

1                   A reviser's bill to be entitled  
2           An act relating to the Florida Statutes;  
3           amending ss. 370.0603, 370.092, 370.093,  
4           370.12, 372.5712, 372.5715, 373.4135, 375.021,  
5           376.30713, 377.703, 380.012, 380.0555, 381.003,  
6           381.004, 381.0065, 381.0303, 381.90, 383.50,  
7           384.29, 393.0641, 394.875, 395.0163, 395.4045,  
8           395.602, 395.7015, 400.0091, 400.022, 400.023,  
9           400.141, 400.408, 400.464, 400.980, 402.166,  
10          402.28, 402.50, 403.031, 403.714, 403.718,  
11          403.7191, 403.7192, 408.02, 408.0361, 409.145,  
12          409.1685, 409.908, 409.912, 409.946, 414.105,  
13          418.302, 420.506, 420.507, 435.03, 435.05,  
14          435.07, 440.15, 440.381, 440.4416, 443.1715,  
15          445.024, 446.50, 456.025, 456.039, 458.3135,  
16          458.319, and 460.403, F.S.; reenacting ss.  
17          370.021(2), 375.045, 397.405, 409.9122(1),  
18          445.003(6)(b), 445.009(7)(c), 467.001, 467.002,  
19          467.004, 467.011, 467.0125, 467.014, 467.015,  
20          467.016, 467.017, 467.201, 467.203, 467.205,  
21          467.207, and 468.354(3)(b), F.S.; and repealing  
22          ss. 373.4593(2)(a)-(c), 381.0045(3),  
23          383.0112(2)(g), 411.01(9)(c), 421.37, 421.38,  
24          421.39, 421.40, 421.41, 421.42, 421.43, 421.44,  
25          421.45, 427.0159(2), and 464.0045, F.S.,  
26          pursuant to s. 11.242, F.S.; deleting  
27          provisions which have expired, have become  
28          obsolete, have had their effect, have served  
29          their purpose, or have been impliedly repealed  
30          or superseded; replacing incorrect  
31          cross-references and citations; correcting

1 grammatical, typographical, and like errors;  
2 removing inconsistencies, redundancies, and  
3 unnecessary repetition in the statutes;  
4 improving the clarity of the statutes and  
5 facilitating their correct interpretation; and  
6 confirming the restoration of provisions  
7 unintentionally omitted from republication in  
8 the acts of the Legislature during the  
9 amendatory process.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Subsection (2) of section 370.021, Florida  
14 Statutes, is reenacted to read:

15 370.021 Administration; rules, publications, records;  
16 penalties; injunctions.--

17 (2) MAJOR VIOLATIONS.--In addition to the penalties  
18 provided in paragraphs (1)(a) and (b), the court shall assess  
19 additional penalties against any person, firm, or corporation  
20 convicted of major violations as follows:

21 (a) For a violation involving more than 100 illegal  
22 blue crabs, crawfish, or stone crabs, an additional penalty of  
23 \$10 for each illegal blue crab, crawfish, stone crab, or part  
24 thereof.

25 (b) For a violation involving the taking or harvesting  
26 of shrimp from a nursery or other prohibited area, or any two  
27 violations within a 12-month period involving shrimping gear,  
28 minimum size (count), or season, an additional penalty of \$10  
29 for each pound of illegal shrimp or part thereof.

30 (c) For a violation involving the taking or harvesting  
31 of oysters from nonapproved areas or the taking or possession

1 of unculled oysters, an additional penalty of \$10 for each  
2 bushel of illegal oysters.

3 (d) For a violation involving the taking or harvesting  
4 of clams from nonapproved areas, an additional penalty of \$100  
5 for each 500 count bag of illegal clams.

6 (e) For a violation involving the taking, harvesting,  
7 or possession of any of the following species, which are  
8 endangered, threatened, or of special concern:

- 9 1. Shortnose sturgeon (*Acipenser brevirostrum*);
- 10 2. Atlantic sturgeon (*Acipenser oxyrhynchus*);
- 11 3. Common snook (*Centropomus undecimalis*);
- 12 4. Atlantic loggerhead turtle (*Caretta caretta*  
13 *caretta*);
- 14 5. Atlantic green turtle (*Chelonia mydas mydas*);
- 15 6. Leatherback turtle (*Dermochelys coriacea*);
- 16 7. Atlantic hawksbill turtle (*Eretmochelys imbricata*  
17 *imbricata*);
- 18 8. Atlantic ridley turtle (*Lepidochelys kempfi*); or
- 19 9. West Indian manatee (*Trichechus manatus*  
20 *latirostris*),

21  
22 an additional penalty of \$100 for each unit of marine life or  
23 part thereof.

24 (f) For a second or subsequent conviction within 24  
25 months for any violation of the same law or rule involving the  
26 taking or harvesting of more than 100 pounds of any finfish,  
27 an additional penalty of \$5 for each pound of illegal finfish.

28 (g) For any violation involving the taking,  
29 harvesting, or possession of more than 1,000 pounds of any  
30 illegal finfish, an additional penalty equivalent to the  
31 wholesale value of the illegal finfish.

1           (h) The proceeds from the penalties assessed pursuant  
2 to this subsection shall be deposited into the Marine  
3 Resources Conservation Trust Fund to be used for marine  
4 fisheries research or into the commission's Federal Law  
5 Enforcement Trust Fund as provided in s. 372.107, as  
6 applicable.

7           (i) Permits issued to any person, firm, or corporation  
8 by the commission to take or harvest saltwater products, or  
9 any license issued pursuant to s. 370.06 or s. 370.07 may be  
10 suspended or revoked by the commission, pursuant to the  
11 provisions and procedures of s. 120.60, for any major  
12 violation prescribed in this subsection:

13           1. Upon a first conviction for a major violation, for  
14 up to 30 calendar days.

15           2. Upon a second conviction for a violation which  
16 occurs within 12 months after a prior violation, for up to 90  
17 calendar days.

18           3. Upon a third conviction for a violation which  
19 occurs within 24 months after a prior violation, for up to 180  
20 calendar days.

21           4. Upon a fourth conviction for a violation which  
22 occurs within 36 months after a prior violation, for a period  
23 of 6 months to 3 years.

24           (j) Upon the arrest and conviction for a major  
25 violation involving stone crabs, the licenseholder must show  
26 just cause why his or her license should not be suspended or  
27 revoked. For the purposes of this paragraph, a "major  
28 violation" means a major violation as prescribed for illegal  
29 stone crabs; any single violation involving possession of more  
30 than 25 stone crabs during the closed season or possession of  
31 25 or more whole-bodied or egg-bearing stone crabs; any

1 violation for trap molestation, trap robbing, or pulling traps  
2 at night; or any combination of violations in any  
3 3-consecutive-year period wherein more than 75 illegal stone  
4 crabs in the aggregate are involved.

5 (k) Upon the arrest and conviction for a major  
6 violation involving crawfish, the licenseholder must show just  
7 cause why his or her license should not be suspended or  
8 revoked. For the purposes of this paragraph, a "major  
9 violation" means a major violation as prescribed for illegal  
10 crawfish; any single violation involving possession of more  
11 than 25 crawfish during the closed season or possession of  
12 more than 25 wrung crawfish tails or more than 25 egg-bearing  
13 or stripped crawfish; any violation for trap molestation, trap  
14 robbing, or pulling traps at night; or any combination of  
15 violations in any 3-consecutive-year period wherein more than  
16 75 illegal crawfish in the aggregate are involved.

17 (l) Upon the arrest and conviction for a major  
18 violation involving blue crabs, the licenseholder shall show  
19 just cause why his or her saltwater products license should  
20 not be suspended or revoked. This paragraph shall not apply  
21 to an individual fishing with no more than five traps. For  
22 the purposes of this paragraph, a "major violation" means a  
23 major violation as prescribed for illegal blue crabs, any  
24 single violation wherein 50 or more illegal blue crabs are  
25 involved; any violation for trap molestation, trap robbing, or  
26 pulling traps at night; or any combination of violations in  
27 any 3-consecutive-year period wherein more than 100 illegal  
28 blue crabs in the aggregate are involved.

29 (m) Upon the conviction for a major violation  
30 involving finfish, the licenseholder must show just cause why  
31 his or her saltwater products license should not be suspended

1 or revoked. For the purposes of this paragraph, a major  
2 violation is prescribed for the taking and harvesting of  
3 illegal finfish, any single violation involving the possession  
4 of more than 100 pounds of illegal finfish, or any combination  
5 of violations in any 3-consecutive-year period wherein more  
6 than 200 pounds of illegal finfish in the aggregate are  
7 involved.

8 (n) Upon final disposition of any alleged offense for  
9 which a citation for any violation of this chapter or the  
10 rules of the Fish and Wildlife Conservation Commission has  
11 been issued, the court shall, within 10 days, certify the  
12 disposition to the commission.

13 (o) For a violation involving the taking or harvesting  
14 of any marine life species, as those species are defined by  
15 rule of the commission, the harvest of which is prohibited, or  
16 the taking or harvesting of such a species out of season, or  
17 with an illegal gear or chemical, or any violation involving  
18 the possession of 25 or more individual specimens of marine  
19 life species, or any combination of violations in any 3-year  
20 period involving more than 70 such specimens in the aggregate,  
21 the suspension or revocation of the licenseholder's marine  
22 life endorsement as provided in paragraph (i).

23  
24 Notwithstanding the provisions of s. 948.01, no court may  
25 suspend, defer, or withhold adjudication of guilt or  
26 imposition of sentence for any major violation prescribed in  
27 this subsection.

28  
29 Reviser's note.--Section 36, ch. 2000-364, Laws  
30 of Florida, amended paragraphs (2)(b) and (i)  
31 and added paragraph (2)(o), but failed to

1 republish the flush left language at the end of  
2 the subsection. In the absence of affirmative  
3 evidence that the Legislature intended to  
4 repeal the flush left language, subsection (2)  
5 is reenacted to confirm that the omission was  
6 not intended.

7  
8 Section 2. Subsection (3) of section 370.0603, Florida  
9 Statutes, is amended to read:

10 370.0603 Marine Resources Conservation Trust Fund;  
11 purposes.--

12 (3) Funds provided to the Marine Resources  
13 Conservation Trust Fund from taxes distributed under s.  
14 201.15(8)~~201.15(9)~~ shall be used for the following purposes:

15 (a) To reimburse the cost of activities authorized  
16 pursuant to the Fish and Wildlife Service of the United States  
17 Department of the Interior. Such facilities must be involved  
18 in the actual rescue and full-time acute care  
19 veterinarian-based rehabilitation of manatees. The cost of  
20 activities includes, but is not limited to, costs associated  
21 with expansion, capital outlay, repair, maintenance, and  
22 operation related to the rescue, treatment, stabilization,  
23 maintenance, release, and monitoring of manatees. Moneys  
24 distributed through the contractual agreement to each facility  
25 for manatee rehabilitation must be proportionate to the number  
26 of manatees under acute care rehabilitation; the number of  
27 maintenance days medically necessary in the facility; and the  
28 number released during the previous fiscal year. The  
29 commission may set a cap on the total amount reimbursed per  
30 manatee per year.

31

1 (b) For training on the care, treatment, and  
2 rehabilitation of marine mammals at the Whitney Laboratory and  
3 the College of Veterinary School of Medicine at the University  
4 of Florida.

5 (c) For program administration costs of the agency.

6 (d) Funds not distributed in any 1 fiscal year must be  
7 carried over for distribution in subsequent years.

8  
9 Reviser's note.--The introductory paragraph is  
10 amended to correct an apparent error and  
11 facilitate correct interpretation. Section  
12 201.15(8) was amended by s. 33, ch. 2000-197,  
13 Laws of Florida, to add a reference to payment  
14 of funds to the credit of the trust fund for  
15 purposes of marine mammal care pursuant to s.  
16 370.0603(3). Paragraph (b) is amended to  
17 conform to the official title of the college as  
18 created in s. 240.513(1)(f).

19  
20 Section 3. Subsections (3) and (4) of section 370.092,  
21 Florida Statutes, are amended to read:

22 370.092 Carriage of proscribed nets across Florida  
23 waters.--

24 (3) Notwithstanding subsections (1) and (2), unless  
25 authorized by rule of the Fish and Wildlife Conservation  
26 Commission, it is a major violation under this section,  
27 punishable as provided in s. 370.021(3)~~subsection (4)~~, for  
28 any person, firm, or corporation to possess any gill or  
29 entangling net, or any seine net larger than 500 square feet  
30 in mesh area, on any airboat or on any other vessel less than  
31 22 feet in length and on any vessel less than 25 feet if



1 primary power of the vessel is mounted forward of the vessel  
2 center point. Gill or entangling nets shall be as defined in  
3 s. 16, Art. X of the State Constitution, s. 370.093(2)(b), or  
4 in a rule of the Fish and Wildlife Conservation Commission  
5 implementing s. 16, Art. X of the State Constitution. Vessel  
6 length shall be determined in accordance with current United  
7 States Coast Guard regulations specified in the Code of  
8 Federal Regulations or as titled by the State of Florida. The  
9 Marine Fisheries Commission is directed to initiate by July 1,  
10 1998, rulemaking to adjust by rule the use of gear on vessels  
11 longer than 22 feet where the primary power of the vessel is  
12 mounted forward of the vessel center point in order to prevent  
13 the illegal use of gill and entangling nets in state waters  
14 and to provide reasonable opportunities for the use of legal  
15 net gear in adjacent federal waters.

16 (4) The Fish and Wildlife Conservation Commission  
17 shall adopt rules to prohibit the possession and sale of  
18 mullet taken in illegal gill or entangling nets. Violations of  
19 such rules shall be punishable as provided in s. 370.021(3)  
20 ~~subsection (4)~~.

21  
22 Reviser's note.--Amended to conform to the  
23 current location of the referenced material.  
24 The language in s. 370.021(3), enacted by s. 2,  
25 ch. 98-227, Laws of Florida, is substantively  
26 the same as former s. 370.092(4), which was  
27 repealed by s. 13, ch. 98-227.

28  
29 Section 4. Subsection (5) of section 370.093, Florida  
30 Statutes, is amended to read:

31 370.093 Illegal use of nets.--

1 (5) Any person who violates this section shall be  
2 punished as provided in s. 370.021(3)~~370.092(4)~~.

3  
4 Reviser's note.--Amended to conform to the  
5 current location of the referenced material.  
6 The language in s. 370.021(3), enacted by s. 2,  
7 ch. 98-227, Laws of Florida, is substantively  
8 the same as former s. 370.092(4), which was  
9 repealed by s. 13, ch. 98-227.

