter 466. For purposes of
25 safety management, the department shall annually provide the
26 Department of Health ~~and Rehabilitative Services~~ with copies
27 of the reports in cases resulting in an indemnity being paid
28 to the claimants.

29 (4) There shall be no liability on the part of, and no
30 cause of action of any nature shall arise against, any insurer
31 reporting hereunder or its agents or employees or the

1 department or its employees for any action taken by them under
2 pursuant to this section. The department may impose a fine of
3 \$250 per day per case, not to exceed \$1,000 per case, against
4 an insurer that violates the requirements of this section.
5 This subsection applies to claims accruing on or after October
6 1, 1997.

7 Section 148. The Agency for Health Care Administration
8 shall establish a toll-free telephone number for public
9 reporting of complaints relating to medical treatment or
10 services provided by health care professionals.

11 Section 149. Subsection (1) of section 458.316,
12 Florida Statutes, is amended to read:

13 458.316 Public health certificate.--

14 (1) Any person desiring to obtain a public health
15 certificate shall submit an application fee not to exceed \$300
16 and shall demonstrate to the board that he is a graduate of an
17 accredited medical school and holds a master of public health
18 degree or is board eligible or certified in public health or
19 preventive medicine, or is licensed to practice medicine
20 without restriction in another jurisdiction in the United
21 States and holds a master of public health degree or is board
22 eligible or certified in public health or preventive medicine,
23 and shall meet the requirements in s. 458.311(1)(a)-(g)~~s.~~
24 ~~458.311(1)(a)-(f)~~and (5).

25 Section 150. Section 458.3165, Florida Statutes, is
26 amended to read:

27 458.3165 Public psychiatry certificate.--The board
28 shall issue a public psychiatry certificate to an individual
29 who remits an application fee not to exceed \$300, as set by
30 the board, who is a board-certified psychiatrist, who is
31 licensed to practice medicine without restriction in another

1 state, and who meets the requirements in s. 458.311(1)(a)-(g)
2 ~~s. 458.311(1)(a)-(f)~~ and (5).

3 (1) Such certificate shall:

4 (a) Authorize the holder to practice only in a public
5 mental health facility or program funded in part or entirely
6 by state funds.

7 (b) Be issued and renewable biennially if the
8 secretary of the Department of Health and Rehabilitative
9 Services and the chairman of the department of psychiatry at
10 one of the public medical schools or the chairman of the
11 department of psychiatry at the accredited medical school at
12 the University of Miami recommend in writing that the
13 certificate be issued or renewed.

14 (c) Automatically expire if the holder's relationship
15 with a public mental health facility or program expires.

16 (d) Not be issued to a person who has been adjudged
17 unqualified or guilty of any of the prohibited acts in this
18 chapter.

19 (2) The board may take disciplinary action against a
20 certificateholder for noncompliance with any part of this
21 section or for any reason for which a regular licensee may be
22 subject to discipline.

23 Section 151. Paragraph (a) of subsection (1) of
24 section 458.317, Florida Statutes, is amended to read:

25 458.317 Limited licenses.--

26 (1)(a) Any person desiring to obtain a limited license
27 shall:

28 1. Submit to the board, with an application and fee
29 not to exceed \$300, an affidavit stating that he has been
30 licensed to practice medicine in any jurisdiction in the
31 United States for at least 10 years and has retired or intends

1 to retire from the practice of medicine and intends to
2 practice only pursuant to the restrictions of a limited
3 license granted pursuant to this section. If the person
4 applying for a limited license submits a notarized statement
5 from the employing agency or institution stating that he will
6 not receive monetary compensation for any service involving
7 the practice of medicine, the application fee and all
8 licensure fees shall be waived.

9 2. Meet the requirements in s. 458.311(1)(b)-(g)~~s.~~
10 ~~458.311(1)(b)-(f)~~and (5). If the applicant graduated from
11 medical school prior to 1946, the board or its appropriate
12 committee may accept military medical training or medical
13 experience as a substitute for the approved 1-year residency
14 requirement in s. 458.311(1)(f).

15
16 Section 152. Except as otherwise provided in this act,
17 this act shall take effect July 1, 1997.

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