10  
11 Section 5. Subsection (3) of section 370.12, Florida  
12 Statutes, is amended to read:

13 370.12 Marine animals; regulation.--

14 (3) PROTECTION OF MAMMALIAN DOLPHINS (PORPOISES).--It  
15 is unlawful to catch, attempt to catch, molest, injure, kill,  
16 or annoy, or otherwise interfere with the normal activity and  
17 well-being of, mammalian dolphins (porpoises), except as may  
18 be authorized by ~~as~~ a federal permit.

19  
20 Reviser's note.--Amended to facilitate correct  
21 interpretation.

22  
23 Section 6. Subsection (1) of section 372.5712, Florida  
24 Statutes, is amended to read:

25 372.5712 Florida waterfowl permit revenues.--

26 (1) The commission shall expend the revenues generated  
27 from the sale of the Florida waterfowl permit as provided in  
28 s. 372.57(4)(a) or that pro rata portion of any license that  
29 includes waterfowl hunting privileges, as provided in s.  
30 372.57(2)(k) and (14)(b)~~372.57(2)(i) and (14)(b)~~ as follows:  
31 A maximum of 5 percent of the gross revenues shall be expended

1 for administrative costs; a maximum of 25 percent of the gross  
2 revenues shall be expended for waterfowl research approved by  
3 the commission; and a maximum of 70 percent of the gross  
4 revenues shall be expended for projects approved by the  
5 commission, in consultation with the Waterfowl Advisory  
6 Council, for the purpose of protecting and propagating  
7 migratory waterfowl and for the development, restoration,  
8 maintenance, and preservation of wetlands within the state.

9  
10 Reviser's note.--Amended to conform to the  
11 redesignation of paragraphs of s. 372.57(2) by  
12 s. 37, ch. 2000-362, Laws of Florida.

13  
14 Section 7. Subsection (1) of section 372.5715, Florida  
15 Statutes, is amended to read:

16 372.5715 Florida wild turkey permit revenues.--  
17 (1) The commission shall expend the revenues generated  
18 from the sale of the turkey permit as provided for in s.  
19 372.57(4)(e) or that pro rata portion of any license that  
20 includes turkey hunting privileges as provided for in s.  
21 372.57(2)(k) and (14)(b)~~372.57(2)(i) and (14)(b)~~ for research  
22 and management of wild turkeys.

23  
24 Reviser's note.--Amended to conform to the  
25 redesignation of paragraphs of s. 372.57(2) by  
26 s. 37, ch. 2000-362, Laws of Florida.

27  
28 Section 8. Subsection (7) of section 373.4135, Florida  
29 Statutes, is amended to read:

30 373.4135 Mitigation banks and offsite regional  
31 mitigation.--

1           (7) The department, water management districts, and  
2 local governments may elect to establish and manage mitigation  
3 sites, including regional offsite mitigation areas, or  
4 contract with permitted mitigation banks, to provide  
5 mitigation options for private single-family lots or  
6 homeowners. The department, water management districts, and  
7 local governments shall provide a written notice of their  
8 election under this subsection ~~paragraph~~ by United States mail  
9 to those individuals who have requested, in writing, to  
10 receive such notice. The use of mitigation options established  
11 under this subsection are not subject to the  
12 full-cost-accounting provision of s. 373.414(1)(b)1. To use a  
13 mitigation option established under this subsection, the  
14 applicant for a permit under this part must be a private,  
15 single-family lot or homeowner, and the land upon which the  
16 adverse impact is located must be intended for use as a  
17 single-family residence by the current owner. The applicant  
18 must not be a corporation, partnership, or other business  
19 entity. However, the provisions of this subsection shall not  
20 apply to other entities that establish offsite regional  
21 mitigation as defined in this section and s. 373.403.

22  
23           Reviser's note.--Amended to correct an apparent  
24 error. Subsection (7) is not divided into  
25 paragraphs.

26  
27           Section 9. Paragraphs (a), (b), and (c) of subsection  
28 (2) of section 373.4593, Florida Statutes, are repealed.

29  
30           Reviser's note.--Repealed to delete language  
31 that is obsolete; paragraphs (2)(a) and (b)

1 provide that by June 1, 1994, the South Florida  
2 Water Management District must request the  
3 Federal Government to become a joint sponsor  
4 and take all action to expedite or waive  
5 necessary federal approvals needed to implement  
6 an emergency interim plan to restore Florida  
7 Bay. Paragraph (2)(c) provides that by July 1,  
8 1994, the South Florida Water Management  
9 District must file for any necessary federal  
10 approvals.

11  
12 Section 10. Subsection (1) of section 375.021, Florida  
13 Statutes, is amended to read:

14 375.021 Comprehensive multipurpose outdoor recreation  
15 plan.--

16 (1) The department is given the responsibility,  
17 authority, and power to develop and execute a comprehensive  
18 multipurpose outdoor recreation plan for this state with the  
19 cooperation of the Department of Agriculture and Consumer  
20 Services, the Department of Transportation, the Fish and  
21 Wildlife Conservation Commission, the Florida Commission on  
22 Tourism ~~Department of Commerce~~, and the water management  
23 districts.

24  
25 Reviser's note.--Amended to conform to the  
26 repeal of s. 20.17, creating the Department of  
27 Commerce, by s. 3, ch. 96-320, Laws of Florida,  
28 and the assumption of its obligations regarding  
29 the comprehensive multipurpose outdoor  
30 recreation plan by the Florida Commission on  
31 Tourism.

1           Section 11. Section 375.045, Florida Statutes, is  
2 reenacted to read:

3           375.045 Florida Preservation 2000 Trust Fund.--

4           (1) There is created the Florida Preservation 2000  
5 Trust Fund to carry out the purposes of ss. 259.032, 259.101,  
6 and 375.031. The Florida Preservation 2000 Trust Fund shall be  
7 held and administered by the Department of Environmental  
8 Protection. Proceeds from the sale of revenue bonds issued  
9 pursuant to s. 375.051 and payable from moneys transferred to  
10 the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a),  
11 not to exceed \$3 billion, shall be deposited into this trust  
12 fund to be distributed as provided in s. 259.101(3). The bond  
13 resolution adopted by the governing board of the Division of  
14 Bond Finance may provide for additional provisions that govern  
15 the disbursement of the bond proceeds.

16           (2) The Department of Environmental Protection shall  
17 distribute revenues from the Florida Preservation 2000 Trust  
18 Fund only to programs of state agencies or local governments  
19 as set out in s. 259.101(3). Excluding distributions to the  
20 Save Our Everglades Trust Fund, such distributions shall be  
21 spent by the recipient within 90 days after the date on which  
22 the Department of Environmental Protection initiates the  
23 transfer.

24           (3) Any agency or district which acquires lands using  
25 Preservation 2000 funds, as distributed pursuant to this  
26 section and s. 259.101(3), shall manage the lands to make them  
27 available for public recreational use, provided that the  
28 recreational use does not interfere with the protection of  
29 natural resource values. Any such agency or district may enter  
30 into agreements with the Department of Environmental  
31 Protection or other appropriate state agencies to transfer

1 management authority to or to lease to such agencies lands  
2 purchased with Preservation 2000 funds, for the purpose of  
3 managing the lands to make them available for public  
4 recreational use. The water management districts and the  
5 Department of Environmental Protection shall take action to  
6 control the growth of nonnative invasive plant species on  
7 lands they manage which are purchased with Preservation 2000  
8 funds.

9 (4) The Department of Environmental Protection shall  
10 ensure that the proceeds from the sale of revenue bonds issued  
11 pursuant to s. 375.051 and payable from moneys transferred to  
12 the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a)  
13 shall be administered and expended in a manner that ensures  
14 compliance of each issue of revenue bonds that are issued on  
15 the basis that interest thereon will be excluded from gross  
16 income for federal income tax purposes, with the applicable  
17 provisions of the United States Internal Revenue Code and the  
18 regulations promulgated thereunder, to the extent necessary to  
19 preserve the exclusion of interest on such revenue bonds from  
20 gross income for federal income tax purposes. The Department  
21 of Environmental Protection shall have the authority to  
22 administer the use and disbursement of the proceeds of such  
23 revenue bonds or require that the use and disbursement thereof  
24 be administered in such a manner as shall be necessary to  
25 implement strategies to maximize any available benefits under  
26 the applicable provisions of the United States Internal  
27 Revenue Code or regulations promulgated thereunder, to the  
28 extent not inconsistent with the purposes identified in s.  
29 259.101(3).

30  
31

1 Upon a determination by the Department of Environmental  
2 Protection that proceeds being held in the trust fund to  
3 support distributions outside the Department of Environmental  
4 Protection are not likely to be disbursed in accordance with  
5 the foregoing considerations, the Department of Environmental  
6 Protection shall petition the Governor and Cabinet to allow  
7 for the immediate disbursement of such funds for the  
8 acquisition of projects approved for purchase pursuant to the  
9 provisions of chapter 259.

10  
11 Reviser's note.--Section 6, ch. 2000-129, Laws  
12 of Florida, purported to amend subsection (2),  
13 but failed to republish the flush left language  
14 at the end of the section. In the absence of  
15 affirmative evidence that the Legislature  
16 intended to repeal the flush left language, s.  
17 375.045 is reenacted to confirm that the  
18 omission was not intended.

19  
20 Section 12. Subsection (7) of section 376.30713,  
21 Florida Statutes, is repealed, and subsection (2) of that  
22 section is amended to read:

23 376.30713 Preapproved advanced cleanup.--

24 (2) ~~Beginning January 1, 1997,~~The department is  
25 authorized to approve an application for preapproved advanced  
26 cleanup at eligible sites, prior to funding based on the  
27 site's priority ranking established pursuant to s.  
28 376.3071(5)(a), in accordance with the provisions of this  
29 section. Persons who qualify as an applicant under the  
30 provisions of this section shall only include the facility  
31



1 owner or operator or the person otherwise responsible for site  
2 rehabilitation.

3 (a) Preapproved advanced cleanup applications may be  
4 submitted between May 1 and June 30 and between November 1 and  
5 December 31 of each fiscal year. Applications submitted  
6 between May 1 and June 30 shall be for the fiscal year  
7 beginning July 1. ~~Initial applications shall be submitted~~  
8 ~~between November 1 and December 31, 1996.~~ An application  
9 shall consist of:

10 1. A commitment to pay no less than 25 percent of the  
11 total cleanup cost deemed recoverable under the provisions of  
12 this section along with proof of the ability to pay the cost  
13 share.

14 2. A nonrefundable review fee of \$250 to cover the  
15 administrative costs associated with the department's review  
16 of the application.

17 3. A limited contamination assessment report.

18 4. A proposed course of action.

19

20 The limited contamination assessment report shall be  
21 sufficient to support the proposed course of action and to  
22 estimate the cost of the proposed course of action. Any costs  
23 incurred related to conducting the limited contamination  
24 assessment report are not refundable from the Inland  
25 Protection Trust Fund. Site eligibility under this subsection,  
26 or any other provision of this section, shall not constitute  
27 an entitlement to preapproved advanced cleanup or continued  
28 restoration funding. The applicant shall certify to the  
29 department that the applicant has the prerequisite authority  
30 to enter into a preapproved advanced cleanup contract with the  
31

1 department. This certification shall be submitted with the  
2 application.

3 (b) The department shall rank the applications based  
4 on the percentage of cost-sharing commitment proposed by the  
5 applicant, with the highest ranking given to the applicant  
6 that proposes the highest percentage of cost sharing. If the  
7 department receives applications that propose identical  
8 cost-sharing commitments and which exceed the funds available  
9 to commit to all such proposals during the preapproved  
10 advanced cleanup application period, the department shall  
11 proceed to rerank those applicants. Those applicants  
12 submitting identical cost-sharing proposals which exceed  
13 funding availability shall be so notified by the department  
14 and shall be offered the opportunity to raise their individual  
15 cost-share commitments, in a period of time specified in the  
16 notice. At the close of the period, the department shall  
17 proceed to rerank the applications in accordance with this  
18 paragraph.

19  
20 Reviser's note.--Subsection (2) is amended to  
21 delete obsolete references to past dates.  
22 Subsection (7), requiring legislative review of  
23 s. 376.30713 prior to March 1, 2001, is  
24 repealed.

25  
26 Section 13. Paragraph (h) of subsection (3) of section  
27 377.703, Florida Statutes, is amended to read:

28 377.703 Additional functions of the Department of  
29 Community Affairs; energy emergency contingency plan; federal  
30 and state conservation programs.--

31

1           (3) DEPARTMENT OF COMMUNITY AFFAIRS; DUTIES.--The  
2 Department of Community Affairs shall, in addition to assuming  
3 the duties and responsibilities provided by ss. 20.18 and  
4 377.701, perform the following functions consistent with the  
5 development of a state energy policy:

6           (h) Promote the development and use of renewable  
7 energy resources, in conformance with the provisions of  
8 chapter 187 and s. 377.601, by:

9           1. Establishing goals and strategies for increasing  
10 the use of solar energy in this state.

11           2. Aiding and promoting the commercialization of solar  
12 energy technology, in cooperation with the Florida Solar  
13 Energy Center, Enterprise Florida, Inc.~~the Department of~~  
14 ~~Commerce~~, and any other federal, state, or local governmental  
15 agency which may seek to promote research, development, and  
16 demonstration of solar energy equipment and technology.

17           3. Identifying barriers to greater use of solar energy  
18 systems in this state, and developing specific recommendations  
19 for overcoming identified barriers, with findings and  
20 recommendations to be submitted annually in the report to the  
21 Legislature required under paragraph (f).

22           4. In cooperation with the Department of  
23 Transportation, Enterprise Florida, Inc.~~the Department of~~  
24 ~~Commerce~~, the Florida Solar Energy Center, and the Florida  
25 Solar Energy Industries Association, investigating  
26 opportunities, pursuant to the National Energy Policy Act of  
27 1992 and the Housing and Community Development Act of 1992,  
28 for solar electric vehicles and other solar energy  
29 manufacturing, distribution, installation, and financing  
30 efforts which will enhance this state's position as the leader  
31 in solar energy research, development, and use.

1           5. Undertaking other initiatives to advance the  
2 development and use of renewable energy resources in this  
3 state.

4  
5 In the exercise of its responsibilities under this paragraph,  
6 the department shall seek the assistance of the solar energy  
7 industry in this state and other interested parties and is  
8 authorized to enter into contracts, retain professional  
9 consulting services, and expend funds appropriated by the  
10 Legislature for such purposes.

11  
12           Reviser's note.--Amended to conform to the  
13 repeal of s. 20.17, which created the  
14 Department of Commerce, by s. 3, ch. 96-320,  
15 Laws of Florida, and the replacement of the  
16 department with Enterprise Florida, Inc., for  
17 purposes of providing assistance in the area of  
18 solar energy pursuant to s. 288.041.

19  
20           Section 14. Section 380.012, Florida Statutes, is  
21 amended to read:

22           380.012 Short title.--Sections 380.012, 380.021,  
23 380.031, 380.04, 380.05, 380.06, 380.07, and 380.08  
24 ~~380.012-380.10~~ shall be known and may be cited as "The Florida  
25 Environmental Land and Water Management Act of 1972."

26  
27           Reviser's note.--Amended to conform to the  
28 current sections comprising the referenced act  
29 as enacted by ch. 72-317, Laws of Florida.

1           Section 15. Paragraph (f) of subsection (10) of  
2 section 380.0555, Florida Statutes, is repealed, and  
3 paragraphs (c), (d), and (g) of subsection (10) of that  
4 section are amended to read:

5           380.0555 Apalachicola Bay Area; protection and  
6 designation as area of critical state concern.--

7           (10) REQUIREMENTS; LOCAL GOVERNMENTS.--

8           (c)1. The Department of Health shall survey all septic  
9 tank soil-absorption systems in the Apalachicola Bay Area to  
10 determine their suitability as onsite sewage treatment  
11 systems. Within 6 months from June 18, 1985, Franklin County  
12 and the municipalities within it, after consultation with the  
13 Department of Health and the Department of Environmental  
14 Protection Regulation, shall develop a program designed to  
15 correct any onsite sewage treatment systems that might  
16 endanger the water quality of the bay.

17           2. Franklin County and the municipalities within it  
18 shall, within 9 months from June 18, 1985, enact by ordinance  
19 procedures implementing this program. These procedures shall  
20 include notification to owners of unacceptable septic tanks  
21 and procedures for correcting unacceptable septic tanks.  
22 These ordinances shall not be effective until approved by the  
23 Department of Health and the Department of Environmental  
24 Protection Regulation.

25           (d) Franklin County and the municipalities within it  
26 shall, within 12 months from June 18, 1985, establish by  
27 ordinance a map of "pollution-sensitive segments of the  
28 critical shoreline" within the Apalachicola Bay Area, which  
29 ordinance shall not be effective until approved by the  
30 Department of Health and the Department of Environmental  
31 Protection Regulation. Franklin County and the municipalities

1 within it, after the effective date of these ordinances, shall  
2 no longer grant permits for onsite wastewater disposal systems  
3 in pollution-sensitive segments of the critical shoreline,  
4 except for those onsite wastewater systems that will not  
5 degrade water quality in the river or bay. These ordinances  
6 shall not become effective until approved by the resource  
7 planning and management committee. Until such ordinances  
8 become effective, the Franklin County Health Department shall  
9 not give a favorable recommendation to the granting of a  
10 septic tank variance pursuant to section (1) of Ordinance  
11 79-8, adopted on June 22, 1979, by the Franklin County Board  
12 of County Commissioners and filed with the Secretary of State  
13 on June 27, 1979, or issue a permit for a septic tank or  
14 alternative waste disposal system pursuant to Ordinance 81-5,  
15 adopted on June 22, 1981, by the Franklin County Board of  
16 County Commissioners and filed with the Secretary of State on  
17 June 30, 1981, as amended as set forth in subparagraph  
18 (8)(a)2., unless the Franklin County Health Department  
19 certifies, in writing, that the use of such system will be  
20 consistent with paragraph (7)(f) and subsection (8).

21 (f)~~(g)~~ Franklin County and the municipalities within  
22 it shall, beginning 12 months from June 18, 1985, prepare  
23 semiannual reports on the implementation of paragraphs (b)-(e)  
24 ~~(b)-(f)~~ on the environmental status of the Apalachicola Bay  
25 Area. The state land planning agency may prescribe additional  
26 detailed information required to be reported. Each report  
27 shall be delivered to the resource planning and management  
28 committee and the state land planning agency for review and  
29 recommendations. The state land planning agency shall review  
30 each report and consider such reports when making  
31

1 recommendations to the Administration Commission pursuant to  
2 subsection (9).

3  
4 Reviser's note.--Paragraph (10)(f), which  
5 related to a report to be submitted within 12  
6 months from June 18, 1985, is repealed because  
7 it has served its purpose. Paragraphs (10)(c)  
8 and (d) are amended to conform to the transfer  
9 of all legal authority and action of the  
10 Department of Environmental Regulation to the  
11 Department of Environmental Protection by s. 3,  
12 ch. 93-213, Laws of Florida. Paragraph (10)(g)  
13 is amended to conform to the repeal of  
14 paragraph (10)(f).

15  
16 Section 16. Paragraph (e) of subsection (1) of section  
17 381.003, Florida Statutes, is amended to read:

18 381.003 Communicable disease and AIDS prevention and  
19 control.--

20 (1) The department shall conduct a communicable  
21 disease prevention and control program as part of fulfilling  
22 its public health mission. A communicable disease is any  
23 disease caused by transmission of a specific infectious agent,  
24 or its toxic products, from an infected person, an infected  
25 animal, or the environment to a susceptible host, either  
26 directly or indirectly. The communicable disease program must  
27 include, but need not be limited to:

28 (e) Programs for the prevention and control of  
29 vaccine-preventable diseases, including programs to immunize  
30 school children as required by s. 232.032 and the development  
31 of an automated, electronic, and centralized database or

1 registry of immunizations. The department shall ensure that  
2 all children in this state are immunized against  
3 vaccine-preventable diseases. The immunization registry shall  
4 allow the department to enhance current immunization  
5 activities for the purpose of improving the immunization of  
6 all children in this state.

7           1. Except as provided in subparagraph 2., the  
8 department shall include all children born in this state in  
9 the immunization registry by using the birth records from the  
10 Office of Vital Statistics. The department shall add other  
11 children to the registry as immunization services are  
12 provided.

13           2. The parent or guardian of a child may refuse to  
14 have the child included in the immunization registry by  
15 signing a form obtained from the department, or from the  
16 health care practitioner or entity that provides the  
17 immunization, which indicates that the parent or guardian does  
18 not wish to have the child included in the immunization  
19 registry. The decision to not participate in the immunization  
20 registry must be noted in the registry.

21           3. The immunization registry shall allow for  
22 immunization records to be electronically transferred to  
23 entities that are required by law to have such records,  
24 including schools, licensed child care facilities, and any  
25 other entity that is required by law to obtain proof of a  
26 child's immunizations.

27           4. Any health care practitioner licensed under chapter  
28 458, chapter 459, or chapter 464 in this state who complies  
29 with rules adopted by the department to access the  
30 immunization registry may, through the immunization registry,  
31 directly access immunization records and update a child's



1 immunization history or exchange immunization information with  
2 another authorized practitioner, entity, or agency involved in  
3 a child's care. The information included in the immunization  
4 registry must include the child's name, date of birth,  
5 address, and any other unique identifier necessary to  
6 correctly identify the child; the immunization record,  
7 including the date, type of administered vaccine, and vaccine  
8 lot number; and the presence or absence of any adverse  
9 reaction or contraindication related to the immunization.  
10 Information received by the department for the immunization  
11 registry retains its status as confidential medical  
12 information and the department must maintain the  
13 confidentiality of that information as otherwise required by  
14 law. A health care practitioner or other agency that obtains  
15 information from the immunization registry must maintain the  
16 confidentiality of any medical records in accordance with s.  
17 456.057 ~~455.667~~ or as otherwise required by law.

18

19 Reviser's note.--Amended to conform to the  
20 redesignation of s. 455.667 as s. 456.057 by s.  
21 79, ch. 2000-160, Laws of Florida.

22

23 Section 17. Paragraph (e) of subsection (3) of section  
24 381.004, Florida Statutes, is amended to read:

25 381.004 HIV testing.--

26 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED  
27 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

28 (e) Except as provided in this section, the identity  
29 of any person upon whom a test has been performed and test  
30 results are confidential and exempt from the provisions of s.  
31 119.07(1). No person who has obtained or has knowledge of a

1 test result pursuant to this section may disclose or be  
2 compelled to disclose the identity of any person upon whom a  
3 test is performed, or the results of such a test in a manner  
4 which permits identification of the subject of the test,  
5 except to the following persons:

6 1. The subject of the test or the subject's legally  
7 authorized representative.

8 2. Any person, including third-party payors,  
9 designated in a legally effective release of the test results  
10 executed prior to or after the test by the subject of the test  
11 or the subject's legally authorized representative. The test  
12 subject may in writing authorize the disclosure of the test  
13 subject's HIV test results to third party payors, who need not  
14 be specifically identified, and to other persons to whom the  
15 test subject subsequently issues a general release of medical  
16 information. A general release without such prior written  
17 authorization is not sufficient to release HIV test results.

18 3. An authorized agent or employee of a health  
19 facility or health care provider if the health facility or  
20 health care provider itself is authorized to obtain the test  
21 results, the agent or employee participates in the  
22 administration or provision of patient care or handles or  
23 processes specimens of body fluids or tissues, and the agent  
24 or employee has a need to know such information. The  
25 department shall adopt a rule defining which persons have a  
26 need to know pursuant to this subparagraph.

27 4. Health care providers consulting between themselves  
28 or with health care facilities to determine diagnosis and  
29 treatment. For purposes of this subparagraph, health care  
30 providers shall include licensed health care professionals  
31 employed by or associated with state, county, or municipal

1 detention facilities when such health care professionals are  
2 acting exclusively for the purpose of providing diagnoses or  
3 treatment of persons in the custody of such facilities.

4 5. The department, in accordance with rules for  
5 reporting and controlling the spread of disease, as otherwise  
6 provided by state law.

7 6. A health facility or health care provider which  
8 procures, processes, distributes, or uses:

9 a. A human body part from a deceased person, with  
10 respect to medical information regarding that person; or

11 b. Semen provided prior to July 6, 1988, for the  
12 purpose of artificial insemination.

13 7. Health facility staff committees, for the purposes  
14 of conducting program monitoring, program evaluation, or  
15 service reviews pursuant to chapters 395 and 766.

16 8. Authorized medical or epidemiological researchers  
17 who may not further disclose any identifying characteristics  
18 or information.

19 9. A person allowed access by a court order which is  
20 issued in compliance with the following provisions:

21 a. No court of this state shall issue such order  
22 unless the court finds that the person seeking the test  
23 results has demonstrated a compelling need for the test  
24 results which cannot be accommodated by other means. In  
25 assessing compelling need, the court shall weigh the need for  
26 disclosure against the privacy interest of the test subject  
27 and the public interest which may be disserved by disclosure  
28 which deters blood, organ, and semen donation and future human  
29 immunodeficiency virus-related testing or which may lead to  
30 discrimination. This paragraph shall not apply to blood bank  
31 donor records.

1           b. Pleadings pertaining to disclosure of test results  
2 shall substitute a pseudonym for the true name of the subject  
3 of the test. The disclosure to the parties of the subject's  
4 true name shall be communicated confidentially in documents  
5 not filed with the court.

6           c. Before granting any such order, the court shall  
7 provide the individual whose test result is in question with  
8 notice and a reasonable opportunity to participate in the  
9 proceedings if he or she is not already a party.

10           d. Court proceedings as to disclosure of test results  
11 shall be conducted in camera, unless the subject of the test  
12 agrees to a hearing in open court or unless the court  
13 determines that a public hearing is necessary to the public  
14 interest and the proper administration of justice.

15           e. Upon the issuance of an order to disclose test  
16 results, the court shall impose appropriate safeguards against  
17 unauthorized disclosure which shall specify the persons who  
18 may have access to the information, the purposes for which the  
19 information shall be used, and appropriate prohibitions on  
20 future disclosure.

21           10. A person allowed access by order of a judge of  
22 compensation claims of the Division of Workers' Compensation  
23 of the Department of Labor and Employment Security. A judge  
24 of compensation claims shall not issue such order unless he or  
25 she finds that the person seeking the test results has  
26 demonstrated a compelling need for the test results which  
27 cannot be accommodated by other means.

28           11. Those employees of the department or of  
29 child-placing or child-caring agencies or of family foster  
30 homes, licensed pursuant to s. 409.175, who are directly  
31 involved in the placement, care, control, or custody of such

1 test subject and who have a need to know such information;  
2 adoptive parents of such test subject; or any adult custodian,  
3 any adult relative, or any person responsible for the child's  
4 welfare, if the test subject was not tested under subparagraph  
5 (b)2. and if a reasonable attempt has been made to locate and  
6 inform the legal guardian of a test result. The department  
7 shall adopt a rule to implement this subparagraph.

8 12. Those employees of residential facilities or of  
9 community-based care programs that care for developmentally  
10 disabled persons, pursuant to chapter 393, who are directly  
11 involved in the care, control, or custody of such test subject  
12 and who have a need to know such information.

13 13. A health care provider involved in the delivery of  
14 a child can note the mother's HIV test results in the child's  
15 medical record.

16 14. Medical personnel or nonmedical personnel who have  
17 been subject to a significant exposure during the course of  
18 medical practice or in the performance of professional duties,  
19 or individuals who are the subject of the significant exposure  
20 as provided in subparagraphs (h)10.-12. ~~(h)10., 11., and 13.~~

21 15. The medical examiner shall disclose positive HIV  
22 test results to the department in accordance with rules for  
23 reporting and controlling the spread of disease.

24  
25 Reviser's note.--Amended to correct an apparent  
26 error and facilitate correct interpretation.

27 Subparagraph (3)(h)12. references significant  
28 exposure; subparagraph (3)(h)13. does not.

29  
30 Section 18. Subsection (3) of section 381.0045,  
31 Florida Statutes, is repealed.

1 Reviser's note.--The cited subsection relates  
2 to a 2-year pilot program to provide outreach  
3 services to high-risk pregnant women in five  
4 specified counties, effective October 1, 1998.

5  
6 Section 19. Paragraph (t) of subsection (4) of section  
7 381.0065, Florida Statutes, is amended to read:

8 381.0065 Onsite sewage treatment and disposal systems;  
9 regulation.--

10 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person  
11 may not construct, repair, modify, abandon, or operate an  
12 onsite sewage treatment and disposal system without first  
13 obtaining a permit approved by the department. The department  
14 may issue permits to carry out this section, but shall not  
15 make the issuance of such permits contingent upon prior  
16 approval by the Department of Environmental Protection. A  
17 construction permit is valid for 18 months from the issuance  
18 date and may be extended by the department for one 90-day  
19 period under rules adopted by the department. A repair permit  
20 is valid for 90 days from the date of issuance. An operating  
21 permit must be obtained prior to the use of any aerobic  
22 treatment unit or if the establishment generates commercial  
23 waste. Buildings or establishments that use an aerobic  
24 treatment unit or generate commercial waste shall be inspected  
25 by the department at least annually to assure compliance with  
26 the terms of the operating permit. The operating permit is  
27 valid for 1 year from the date of issuance and must be renewed  
28 annually. If all information pertaining to the siting,  
29 location, and installation conditions or repair of an onsite  
30 sewage treatment and disposal system remains the same, a  
31 construction or repair permit for the onsite sewage treatment

1 and disposal system may be transferred to another person, if  
2 the transferee files, within 60 days after the transfer of  
3 ownership, an amended application providing all corrected  
4 information and proof of ownership of the property. There is  
5 no fee associated with the processing of this supplemental  
6 information. A person may not contract to construct, modify,  
7 alter, repair, service, abandon, or maintain any portion of an  
8 onsite sewage treatment and disposal system without being  
9 registered under part III of chapter 489. A property owner  
10 who personally performs construction, maintenance, or repairs  
11 to a system serving his or her own owner-occupied  
12 single-family residence is exempt from registration  
13 requirements for performing such construction, maintenance, or  
14 repairs on that residence, but is subject to all permitting  
15 requirements. A municipality or political subdivision of the  
16 state may not issue a building or plumbing permit for any  
17 building that requires the use of an onsite sewage treatment  
18 and disposal system unless the owner or builder has received a  
19 construction permit for such system from the department. A  
20 building or structure may not be occupied and a municipality,  
21 political subdivision, or any state or federal agency may not  
22 authorize occupancy until the department approves the final  
23 installation of the onsite sewage treatment and disposal  
24 system. A municipality or political subdivision of the state  
25 may not approve any change in occupancy or tenancy of a  
26 building that uses an onsite sewage treatment and disposal  
27 system until the department has reviewed the use of the system  
28 with the proposed change, approved the change, and amended the  
29 operating permit.

30 (t) Notwithstanding the provisions of subparagraph  
31 (g)1.(f)1., onsite sewage treatment and disposal systems

1 located in floodways of the Suwannee and Aucilla Rivers must  
2 adhere to the following requirements:

3           1. The absorption surface of the drainfield shall not  
4 be subject to flooding based on 10-year flood elevations.  
5 Provided, however, for lots or parcels created by the  
6 subdivision of land in accordance with applicable local  
7 government regulations prior to January 17, 1990, if an  
8 applicant cannot construct a drainfield system with the  
9 absorption surface of the drainfield at an elevation equal to  
10 or above 10-year flood elevation, the department shall issue a  
11 permit for an onsite sewage treatment and disposal system  
12 within the 10-year floodplain of rivers, streams, and other  
13 bodies of flowing water if all of the following criteria are  
14 met:

15           a. The lot is at least one-half acre in size;  
16           b. The bottom of the drainfield is at least 36 inches  
17 above the 2-year flood elevation; and  
18           c. The applicant installs either: a waterless,  
19 incinerating, or organic waste composting toilet and a  
20 graywater system and drainfield in accordance with department  
21 rules; an aerobic treatment unit and drainfield in accordance  
22 with department rules; a system approved by the State Health  
23 Office that is capable of reducing effluent nitrate by at  
24 least 50 percent; or a system approved by the county health  
25 department pursuant to department rule other than a system  
26 using alternative drainfield materials. The United States  
27 Department of Agriculture Soil Conservation Service soil maps,  
28 State of Florida Water Management District data, and Federal  
29 Emergency Management Agency Flood Insurance maps are resources  
30 that shall be used to identify flood-prone areas.

31



1           2. The use of fill or mounding to elevate a drainfield  
 2 system out of the 10-year floodplain of rivers, streams, or  
 3 other bodies of flowing water shall not be permitted if such a  
 4 system lies within a regulatory floodway of the Suwannee and  
 5 Aucilla Rivers. In cases where the 10-year flood elevation  
 6 does not coincide with the boundaries of the regulatory  
 7 floodway, the regulatory floodway will be considered for the  
 8 purposes of this subsection to extend at a minimum to the  
 9 10-year flood elevation.

10  
 11           Reviser's note.--Amended to conform to the  
 12           redesignation of paragraphs of subsection (4)  
 13           by s. 1, ch. 99-395, Laws of Florida.

14  
 15           Section 20. Subsections (1) and (3), paragraph (a) of  
 16 subsection (5), and subsection (7) of section 381.0303,  
 17 Florida Statutes, are amended to read:

18           381.0303 Health practitioner recruitment for special  
 19 needs shelters.--

20           (1) PURPOSE.--The purpose of this section is to  
 21 designate the Department of Health, through its county health  
 22 departments, as the lead agency for coordination of the  
 23 recruitment of health care practitioners, as defined in s.  
 24 456.001(4)~~455.501(4)~~, to staff special needs shelters in  
 25 times of emergency or disaster and to provide resources to the  
 26 department to carry out this responsibility. However, nothing  
 27 in this section prohibits a county health department from  
 28 entering into an agreement with a local emergency management  
 29 agency to assume the lead responsibility for recruiting health  
 30 care practitioners.

1           (3) REIMBURSEMENT TO HEALTH CARE PRACTITIONERS.--The  
2 Department of Health shall reimburse, subject to the  
3 availability of funds for this purpose, health care  
4 practitioners, as defined in s. 456.001 ~~455.501~~, provided the  
5 practitioner is not providing care to a patient under an  
6 existing contract, and emergency medical technicians and  
7 paramedics licensed pursuant to chapter 401 for medical care  
8 provided at the request of the department in special needs  
9 shelters or at other locations during times of emergency or  
10 major disaster. Reimbursement for health care practitioners,  
11 except for physicians licensed pursuant to chapter 458 or  
12 chapter 459, shall be based on the average hourly rate that  
13 such practitioners were paid according to the most recent  
14 survey of Florida hospitals conducted by the Florida Hospital  
15 Association. Reimbursement shall be requested on forms  
16 prepared by the Department of Health. If a Presidential  
17 Disaster Declaration has been made, and the Federal Government  
18 makes funds available, the department shall use such funds for  
19 reimbursement of eligible expenditures. In other situations,  
20 or if federal funds do not fully compensate the department for  
21 reimbursement made pursuant to this section, the department  
22 shall submit to the Cabinet or Legislature, as appropriate, a  
23 budget amendment to obtain reimbursement from the working  
24 capital fund. Travel expense and per diem costs shall be  
25 reimbursed pursuant to s. 112.061.

26           (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The  
27 Department of Health may establish a special needs shelter  
28 interagency committee, to be chaired and staffed by the  
29 department. The committee shall resolve problems related to  
30 special needs shelters not addressed in the state  
31 comprehensive emergency medical plan and shall serve as an

1 oversight committee to monitor the planning and operation of  
2 special needs shelters.

3 (a) The committee may:

4 ~~1. On or before January 1, 2001, resolve questions~~  
5 ~~concerning the roles and responsibilities of state agencies~~  
6 ~~and other organizations that are necessary to implement the~~  
7 ~~program.~~

8 ~~2. On or before January 1, 2001, identify any issues~~  
9 ~~requiring additional legislation and funding.~~

10 1.3. Develop and negotiate any necessary interagency  
11 agreements.

12 2.4. Undertake other such activities as the department  
13 deems necessary to facilitate the implementation of this  
14 section.

15 3.5. Submit recommendations to the Legislature as  
16 necessary.

17 (7) REVIEW OF EMERGENCY MANAGEMENT PLANS.--The  
18 submission of emergency management plans to county health  
19 departments by home health agencies pursuant to s.  
20 400.497(8)(c) and (d)~~400.497(11)(c) and (d)~~and by nurse  
21 registries pursuant to s. 400.506(16)(e) and by hospice  
22 programs pursuant to s. 400.610(1)(b) is conditional upon the  
23 receipt of an appropriation by the department to establish  
24 medical services disaster coordinator positions in county  
25 health departments unless the secretary of the department and  
26 a local county commission jointly determine to require such  
27 plans to be submitted based on a determination that there is a  
28 special need to protect public health in the local area during  
29 an emergency.

30  
31

1 Reviser's note.--Subsections (1) and (3) are  
2 amended to conform to the redesignation of s.  
3 455.501 as s. 456.001 by s. 36, ch. 2000-160,  
4 Laws of Florida. Paragraph (5)(a) is amended to  
5 delete provisions that have served their  
6 purpose. Subsection (7) is amended to conform  
7 to the redesignation of s. 400.497(11)(c) and  
8 (d) as s. 400.497(8)(c) and (d) to conform to  
9 s. 13, ch. 2000-140, Laws of Florida, and s.  
10 160, ch. 2000-318, Laws of Florida.

11  
12 Section 21. Subsection (4) and paragraph (c) of  
13 subsection (7) of section 381.90, Florida Statutes, are  
14 amended to read:

15 381.90 Health Information Systems Council; legislative  
16 intent; creation, appointment, duties.--

17 (4) Members of the council who are appointed by the  
18 Governor shall serve 2-year terms beginning January 1 through  
19 December 31, ~~except that their initial term shall be July 1,~~  
20 ~~1997, through December 31, 1998.~~ A member may be removed by  
21 the Governor for cause or if such member is absent from three  
22 consecutive meetings. Any member appointed to fill a vacancy  
23 shall serve for the unexpired term of his or her predecessor.

24 (7) The council's duties and responsibilities include,  
25 but are not limited to, the following:

26 (c) To develop a review process to ensure cooperative  
27 planning among agencies that collect or maintain  
28 health-related data. ~~The council shall submit a report on the~~  
29 ~~implementation of this requirement to the Executive Office of~~  
30 ~~the Governor, the President of the Senate, and the Speaker of~~  
31 ~~the House of Representatives by January 1, 2000.~~

1 Reviser's note.--Amended to delete obsolete  
2 provisions.

3  
4 Section 22. Paragraph (g) of subsection (2) of section  
5 383.0112, Florida Statutes, is repealed.

6  
7 Reviser's note.--The cited paragraph relates to  
8 a statewide symposium on responsible fatherhood  
9 to be held no later than December 1996.

10  
11 Section 23. Subsection (7) of section 383.50, Florida  
12 Statutes, is amended to read:

13 383.50 Treatment of abandoned newborn infant.--  
14 (7) Upon admitting a newborn infant under this  
15 section, the hospital shall immediately contact a local  
16 licensed child-placing agency or alternatively contact the  
17 statewide central abuse hotline for the name of a licensed  
18 child-placing agency for purposes of transferring physical  
19 custody of the newborn infant. The hospital shall notify the  
20 licensed child-placing agency that a newborn infant has been  
21 left with the hospital and approximately when the licensed  
22 child-placing agency can take physical custody of the child.  
23 In cases where there is actual or suspected child abuse or  
24 neglect, the hospital or any of its licensed health care  
25 professionals shall report the actual or suspected child abuse  
26 or neglect in accordance with ss. 39.201 ~~39.1023~~ and 395.1023  
27 in lieu of contacting a licensed child-placing agency.

28  
29 Reviser's note.--Amended to correct an apparent  
30 error and conform to the correct citation of

31

1 the referenced material; there is no s.  
2 39.1023.

3  
4 Section 24. Paragraph (d) of subsection (1) of section  
5 384.29, Florida Statutes, is amended to read:

6 384.29 Confidentiality.--

7 (1) All information and records held by the department  
8 or its authorized representatives relating to known or  
9 suspected cases of sexually transmissible diseases are  
10 strictly confidential and exempt from the provisions of s.  
11 119.07(1). Such information shall not be released or made  
12 public by the department or its authorized representatives, or  
13 by a court or parties to a lawsuit upon revelation by  
14 subpoena, except under the following circumstances:

15 (d) When made in a medical emergency, but only to the  
16 extent necessary to protect the health or life of a named  
17 party, or an injured officer, firefighter, paramedic, or  
18 emergency medical technician, ~~as provided in s. 796.08(6);~~ or

19  
20 Reviser's note.--Amended to delete an obsolete  
21 reference. Section 796.08(6) was repealed by s.  
22 2, ch. 94-205, Laws of Florida.

23  
24 Section 25. Subsection (1) of section 393.0641,  
25 Florida Statutes, is amended to read:

26 393.0641 Program for the prevention and treatment of  
27 severe self-injurious behavior.--

28 (1) ~~Effective July 1, 1990,~~ and Contingent upon  
29 specific appropriations, there is created a diagnostic,  
30 treatment, training, and research program for clients

31

1 exhibiting severe self-injurious behavior. This program  
2 shall:

3 (a) Serve as a resource center for information,  
4 training, and program development.

5 (b) Research the diagnosis and treatment of severe  
6 self-injurious behavior, and related disorders, and develop  
7 methods of prevention and treatment of self-injurious  
8 behavior.

9 (c) Identify individuals in critical need.

10 (d) Develop treatment programs which are meaningful to  
11 individuals with developmental disabilities, in critical need,  
12 while safeguarding and respecting the legal and human rights  
13 of the individuals.

14 (e) Disseminate research findings on the prevention  
15 and treatment of severe self-injurious behavior.

16 (f) Collect data on the type, severity, incidence, and  
17 demographics of individuals with severe self-injurious  
18 behavior, and disseminate the data.

19

20 Reviser's note.--Amended to delete a provision  
21 that has served its purpose.

22

23 Section 26. Subsection (12) of section 394.875,  
24 Florida Statutes, is amended to read:

25 394.875 Crisis stabilization units, residential  
26 treatment facilities, and residential treatment centers for  
27 children and adolescents; authorized services; license  
28 required; penalties.--

29 (12) Notwithstanding the other provisions of this  
30 section, any facility licensed under former chapter ~~chapters~~  
31 396 and chapter 397 for detoxification, residential level I

1 care, and outpatient treatment may elect to license  
2 concurrently all of the beds at such facility both for that  
3 purpose and as a long-term residential treatment facility  
4 pursuant to this section, if all of the following conditions  
5 are met:

6 (a) The licensure application is received by the  
7 department prior to January 1, 1993.

8 (b) On January 1, 1993, the facility was licensed  
9 under former chapter ~~chapters~~ 396 and chapter 397 as a  
10 facility for detoxification, residential level I care, and  
11 outpatient treatment of substance abuse.

12 (c) The facility restricted its practice to the  
13 treatment of law enforcement personnel for a period of at  
14 least 12 months beginning after January 1, 1992.

15 (d) The number of beds to be licensed under this  
16 chapter is equal to or less than the number of beds licensed  
17 under former chapter ~~chapters~~ 396 and chapter 397 as of  
18 January 1, 1993.

19 (e) The licensee agrees in writing to a condition  
20 placed upon the license that the facility will limit its  
21 treatment exclusively to law enforcement personnel and their  
22 immediate families who are seeking admission on a voluntary  
23 basis and who are exhibiting symptoms of posttraumatic stress  
24 disorder or other mental health problems, including drug or  
25 alcohol abuse, which are directly related to law enforcement  
26 work and which are amenable to verbal treatment therapies; the  
27 licensee agrees to coordinate the provision of appropriate  
28 postresidential care for discharged individuals; and the  
29 licensee further agrees in writing that a failure to meet any  
30 condition specified in this paragraph shall constitute grounds  
31



1 for a revocation of the facility's license as a residential  
2 treatment facility.

3 (f) The licensee agrees that the facility will meet  
4 all licensure requirements for a residential treatment  
5 facility, including minimum standards for compliance with  
6 lifesafety requirements, except those licensure requirements  
7 which are in express conflict with the conditions and other  
8 provisions specified in this subsection.

9 (g) The licensee agrees that the conditions stated in  
10 this subsection must be agreed to in writing by any person  
11 acquiring the facility by any means.

12

13 Any facility licensed under this subsection is not required to  
14 provide any services to any persons except those included in  
15 the specified conditions of licensure, and is exempt from any  
16 requirements related to the 60-day or greater average length  
17 of stay imposed on community-based residential treatment  
18 facilities otherwise licensed under this chapter.

19

20 Reviser's note.--Amended to conform to the  
21 repeal of chapter 396 by s. 48, ch. 93-39, Laws  
22 of Florida.

23

24 Section 27. Effective July 1, 2001, paragraph (a) of  
25 subsection (1) of section 395.0163, Florida Statutes, as  
26 amended by section 21 of chapter 2000-141, Laws of Florida, is  
27 amended to read:

28 395.0163 Construction inspections; plan submission and  
29 approval; fees.--

30 (1)(a) The design, construction, erection, alteration,  
31 modification, repair, and demolition of all public and private

1 health care facilities are governed by the Florida Building  
2 Code and the Florida Fire Prevention Code under ss. 553.73 and  
3 633.022 ~~663.022~~. In addition to the requirements of ss. 553.79  
4 and 553.80, the agency shall review facility plans and survey  
5 the construction of any facility licensed under this chapter.  
6 The agency shall make, or cause to be made, such construction  
7 inspections and investigations as it deems necessary. The  
8 agency may prescribe by rule that any licensee or applicant  
9 desiring to make specified types of alterations or additions  
10 to its facilities or to construct new facilities shall, before  
11 commencing such alteration, addition, or new construction,  
12 submit plans and specifications therefor to the agency for  
13 preliminary inspection and approval or recommendation with  
14 respect to compliance with applicable provisions of the  
15 Florida Building Code or agency rules and standards. The  
16 agency shall approve or disapprove the plans and  
17 specifications within 60 days after receipt of the fee for  
18 review of plans as required in subsection (2). The agency may  
19 be granted one 15-day extension for the review period if the  
20 director of the agency approves the extension. If the agency  
21 fails to act within the specified time, it shall be deemed to  
22 have approved the plans and specifications. When the agency  
23 disapproves plans and specifications, it shall set forth in  
24 writing the reasons for its disapproval. Conferences and  
25 consultations may be provided as necessary.

26  
27 Reviser's note.--Amended to correct an apparent  
28 error and facilitate correct interpretation.

29 Section 663.022 does not exist. Section 633.022  
30 relates to uniform firesafety standards.

31

1 Section 28. Subsection (4) of section 395.4045,  
2 Florida Statutes, is amended to read:

3 395.4045 Emergency medical service providers; trauma  
4 transport protocols; transport of trauma alert victims to  
5 trauma centers; interfacility transfer.--

6 (4) The department shall specify by rule the subjects  
7 and the minimum criteria related to prehospital trauma  
8 transport, trauma center or hospital destination  
9 determinations, and interfacility trauma transfer transport by  
10 an emergency medical services provider to be included in a  
11 trauma agency's or emergency medical service provider's trauma  
12 transport protocol and shall approve or disapprove each such  
13 protocol. Trauma transport protocol rules pertaining to the  
14 air transportation of trauma victims shall be consistent with,  
15 but not limited to, applicable Federal Aviation Administration  
16 regulation. Emergency medical services licensees and trauma  
17 agencies shall be subject to monitoring by the department,  
18 under ss. 395.401(3)~~395.401(4)~~ and 402.31(1) for compliance  
19 with requirements, as applicable, regarding trauma transport  
20 protocols and the transport of trauma victims.

21  
22 Reviser's note.--Amended to conform to the  
23 redesignation of s. 395.401(4) as s. 395.401(3)  
24 by s. 2, ch. 2000-189, Laws of Florida.

25  
26 Section 29. Paragraphs (c) and (g) of subsection (2)  
27 of section 395.602, Florida Statutes, are amended to read:

28 395.602 Rural hospitals.--

29 (2) DEFINITIONS.--As used in this part:

30 (c) "Inactive rural hospital bed" means a licensed  
31 acute care hospital bed, as defined in s. 395.002(14)

1 ~~395.002(12)~~, that is inactive in that it cannot be occupied by  
2 acute care inpatients.

3 (g) "Swing-bed" means a bed which can be used  
4 interchangeably as either a hospital, skilled nursing facility  
5 (SNF), or intermediate care facility (ICF) bed pursuant to 42  
6 ~~C.F.R. the Code of Federal Regulations~~, parts 405, 435, 440,  
7 442, and 447.

8  
9 Reviser's note.--Paragraph (2)(c) is amended to  
10 conform to the redesignation of subunits of s.  
11 395.002 to conform to s. 23, ch. 98-89, Laws of  
12 Florida, and s. 37, ch. 98-171, Laws of  
13 Florida. Paragraph (2)(g) is amended to conform  
14 to the correct citation to the referenced  
15 material.

16  
17 Section 30. Paragraph (b) of subsection (2) of section  
18 395.7015, Florida Statutes, is amended to read:

19 395.7015 Annual assessment on health care entities.--

20 (2) There is imposed an annual assessment against  
21 certain health care entities as described in this section:

22 (b) For the purpose of this section, "health care  
23 entities" include the following:

24 1. Ambulatory surgical centers and mobile surgical  
25 facilities licensed under s. 395.003. This subsection shall  
26 only apply to mobile surgical facilities operating under  
27 contracts entered into on or after July 1, 1998.

28 2. Clinical laboratories licensed under s. 483.091,  
29 excluding any hospital laboratory defined under s. 483.041(6)  
30 ~~483.041(5)~~, any clinical laboratory operated by the state or a  
31 political subdivision of the state, any clinical laboratory

1 which qualifies as an exempt organization under s. 501(c)(3)  
2 of the Internal Revenue Code of 1986, as amended, and which  
3 receives 70 percent or more of its gross revenues from  
4 services to charity patients or Medicaid patients, and any  
5 blood, plasma, or tissue bank procuring, storing, or  
6 distributing blood, plasma, or tissue either for future  
7 manufacture or research or distributed on a nonprofit basis,  
8 and further excluding any clinical laboratory which is wholly  
9 owned and operated by 6 or fewer physicians who are licensed  
10 pursuant to chapter 458 or chapter 459 and who practice in the  
11 same group practice, and at which no clinical laboratory work  
12 is performed for patients referred by any health care provider  
13 who is not a member of the same group.

14           3. Diagnostic-imaging centers that are freestanding  
15 outpatient facilities that provide specialized services for  
16 the identification or determination of a disease through  
17 examination and also provide sophisticated radiological  
18 services, and in which services are rendered by a physician  
19 licensed by the Board of Medicine under s. 458.311, s.  
20 458.313, or s. 458.317, or by an osteopathic physician  
21 licensed by the Board of Osteopathic Medicine under s.  
22 459.006, s. 459.007, or s. 459.0075. For purposes of this  
23 paragraph, "sophisticated radiological services" means the  
24 following: magnetic resonance imaging; nuclear medicine;  
25 angiography; arteriography; computed tomography; positron  
26 emission tomography; digital vascular imaging; bronchography;  
27 lymphangiography; splenography; ultrasound, excluding  
28 ultrasound providers that are part of a private physician's  
29 office practice or when ultrasound is provided by two or more  
30 physicians licensed under chapter 458 or chapter 459 who are  
31 members of the same professional association and who practice

1 in the same medical specialties; and such other sophisticated  
2 radiological services, excluding mammography, as adopted in  
3 rule by the board.

4  
5 Reviser's note.--Amended to conform to the  
6 redesignation of s. 483.041(5) as s. 483.041(6)  
7 by s. 144, ch. 99-397, Laws of Florida.

8  
9 Section 31. Section 397.405, Florida Statutes, is  
10 reenacted to read:

11 397.405 Exemptions from licensure.--The following are  
12 exempt from the licensing provisions of this chapter:

13 (1) A hospital or hospital-based component licensed  
14 under chapter 395.

15 (2) A nursing home facility as defined in s.  
16 400.021(12).

17 (3) A substance abuse education program established  
18 pursuant to s. 233.061.

19 (4) A facility or institution operated by the Federal  
20 Government.

21 (5) A physician licensed under chapter 458 or chapter  
22 459.

23 (6) A psychologist licensed under chapter 490.

24 (7) A social worker, marriage and family therapist, or  
25 mental health counselor licensed under chapter 491.

26 (8) An established and legally cognizable church or  
27 nonprofit religious organization, denomination, or sect  
28 providing substance abuse services, including prevention  
29 services, which are exclusively religious, spiritual, or  
30 ecclesiastical in nature. A church or nonprofit religious  
31 organization, denomination, or sect providing any of the

1 licensable service components itemized under s. 397.311(19) is  
2 not exempt for purposes of its provision of such licensable  
3 service components but retains its exemption with respect to  
4 all services which are exclusively religious, spiritual, or  
5 ecclesiastical in nature.

6 (9) Facilities licensed under s. 393.063(8) that, in  
7 addition to providing services to persons who are  
8 developmentally disabled as defined therein, also provide  
9 services to persons developmentally at risk as a consequence  
10 of exposure to alcohol or other legal or illegal drugs while  
11 in utero.

12 (10) DUI education and screening services required to  
13 be attended pursuant to ss. 316.192, 316.193, 322.095,  
14 322.271, and 322.291 are exempt from licensure under this  
15 chapter. Treatment programs must continue to be licensed  
16 under this chapter.

17  
18 The exemptions from licensure in this section do not apply to  
19 any facility or entity which receives an appropriation, grant,  
20 or contract from the state to operate as a service provider as  
21 defined in this chapter or to any substance abuse program  
22 regulated pursuant to s. 397.406. No provision of this  
23 chapter shall be construed to limit the practice of a  
24 physician licensed under chapter 458 or chapter 459, a  
25 psychologist licensed under chapter 490, or a psychotherapist  
26 licensed under chapter 491, providing outpatient or inpatient  
27 substance abuse treatment to a voluntary patient, so long as  
28 the physician, psychologist, or psychotherapist does not  
29 represent to the public that he or she is a licensed service  
30 provider under this act. Failure to comply with any  
31 requirement necessary to maintain an exempt status under this

1 section is a misdemeanor of the first degree, punishable as  
2 provided in s. 775.082 or s. 775.083.

3  
4 Reviser's note.--Section 9, ch. 2000-350, Laws  
5 of Florida, purported to amend subsection (2),  
6 but failed to republish the flush left language  
7 at the end of the section. In the absence of  
8 affirmative evidence that the Legislature  
9 intended to repeal the flush left language, s.  
10 397.405 is reenacted to confirm that the  
11 omission was not intended.

12  
13 Section 32. Section 400.0091, Florida Statutes, is  
14 amended to read:

15 400.0091 Training.--The ombudsman shall provide  
16 appropriate training to all employees of the Office of State  
17 Long-Term Care Ombudsman and to the state and local long-term  
18 care ombudsman councils, including all unpaid volunteers. ~~The~~  
19 ~~ombudsman shall implement the training program no later than~~  
20 ~~June 1, 1994.~~ No employee, officer, or representative of the  
21 office or of the state or local long-term care ombudsman  
22 councils, other than the ombudsman, may carry out any  
23 authorized ombudsman duty or responsibility unless the person  
24 has received the training required by this section and has  
25 been approved by the ombudsman as qualified to carry out  
26 ombudsman activities on behalf of the office or the state or  
27 local long-term care ombudsman councils.

28  
29 Reviser's note.--Amended to delete a provision  
30 that has served its purpose.

31



1 Section 33. Subsection (3) of section 400.022, Florida  
2 Statutes, is amended to read:

3 400.022 Residents' rights.--

4 (3) Any violation of the resident's rights set forth  
5 in this section shall constitute grounds for action by the  
6 agency under the provisions of s. 400.102. In order to  
7 determine whether the licensee is adequately protecting  
8 residents' rights, the annual inspection of the facility shall  
9 include private informal conversations with a sample of  
10 residents to discuss residents' experiences within the  
11 facility with respect to rights specified in this section and  
12 general compliance with standards, and consultation with the  
13 ombudsman council in the local planning and service area of  
14 the Department of Elderly Affairs in which the nursing home is  
15 located.

16  
17 Reviser's note.--Amended to improve clarity and  
18 facilitate correct interpretation.

19  
20 Section 34. Subsection (4) of section 400.023, Florida  
21 Statutes, is amended to read:

22 400.023 Civil enforcement.--

23 (4) Claimants alleging a deprivation or infringement  
24 of adequate and appropriate health care pursuant to s.  
25 400.022(1)(l)~~400.022(1)(k)~~ which resulted in personal injury  
26 to or the death of a resident shall conduct an investigation  
27 which shall include a review by a licensed physician or  
28 registered nurse familiar with the standard of nursing care  
29 for nursing home residents pursuant to this part. Any  
30 complaint alleging such a deprivation or infringement shall be  
31 accompanied by a verified statement from the reviewer that

1 there exists reason to believe that a deprivation or  
2 infringement occurred during the resident's stay at the  
3 nursing home. Such opinion shall be based on records or other  
4 information available at the time that suit is filed. Failure  
5 to provide records in accordance with the requirements of this  
6 chapter shall waive the requirement of the verified statement.

7  
8 Reviser's note.--Amended to conform to the  
9 redesignation of s. 400.022(1)(k) as s.  
10 400.022(1)(l) by s. 3, ch. 93-217, Laws of  
11 Florida.

12  
13 Section 35. Section 400.141, Florida Statutes, is  
14 amended to read:

15 400.141 Administration and management of nursing home  
16 facilities.--Every licensed facility shall comply with all  
17 applicable standards and rules of the agency and shall:

18 (1) Be under the administrative direction and charge  
19 of a licensed administrator.

20 (2) Appoint a medical director licensed pursuant to  
21 chapter 458 or chapter 459. The agency may establish by rule  
22 more specific criteria for the appointment of a medical  
23 director.

24 (3) Have available the regular, consultative, and  
25 emergency services of physicians licensed by the state.

26 (4) Provide for resident use of a community pharmacy  
27 as specified in s. 400.022(1)(q). Any other law to the  
28 contrary notwithstanding, a registered pharmacist licensed in  
29 Florida, that is under contract with a facility licensed under  
30 this chapter, shall repackage a nursing facility resident's  
31 bulk prescription medication which has been packaged by

1 another pharmacist licensed in any state in the United States  
2 into a unit dose system compatible with the system used by the  
3 nursing facility, if the pharmacist is requested to offer such  
4 service. In order to be eligible for the repackaging, a  
5 resident or the resident's spouse must receive prescription  
6 medication benefits provided through a former employer as part  
7 of his or her retirement benefits a qualified pension plan as  
8 specified in s. 4972 of the Internal Revenue Code, a federal  
9 retirement program as specified under 5 C.F.R. s. 831, or a  
10 long-term care policy as defined in s. 627.9404(1). A  
11 pharmacist who correctly repackages and relabels the  
12 medication and the nursing facility which correctly  
13 administers such repackaged medication under the provisions of  
14 this subsection shall not be held liable in any civil or  
15 administrative action arising from the repackaging. In order  
16 to be eligible for the repackaging, a nursing facility  
17 resident for whom the medication is to be repackaged shall  
18 sign an informed consent form provided by the facility which  
19 includes an explanation of the repackaging process and which  
20 notifies the resident of the immunities from liability  
21 provided herein. A pharmacist who repackages and relabels  
22 prescription medications, as authorized under this subsection,  
23 may charge a reasonable fee for costs resulting from the  
24 implementation of this provision.

25 (5) Provide for the access of the facility residents  
26 to dental and other health-related services, recreational  
27 services, rehabilitative services, and social work services  
28 appropriate to their needs and conditions and not directly  
29 furnished by the licensee. When a geriatric outpatient nurse  
30 clinic is conducted in accordance with rules adopted by the  
31 agency, outpatients attending such clinic shall not be counted

1 as part of the general resident population of the nursing home  
2 facility, nor shall the nursing staff of the geriatric  
3 outpatient clinic be counted as part of the nursing staff of  
4 the facility, until the outpatient clinic load exceeds 15 a  
5 day.

6 (6) Be allowed and encouraged by the agency to provide  
7 other needed services under certain conditions. If the  
8 facility has a standard licensure status, and has had no class  
9 I or class II deficiencies during the past 2 years or has been  
10 awarded a Gold Seal under the program established in s.  
11 400.235, it may be encouraged by the agency to provide  
12 services, including, but not limited to, respite and adult day  
13 services, which enable individuals to move in and out of the  
14 facility. A facility is not subject to any additional  
15 licensure requirements for providing these services. Respite  
16 care may be offered to persons in need of short-term or  
17 temporary nursing home services. Respite care must be provided  
18 in accordance with this part and rules adopted by the agency.  
19 However, the agency shall, by rule, adopt modified  
20 requirements for resident assessment, resident care plans,  
21 resident contracts, physician orders, and other provisions, as  
22 appropriate, for short-term or temporary nursing home  
23 services. The agency shall allow for shared programming and  
24 staff in a facility which meets minimum standards and offers  
25 services pursuant to this subsection, but, if the facility is  
26 cited for deficiencies in patient care, may require additional  
27 staff and programs appropriate to the needs of service  
28 recipients. A person who receives respite care may not be  
29 counted as a resident of the facility for purposes of the  
30 facility's licensed capacity unless that person receives  
31 24-hour respite care. A person receiving either respite care

1 for 24 hours or longer or adult day services must be included  
2 when calculating minimum staffing for the facility. Any costs  
3 and revenues generated by a nursing home facility from  
4 nonresidential programs or services shall be excluded from the  
5 calculations of Medicaid per diems for nursing home  
6 institutional care reimbursement.

7 (7) If the facility has a standard licensure status or  
8 is a Gold Seal facility, exceeds minimum staffing standards,  
9 and is part of a retirement community that offers other  
10 services pursuant to part III, part IV, or part V, be allowed  
11 to share programming and staff. At the time of relicensure, a  
12 retirement community that uses this option must demonstrate  
13 through staffing records that minimum staffing requirements  
14 for the facility were exceeded.

15 (8) Maintain the facility premises and equipment and  
16 conduct its operations in a safe and sanitary manner.

17 (9) If the licensee furnishes food service, provide a  
18 wholesome and nourishing diet sufficient to meet generally  
19 accepted standards of proper nutrition for its residents and  
20 provide such therapeutic diets as may be prescribed by  
21 attending physicians. In making rules to implement this  
22 subsection, the agency shall be guided by standards  
23 recommended by nationally recognized professional groups and  
24 associations with knowledge of dietetics.

25 (10) Keep full records of resident admissions and  
26 discharges; medical and general health status, including  
27 medical records, personal and social history, and identity and  
28 address of next of kin or other persons who may have  
29 responsibility for the affairs of the residents; and  
30 individual resident care plans including, but not limited to,  
31 prescribed services, service frequency and duration, and

1 service goals. The records shall be open to inspection by the  
2 agency.

3 (11) Keep such fiscal records of its operations and  
4 conditions as may be necessary to provide information pursuant  
5 to this part.

6 (12) Furnish copies of personnel records for employees  
7 affiliated with such facility, to any other facility licensed  
8 by this state requesting this information pursuant to this  
9 part. Such information contained in the records may include,  
10 but is not limited to, disciplinary matters and any reason for  
11 termination. Any facility releasing such records pursuant to  
12 this part shall be considered to be acting in good faith and  
13 may not be held liable for information contained in such  
14 records, absent a showing that the facility maliciously  
15 falsified such records.

16 (13) Publicly display a poster provided by the agency  
17 containing the names, addresses, and telephone numbers for the  
18 state's abuse hotline, the State Long-Term Care Ombudsman, the  
19 Agency for Health Care Administration consumer hotline, the  
20 Advocacy Center for Persons with Disabilities, the Florida  
21 Statewide Advocacy Council, and the Medicaid Fraud Control  
22 Unit, with a clear description of the assistance to be  
23 expected from each.

24

25 Facilities that have been awarded a Gold Seal under the  
26 program established in s. 400.235 may develop a plan to  
27 provide certified nursing assistant training as prescribed by  
28 federal regulations and state rules and may apply to the  
29 agency for approval of their ~~its~~ program.

30

31

1 Reviser's note.--Amended to improve clarity and  
2 facilitate correct interpretation.

3  
4 Section 36. Paragraph (a) of subsection (2) of section  
5 400.408, Florida Statutes, is amended to read:

6 400.408 Unlicensed facilities; referral of person for  
7 residency to unlicensed facility; penalties; verification of  
8 licensure status.--

9 (2) It is unlawful to knowingly refer a person for  
10 residency to an unlicensed assisted living facility; to an  
11 assisted living facility the license of which is under denial  
12 or has been suspended or revoked; or to an assisted living  
13 facility that has a moratorium on admissions. Any person who  
14 violates this subsection commits a noncriminal violation,  
15 punishable by a fine not exceeding \$500 as provided in s.  
16 775.083.

17 (a) Any health care practitioner, as defined in s.  
18 456.001 ~~455.501~~, which is aware of the operation of an  
19 unlicensed facility shall report that facility to the agency.  
20 Failure to report a facility that the practitioner knows or  
21 has reasonable cause to suspect is unlicensed shall be  
22 reported to the practitioner's licensing board.

23  
24 Reviser's note.--Amended to conform to the  
25 redesignation of s. 455.501 as s. 456.001 by s.  
26 36, ch. 2000-160, Laws of Florida.

27  
28 Section 37. Paragraph (b) of subsection (5) of section  
29 400.464, Florida Statutes, is amended to read:

30 400.464 Home health agencies to be licensed;  
31 expiration of license; exemptions; unlawful acts; penalties.--

1 (5) The following are exempt from the licensure  
2 requirements of this part:

3 (b) Home health services provided by a state agency,  
4 either directly or through a contractor with:

5 1. The Department of Elderly Affairs.

6 2. The Department of Health, a community health  
7 center, or a rural health network that furnishes home visits  
8 for the purpose of providing environmental assessments, case  
9 management, health education, personal care services, family  
10 planning, or followup treatment, or for the purpose of  
11 monitoring and tracking disease.

12 3. Services provided to persons who have developmental  
13 disabilities, as defined in s. 393.063(12)~~393.063(11)~~.

14 4. Companion and sitter organizations that were  
15 registered under s. 400.509(1) on January 1, 1999, and were  
16 authorized to provide personal services under s. 393.063(33)  
17 under a developmental services provider certificate on January  
18 1, 1999, may continue to provide such services to past,  
19 present, and future clients of the organization who need such  
20 services, notwithstanding the provisions of this act.

21 5. The Department of Children and Family Services.

22  
23 Reviser's note.--Amended to conform to the  
24 redesignation of subunits of s. 393.063 by s.  
25 23, ch. 98-171, Laws of Florida.

26  
27 Section 38. Paragraph (d) of subsection (12) of  
28 section 400.980, Florida Statutes, is amended to read:

29 400.980 Health care services pools.--

30 (12)  
31



1           (d) If financial responsibility requirements are met  
2 by maintaining an escrow account or letter of credit, as  
3 provided in this section, upon the entry of an adverse final  
4 judgment arising from a medical malpractice arbitration award  
5 from a claim of medical malpractice either in contract or  
6 tort, or from noncompliance with the terms of a settlement  
7 agreement arising from a claim of medical malpractice either  
8 in contract or tort, the financial institution holding the  
9 escrow account or the letter of credit shall pay directly to  
10 the claimant the entire amount of the judgment together with  
11 all accrued interest or the amount maintained in the escrow  
12 account or letter of credit as required by this section,  
13 whichever is less, within 60 days after the date such judgment  
14 became final and subject to execution, unless otherwise  
15 mutually agreed to in writing by the parties. If timely  
16 payment is not made, the agency shall suspend the registration  
17 of the pool pursuant to procedures set forth by the agency  
18 ~~department~~ through rule. Nothing in this paragraph shall  
19 abrogate a judgment debtor's obligation to satisfy the entire  
20 amount of any judgment.

21  
22           Reviser's note.--Amended to improve clarity and  
23 facilitate correct interpretation. Rulemaking  
24 authority relating to suspension of  
25 registration is granted to the Agency for  
26 Health Care Administration in s. 400.980(13).

27  
28           Section 39. Subsection (2) of section 402.166, Florida  
29 Statutes, is amended to read:

30           402.166 Florida local advocacy councils; confidential  
31 records and meetings.--

1           (2) Each local council shall have no fewer than 7  
2 members and no more than 15 members, no more than 4 of whom  
3 are or have been recipients of one or more client services  
4 within the last 4 years, except that one member of this group  
5 may be an immediate relative or legal representative of a  
6 current or former client; two providers who deliver client  
7 services as defined in s. 402.164(2); and two representatives  
8 of professional organizations, one of whom represents the  
9 health-related professions and one of whom represents the  
10 legal profession. Priority of consideration shall be given to  
11 the appointment of at least one medical or osteopathic  
12 physician, as defined in chapters 458 and 459, and one member  
13 in good standing of The Florida Bar. Priority of consideration  
14 shall also be given to the appointment of an individual who is  
15 receiving client services and whose primary interest,  
16 experience, or expertise lies with a major client group not  
17 represented on the council ~~committee~~ at the time of the  
18 appointment. A person who is employed in client services by  
19 any state agency may not be appointed to the council. No more  
20 than three individuals who are providing contracted services  
21 for clients to any state agency may serve on the same local  
22 council at the same time. Persons related to each other by  
23 consanguinity or affinity within the third degree may not  
24 serve on the same local council at the same time. All members  
25 of local councils must successfully complete a standardized  
26 training course for council members within 3 months after  
27 their appointment to a local council. A member may not be  
28 assigned to an investigation that requires access to  
29 confidential information prior to the completion of the  
30 training course. After he or she completes the required  
31 training course, a member of a local council may not be

1 prevented from participating in any activity of that local  
2 council, including investigations and monitoring, except due  
3 to a conflict of interest as described in the procedures  
4 established by the statewide council pursuant to subsection  
5 (7).

6  
7 Reviser's note.--Amended to conform to the  
8 redesignation of district human rights advocacy  
9 committees as local advocacy councils by s. 3,  
10 ch. 2000-263, Laws of Florida.

11  
12 Section 40. Paragraph (b) of subsection (4) of section  
13 402.28, Florida Statutes, is amended to read:

14 402.28 Child Care Plus.--  
15 (4)

16 (b) Each child care facility, home, or agency  
17 representing a network of family day care homes wishing to  
18 ~~apply for a Child Care Plus grant shall submit a grant~~  
19 ~~proposal for funding the department no later than March 1,~~  
20 ~~1990. Thereafter, each such facility, home, or agency wishing~~  
21 ~~to apply for~~ continued funding through an annual Child Care  
22 Plus grant shall apply to the department no later than March 1  
23 of each year.

24  
25 Reviser's note.--Amended to delete a provision  
26 that has served its purpose.

27  
28 Section 41. Paragraph (b) of subsection (2) of section  
29 402.50, Florida Statutes, is repealed, and paragraph (a) of  
30 subsection (2) of that section is amended to read:

1           402.50 Administrative infrastructure; legislative  
2 intent; establishment of standards.--

3           (2) ADMINISTRATIVE INFRASTRUCTURE STANDARDS.--

4           (a) The department, in conjunction with the Department  
5 of Management Services and the Governor's Office of Planning  
6 and Budgeting, shall develop standards for administrative  
7 infrastructure funding and staffing to support the department  
8 and contract service providers in the execution of their  
9 duties and responsibilities. ~~A report of recommended~~  
10 ~~standards shall be submitted to the Governor, the President of~~  
11 ~~the Senate, the Speaker of the House of Representatives, the~~  
12 ~~minority leaders of the Senate and House, and the chairpersons~~  
13 ~~of appropriate House and Senate committees by October 1, 1992.~~

14  
15           Reviser's note.--Paragraph (2)(a) is amended to  
16 delete an obsolete provision. Paragraph (2)(b)  
17 provides that the former Department of Health  
18 and Rehabilitative Services was to submit, by  
19 October 1, 1991, a task analysis,  
20 implementation plan, and schedule for  
21 development of administrative infrastructure  
22 standards to the Economic and Demographic  
23 Research Division of the former Joint  
24 Legislative Management Committee, which entity  
25 was to review and submit comments regarding  
26 same to the appropriations committees by  
27 December 1, 1991.

28  
29           Section 42. Paragraph (a) of subsection (13) of  
30 section 403.031, Florida Statutes, is amended to read:

1           403.031 Definitions.--In construing this chapter, or  
2 rules and regulations adopted pursuant hereto, the following  
3 words, phrases, or terms, unless the context otherwise  
4 indicates, have the following meanings:

5           (13) "Waters" include, but are not limited to, rivers,  
6 lakes, streams, springs, impoundments, wetlands, and all other  
7 waters or bodies of water, including fresh, brackish, saline,  
8 tidal, surface, or underground waters. Waters owned entirely  
9 by one person other than the state are included only in regard  
10 to possible discharge on other property or water. Underground  
11 waters include, but are not limited to, all underground waters  
12 passing through pores of rock or soils or flowing through in  
13 channels, whether manmade or natural. Solely for purposes of  
14 s. 403.0885, waters of the state also include navigable waters  
15 or waters of the contiguous zone as used in s. 502 of the  
16 Clean Water Act, as amended, 33 U.S.C. ss. 1251 et seq., as in  
17 existence on January 1, 1993, except for those navigable  
18 waters seaward of the boundaries of the state set forth in s.  
19 1, Art. II of the State Constitution. Solely for purposes of  
20 this chapter, waters of the state also include the area  
21 bounded by the following:

22           (a) Commence at the intersection of State Road (SRD) 5  
23 (U.S. 1) and the county line dividing Dade and Monroe  
24 Counties, said point also being the mean high-water line of  
25 Florida Bay, located in section 4, township 60 south, range 39  
26 east of the Tallahassee Meridian for the point of beginning.  
27 From said point of beginning, thence run northwesterly along  
28 said SRD 5 to an intersection with the north line of section  
29 18, township 58 south, range 39 east; thence run westerly to a  
30 point marking the southeast corner of section 12, township 58  
31 south, range 37 east, said point also lying on the east

1 boundary of the Everglades National Park; thence run north  
2 along the east boundary of the aforementioned Everglades  
3 National Park to a point marking the northeast corner of  
4 section 1, township 58 south, range 37 east; thence run west  
5 along said park to a point marking the northwest corner of  
6 said section 1; thence run northerly along said park to a  
7 point marking the northwest corner of section 24, township 57  
8 south, range 37 east; thence run westerly along the south  
9 lines of sections 14, 15, and 16 to the southwest corner of  
10 section 16; thence leaving the Everglades National Park  
11 boundary run northerly along the west line of section 16 to  
12 the northwest corner of section 16; thence east along the  
13 northerly line of section 16 to a point at the intersection of  
14 the east one-half and west one-half of section 9; thence  
15 northerly along the line separating the east one-half and the  
16 west one-half of sections 9, 4, 33, and 28; thence run  
17 easterly along the north line of section 28 to the northeast  
18 corner of section 28; thence run northerly along the west line  
19 of section 22 to the northwest corner of section 22; thence  
20 easterly along the north line of section 22 to a point at the  
21 intersection of the east one-half and west one-half of section  
22 15; thence run northerly along said line to the point of  
23 intersection with the north line of section 15; thence  
24 easterly along the north line of section 15 to the northeast  
25 corner of section 15; thence run northerly along the west  
26 lines of sections 11 and 2 to the northwest corner of section  
27 2; thence run easterly along the north lines of sections 2 and  
28 1 to the northeast corner of section 1, township 56 south,  
29 range 37 east; thence run north along the east line of section  
30 36, township 55 south, range 37 east to the northeast corner  
31 of section 36; thence run west along the north line of section

1 36 to the northwest corner of section 36; thence run north  
2 along the west line of section 25 to the northwest corner of  
3 section 25; thence run west along the north line of section 26  
4 to the northwest corner of section 26; thence run north along  
5 the west line of section 23 to the northwest corner of section  
6 23; thence run easterly along the north line of section 23 to  
7 the northeast corner of section 23; thence run north along the  
8 west line of section 13 to the northwest corner of section 13;  
9 thence run east along the north line of section 13 to a point  
10 of intersection with the west line of the southeast  
11 one-quarter of section 12; thence run north along the west  
12 line of the southeast one-quarter of section 12 to the  
13 northwest corner of the southeast one-quarter of section 12;  
14 thence run east along the north line of the southeast  
15 one-quarter of section 12 to the point of intersection with  
16 the east line of section 12; thence run east along the south  
17 line of the northwest one-quarter of section 7 to the  
18 southeast corner of the northwest one-quarter of section 7;  
19 thence run north along the east line of the northwest  
20 one-quarter of section 7 to the point of intersection with the  
21 north line of section 7; thence run northerly along the west  
22 line of the southeast one-quarter of section 6 to the  
23 northwest corner of the southeast one-quarter of section 6;  
24 thence run east along the north lines of the southeast  
25 one-quarter of section 6 and the southwest one-quarter of  
26 section 5 to the northeast corner of the southwest one-quarter  
27 of section 5; thence run northerly along the east line of the  
28 northwest one-quarter of section 5 to the point of  
29 intersection with the north line of section 5; thence run  
30 northerly along the line dividing the east one-half and the  
31 west one-half of Lot 5 to a point intersecting the north line

1 of Lot 5; thence run east along the north line of Lot 5 to the  
2 northeast corner of Lot 5, township 54 1/2 south, range 38  
3 east; thence run north along the west line of section 33,  
4 township 54 south, range 38 east to a point intersecting the  
5 northwest corner of the southwest one-quarter of section 33;  
6 thence run easterly along the north line of the southwest  
7 one-quarter of section 33 to the northeast corner of the  
8 southwest one-quarter of section 33; thence run north along  
9 the west line of the northeast one-quarter of section 33 to a  
10 point intersecting the north line of section 33; thence run  
11 easterly along the north line of section 33 to the northeast  
12 corner of section 33; thence run northerly along the west line  
13 of section 27 to a point intersecting the northwest corner of  
14 the southwest one-quarter of section 27; thence run easterly  
15 to the northeast corner of the southwest one-quarter of  
16 section 27; thence run northerly along the west line of the  
17 northeast one-quarter of section 27 to a point intersecting  
18 the north line of section 27; thence run west along the north  
19 line of section 27 to the northwest corner of section 27;  
20 thence run north along the west lines of sections 22 and 15 to  
21 the northwest corner of section 15; thence run easterly along  
22 the north lines of sections 15 and 14 to the point of  
23 intersection with the L-31N Levee, said intersection located  
24 near the southeast corner of section 11, township 54 south,  
25 range 38 east; thence run northerly along Levee L-31N crossing  
26 SRD 90 (U.S. 41 Tamiami Trail) to an intersection common to  
27 Levees L-31N, L-29, and L-30, said intersection located near  
28 the southeast corner of section 2, township 54 south, range 38  
29 east; thence run northeasterly, northerly, and northeasterly  
30 along Levee L-30 to a point of intersection with the  
31 Dade/Broward Levee, said intersection located near the



1 northeast corner of section 17, township 52 south, range 39  
2 east; thence run due east to a point of intersection with SRD  
3 27 (Krome Ave.); thence run northeasterly along SRD 27 to an  
4 intersection with SRD 25 (U.S. 27), said intersection located  
5 in section 3, township 52 south, range 39 east; thence run  
6 northerly along said SRD 25, entering into Broward County, to  
7 an intersection with SRD 84 at Andytown; thence run  
8 southeasterly along the aforementioned SRD 84 to an  
9 intersection with the southwesterly prolongation of Levee  
10 L-35A, said intersection being located in the northeast  
11 one-quarter of section 5, township 50 south, range 40 east;  
12 thence run northeasterly along Levee L-35A to an intersection  
13 of Levee L-36, said intersection located near the southeast  
14 corner of section 12, township 49 south, range 40 east; thence  
15 run northerly along Levee L-36, entering into Palm Beach  
16 County, to an intersection common to said Levees L-36, L-39,  
17 and L-40, said intersection located near the west quarter  
18 corner of section 19, township 47 south, range 41 east; thence  
19 run northeasterly, easterly, and northerly along Levee L-40,  
20 said Levee L-40 being the easterly boundary of the Loxahatchee  
21 National Wildlife Refuge, to an intersection with SRD 80 (U.S.  
22 441), said intersection located near the southeast corner of  
23 section 32, township 43 south, range 40 east; thence run  
24 westerly along the aforementioned SRD 80 to a point marking  
25 the intersection of said road and the northeasterly  
26 prolongation of Levee L-7, said Levee L-7 being the westerly  
27 boundary of the Loxahatchee National Wildlife Refuge; thence  
28 run southwesterly and southerly along said Levee L-7 to an  
29 intersection common to Levees L-7, L-15 (Hillsborough Canal),  
30 and L-6; thence run southwesterly along Levee L-6 to an  
31 intersection common to Levee L-6, SRD 25 (U.S. 27), and Levee

1 L-5, said intersection being located near the northwest corner  
2 of section 27, township 47 south, range 38 east; thence run  
3 westerly along the aforementioned Levee L-5 to a point  
4 intersecting the east line of range 36 east; thence run  
5 northerly along said range line to a point marking the  
6 northeast corner of section 1, township 47 south, range 36  
7 east; thence run westerly along the north line of township 47  
8 south, to an intersection with Levee L-23/24 (Miami Canal);  
9 thence run northwesterly along the Miami Canal Levee to a  
10 point intersecting the north line of section 22, township 46  
11 south, range 35 east; thence run westerly to a point marking  
12 the northwest corner of section 21, township 46 south, range  
13 35 east; thence run southerly to the southwest corner of said  
14 section 21; thence run westerly to a point marking the  
15 northwest corner of section 30, township 46 south, range 35  
16 east, said point also being on the line dividing Palm Beach  
17 and Hendry Counties; from said point, thence run southerly  
18 along said county line to a point marking the intersection of  
19 Broward, Hendry, and Collier Counties, said point also being  
20 the northeast corner of section 1, township 49 south, range 34  
21 east; thence run westerly along the line dividing Hendry and  
22 Collier Counties and continuing along the prolongation thereof  
23 to a point marking the southwest corner of section 36,  
24 township 48 south, range 29 east; thence run southerly to a  
25 point marking the southwest corner of section 12, township 49  
26 south, range 29 east; thence run westerly to a point marking  
27 the southwest corner of section 10, township 49 south, range  
28 29 east; thence run southerly to a point marking the southwest  
29 corner of section 15, township 49 south, range 29 east; thence  
30 run westerly to a point marking the northwest corner of  
31 section 24, township 49 south, range 28 east, said point lying

1 on the west boundary of the Big Cypress Area of Critical State  
2 Concern as described in rule 28-25.001 ~~27F-3~~, Florida  
3 Administrative Code; thence run southerly along said boundary  
4 crossing SRD 84 (Alligator Alley) to a point marking the  
5 southwest corner of section 24, township 50 south, range 28  
6 east; thence leaving the aforementioned west boundary of the  
7 Big Cypress Area of Critical State Concern run easterly to a  
8 point marking the northeast corner of section 25, township 50  
9 south, range 28 east; thence run southerly along the east line  
10 of range 28 east to a point lying approximately 0.15 miles  
11 south of the northeast corner of section 1, township 52 south,  
12 range 28 east; thence run southwesterly 2.4 miles more or less  
13 to an intersection with SRD 90 (U.S. 41 Tamiami Trail), said  
14 intersection lying 1.1 miles more or less west of the east  
15 line of range 28 east; thence run northwesterly and westerly  
16 along SRD 90 to an intersection with the west line of section  
17 10, township 52 south, range 28 east; thence leaving SRD 90  
18 run southerly to a point marking the southwest corner of  
19 section 15, township 52 south, range 28 east; thence run  
20 westerly crossing the Faka Union Canal 0.6 miles more or less  
21 to a point; thence run southerly and parallel to the Faka  
22 Union Canal to a point located on the mean high-water line of  
23 Faka Union Bay; thence run southeasterly along the mean  
24 high-water line of the various bays, rivers, inlets, and  
25 streams to the point of beginning.

26  
27  
28  
29  
30  
31

Reviser's note.--Amended to conform to the  
redesignation of rule 27F-3 as rule 28-25.001,  
Florida Administrative Code.

1           Section 43. Subsection (4) of section 403.714, Florida  
2 Statutes, is amended to read:

3           403.714 Duties of state agencies.--

4           (4) The Department of Agriculture and Consumer  
5 Services, in consultation with the Department of  
6 Transportation, ~~the Department of Commerce,~~ and the  
7 department, and appropriate trade associations, shall  
8 undertake to stimulate the development of sustainable state  
9 markets for compost through demonstration projects and other  
10 approaches the Department of Agriculture and Consumer Services  
11 may develop.

12  
13           Reviser's note.--Amended to delete obsolete  
14 language. Section 20.17, which created the  
15 Department of Commerce, was repealed by s. 3,  
16 ch. 96-320, Laws of Florida.

17  
18           Section 44. Paragraph (b) of subsection (3) of section  
19 403.718, Florida Statutes, is amended to read:

20           403.718 Waste tire fees.--

21           (3)

22           (b) The Department of Revenue, ~~under the applicable~~  
23 ~~rules of the Career Service Commission,~~ is authorized to  
24 employ persons and incur other expenses for which funds are  
25 appropriated by the Legislature. The department is empowered  
26 to adopt such rules and shall prescribe and publish such forms  
27 as may be necessary to effectuate the purposes of this  
28 section. The department is authorized to establish audit  
29 procedures and to assess delinquent fees.

1 Reviser's note.--Amended to delete language  
2 that has served its purpose. The Career Service  
3 Commission was repealed by s. 87, ch. 86-163,  
4 Laws of Florida.

5  
6 Section 45. Subsection (5) of section 403.7191,  
7 Florida Statutes, is amended to read:

8 403.7191 Toxics in packaging.--

9 (5) CERTIFICATE OF COMPLIANCE.--Each manufacturer or  
10 distributor of a package or packaging component shall provide,  
11 if required, to the purchaser of such package or packaging  
12 component, a certificate of compliance stating that the  
13 package or packaging component is in compliance with the  
14 provisions of this section. If compliance is achieved under  
15 any of the exemptions provided in paragraph (4)(b) ~~or~~  
16 ~~paragraph (4)(c)~~, the certificate shall state the specific  
17 basis upon which the exemption is claimed. The certificate of  
18 compliance shall be signed by an authorized official of the  
19 manufacturing or distributing company. The manufacturer or  
20 distributor shall retain the certificate of compliance for as  
21 long as the package or packaging component is in use. A copy  
22 of the certificate of compliance shall be kept on file by the  
23 manufacturer or distributor of the package or packaging  
24 component for at least 3 years from the date of the last sale  
25 or distribution by the manufacturer or distributor.  
26 Certificates of compliance, or copies thereof, shall be  
27 furnished within 60 days to the department upon the  
28 department's request. If the manufacturer or distributor of  
29 the package or packaging component reformulates or creates a  
30 new package or packaging component, including a reformulation  
31 or creation to meet the maximum levels set forth in subsection

1 (3), the manufacturer or distributor shall provide an amended  
2 or new certificate of compliance for the reformulated or new  
3 package or packaging component.

4  
5 Reviser's note.--Amended to conform to the  
6 repeal of paragraph (4)(c) by s. 41, ch. 99-5,  
7 Laws of Florida.

8  
9 Section 46. Subsection (7) of section 403.7192,  
10 Florida Statutes, is amended to read:

11 403.7192 Batteries; requirements for consumer,  
12 manufacturers, and sellers; penalties.--

13 ~~(7) On or before October 7, 1997, and annually~~  
14 ~~thereafter, for a period of 3 years, cell manufacturers and~~  
15 ~~marketers or their representative organization shall report to~~  
16 ~~the department plans for the implementation of the~~  
17 ~~requirements under subsection (6). The reports shall include~~  
18 ~~estimates of the cadmium disposal reductions. Representative~~  
19 ~~organizations of manufacturers shall supply to the department~~  
20 ~~a list of those organization members for whom the association~~  
21 ~~is conducting the unit management program.~~

22  
23 Reviser's note.--Amended to delete a provision  
24 that has served its purpose.

25  
26 Section 47. Subsections (3), (4), and (5) of section  
27 408.02, Florida Statutes, are amended to read:

28 408.02 Practice parameters.--

29 (3) The agency shall summarize the effectiveness and  
30 cost of care outcomes for each diagnosis by hospital, by  
31 district, by region, and across the state, as well as by any

1 other grouping which will facilitate the development of  
2 clinically relevant practice parameters. The agency shall  
3 make the report available to the public and all hospitals  
4 throughout the state on an annual basis beginning December 31,  
5 1994. The agency shall also make detail data submitted  
6 pursuant to subsection (2)~~(3)~~ available for analysis by  
7 others, subject to protection of confidentiality pursuant to  
8 s. 408.061.

9 (4) The agency, in conjunction with the Florida  
10 Medical Association, the Florida Chiropractic Association, the  
11 Florida Osteopathic Medical Association, the Florida Podiatric  
12 Medical Association, and other health professional  
13 associations, and in conjunction with the respective boards  
14 within the Division of Medical Quality Assurance, shall  
15 develop and may adopt by rule state practice parameters based  
16 on the data received under subsection (3)~~(4)~~ as well as on  
17 nationally developed practice guidelines. However, practice  
18 parameters adopted by rule shall not provide grounds for any  
19 administrative action. The agency shall prioritize the  
20 development of those practice parameters which involve the  
21 greatest utilization of resources either because they are the  
22 most costly or because they are the most frequently performed.  
23 Prior to the development of practice parameters under this  
24 subsection, the agency in conjunction with the various health  
25 professional associations may proceed with the development of  
26 state practice parameters based on nationally developed  
27 practice guidelines.

28 (5) The agency, in conjunction with the appropriate  
29 health professional associations shall develop and may adopt  
30 by rule practice parameters for services provided by  
31 diagnostic-imaging centers, radiation therapy services,

1 clinical laboratory services, physical therapy services, and  
2 comprehensive rehabilitative services. ~~Practice parameters~~  
3 ~~applicable to diagnostic-imaging services shall be developed~~  
4 ~~by December 31, 1993.~~

5  
6 Reviser's note.--Subsections (3) and (4) are  
7 amended to conform to the redesignation of  
8 subunits of s. 408.02 necessitated by the  
9 repeal of former subsection (2) by s. 22, ch.  
10 95-146, Laws of Florida. Subsection (5) is  
11 amended to delete a provision that has served  
12 its purpose.

13  
14 Section 48. Section 408.0361, Florida Statutes, is  
15 amended to read:

16 408.0361 Diagnostic cardiac catheterization services  
17 providers; compliance with guidelines and requirements.--Each  
18 provider of diagnostic cardiac catheterization services shall  
19 comply with the requirements of s. 408.036(3)(i)2.a.-d.  
20 ~~408.036(3)(n)2.a.-d.~~, and rules of the Agency for Health Care  
21 Administration governing the operation of adult inpatient  
22 diagnostic cardiac catheterization programs, including the  
23 most recent guidelines of the American College of Cardiology  
24 and American Heart Association Guidelines for Cardiac  
25 Catheterization and Cardiac Catheterization Laboratories.

26  
27 Reviser's note.--Amended to conform to the  
28 redesignation of paragraphs of s. 408.036(3) by  
29 s. 7, ch. 2000-256, Laws of Florida, and s. 8,  
30 ch. 2000-318, Laws of Florida.

31



1           Section 49. Paragraph (c) of subsection (3) of section  
2 409.145, Florida Statutes, is amended to read:

3           409.145 Care of children.--

4           (3)

5           (c)1. The department is authorized to provide the  
6 services of the children's foster care program to an  
7 individual who is enrolled full-time in a postsecondary  
8 vocational-technical education program, full-time in a  
9 community college program leading toward a vocational degree  
10 or an associate degree, or full-time in a university or  
11 college, if the following requirements are met:

12           a. The individual was committed to the legal custody  
13 of the department for placement in foster care as a dependent  
14 child;

15           b. The permanency planning goal pursuant to part VIII  
16 ~~VII~~ of chapter 39 for the individual is long-term foster care  
17 or independent living;

18           c. The individual has been accepted for admittance to  
19 a postsecondary vocational-technical education program, to a  
20 community college, or to a university or college;

21           d. All other resources have been thoroughly explored,  
22 and it can be clearly established that there are no  
23 alternative resources for placement; and

24           e. A written service agreement which specifies  
25 responsibilities and expectations for all parties involved has  
26 been signed by a representative of the department, the  
27 individual, and the foster parent or licensed child-caring  
28 agency providing the placement resources, if the individual is  
29 to continue living with the foster parent or placement  
30 resource while attending a postsecondary vocational-technical  
31 education program, community college, or university or

1 college. An individual who is to be continued in or placed in  
2 independent living shall continue to receive services  
3 according to the independent living program and agreement of  
4 responsibilities signed by the department and the individual.

5 2. Any provision of this chapter or any other law to  
6 the contrary notwithstanding, when an individual who meets the  
7 requirements of subparagraph 1. is in attendance at a  
8 community college, college, or university, the department may  
9 make foster care payments to such community college, college,  
10 or university in lieu of payment to the foster parents or  
11 individual, for the purpose of room and board, if not  
12 otherwise provided, but such payments shall not exceed the  
13 amount that would have been paid to the foster parents had the  
14 individual remained in the foster home.

15 3. The services of the foster care program shall  
16 continue only for an individual under this paragraph who is a  
17 full-time student but shall continue for not more than:

18 a. Two consecutive years for an individual in a  
19 postsecondary vocational-technical education program;

20 b. Two consecutive years or four semesters for an  
21 individual enrolled in a community college unless the  
22 individual is participating in college preparatory instruction  
23 or is requiring additional time to complete the college-level  
24 communication and computation skills testing program, in which  
25 case such services shall continue for not more than 3  
26 consecutive years or six semesters; or

27 c. Four consecutive years, 8 semesters, or 12 quarters  
28 for an individual enrolled in a college or university unless  
29 the individual is participating in college-preparatory  
30 instruction or is requiring additional time to complete the  
31 college-level communication and computation skills testing

1 programs, in which case such services shall continue for not  
2 more than 5 consecutive years, 10 semesters, or 15 quarters.

3 4.a. As a condition for continued foster care  
4 services, an individual shall have earned a grade point  
5 average of at least 2.0 on a 4.0 scale for the previous term,  
6 maintain at least an overall grade point average of 2.0 for  
7 only the previous term, and be eligible for continued  
8 enrollment in the institution. If the postsecondary  
9 vocational-technical school program does not operate on a  
10 grade point average as described above, then the individual  
11 shall maintain a standing equivalent to the 2.0 grade point  
12 average.

13 b. Services shall be terminated upon completion of,  
14 graduation from, or withdrawal or permanent expulsion from a  
15 postsecondary vocational-technical education program,  
16 community college, or university or college. Services shall  
17 also be terminated for failure to maintain the required level  
18 of academic achievement.

19  
20 Reviser's note.--Amended to conform to the  
21 redesignation of part VII of chapter 39 as part  
22 VIII by s. 22, ch. 2000-139, Laws of Florida.

23  
24 Section 50. Section 409.1685, Florida Statutes, is  
25 amended to read:

26 409.1685 Children in foster care; annual report to  
27 Legislature.--The Department of Children and Family Services  
28 shall submit a written report to the substantive committees of  
29 the Legislature concerning the status of children in foster  
30 care and concerning the judicial review mandated by part X  
31 ~~VIII~~ of chapter 39. This report shall be submitted by March 1

1 of each year and shall include the following information for  
2 the prior calendar year:

3 (1) The number of 6-month and annual judicial reviews  
4 completed during that period.

5 (2) The number of children in foster care returned to  
6 a parent, guardian, or relative as a result of a 6-month or  
7 annual judicial review hearing during that period.

8 (3) The number of termination of parental rights  
9 proceedings instituted during that period which shall include:

10 (a) The number of termination of parental rights  
11 proceedings initiated pursuant to s. 39.703; and

12 (b) The total number of terminations of parental  
13 rights ordered.

14 (4) The number of foster care children placed for  
15 adoption during that period.

16

17 Reviser's note.--Amended to conform to the  
18 redesignation of part VIII of chapter 39 as  
19 part X by s. 22, ch. 2000-139, Laws of Florida.

20

21 Section 51. Paragraph (a) of subsection (1) and  
22 paragraph (b) of subsection (2) of section 409.908, Florida  
23 Statutes, are amended to read:

24 409.908 Reimbursement of Medicaid providers.--Subject  
25 to specific appropriations, the agency shall reimburse  
26 Medicaid providers, in accordance with state and federal law,  
27 according to methodologies set forth in the rules of the  
28 agency and in policy manuals and handbooks incorporated by  
29 reference therein. These methodologies may include fee  
30 schedules, reimbursement methods based on cost reporting,  
31 negotiated fees, competitive bidding pursuant to s. 287.057,

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

14 (1) Reimbursement to hospitals licensed under part I  
15 of chapter 395 must be made prospectively or on the basis of  
16 negotiation.

17 (a) Reimbursement for inpatient care is limited as  
18 provided for in s. 409.905(5), except for:

19 1. The raising of rate reimbursement caps, excluding  
20 rural hospitals.

21 2. Recognition of the costs of graduate medical  
22 education.

23 3. Other methodologies recognized in the General  
24 Appropriations Act.

25

26 During the years funds are transferred from the Board of  
27 Regents, any reimbursement supported by such funds shall be  
28 subject to certification by the Board of Regents that the  
29 hospital has complied with s. 381.0403. The agency is  
30 authorized to receive funds from state entities, including,  
31 but not limited to, the Board of Regents, local governments,

1 and other local political subdivisions, for the purpose of  
2 making special exception payments, including federal matching  
3 funds, through the Medicaid inpatient reimbursement  
4 methodologies. Funds received from state entities or local  
5 governments for this purpose shall be separately accounted for  
6 and shall not be commingled with other state or local funds in  
7 any manner. Notwithstanding this section and s. 409.915,  
8 counties are exempt from contributing toward the cost of the  
9 special exception reimbursement for hospitals serving a  
10 disproportionate share of low-income persons and providing  
11 graduate medical education.

12 (2)

13 (b) Subject to any limitations or directions provided  
14 for in the General Appropriations Act, the agency shall  
15 establish and implement a Florida Title XIX Long-Term Care  
16 Reimbursement Plan (Medicaid) for nursing home care in order  
17 to provide care and services in conformance with the  
18 applicable state and federal laws, rules, regulations, and  
19 quality and safety standards and to ensure that individuals  
20 eligible for medical assistance have reasonable geographic  
21 access to such care. Under the plan, interim rate adjustments  
22 shall not be granted to reflect increases in the cost of  
23 general or professional liability insurance for nursing homes  
24 unless the following criteria are met: have at least a 65  
25 percent Medicaid utilization in the most recent cost report  
26 submitted to the agency, and the increase in general or  
27 professional liability costs to the facility for the most  
28 recent policy period affects the total Medicaid per diem by at  
29 least 5 percent. This rate adjustment shall not result in the  
30 per diem exceeding the class ceiling. This provision shall  
31 apply only to fiscal year 2000-2001 and shall be implemented

1 to the extent existing appropriations are available. The  
2 ~~agency shall report to the Governor, the Speaker of the House~~  
3 ~~of Representatives, and the President of the Senate by~~  
4 ~~December 31, 2000, on the cost of liability insurance for~~  
5 ~~Florida nursing homes for fiscal years 1999 and 2000 and the~~  
6 ~~extent to which these costs are not being compensated by the~~  
7 ~~Medicaid program. Medicaid-participating nursing homes shall~~  
8 ~~be required to report to the agency information necessary to~~  
9 ~~compile this report.~~Effective no earlier than the  
10 rate-setting period beginning April 1, 1999, the agency shall  
11 establish a case-mix reimbursement methodology for the rate of  
12 payment for long-term care services for nursing home  
13 residents. The agency shall compute a per diem rate for  
14 Medicaid residents, adjusted for case mix, which is based on a  
15 resident classification system that accounts for the relative  
16 resource utilization by different types of residents and which  
17 is based on level-of-care data and other appropriate data. The  
18 case-mix methodology developed by the agency shall take into  
19 account the medical, behavioral, and cognitive deficits of  
20 residents. In developing the reimbursement methodology, the  
21 agency shall evaluate and modify other aspects of the  
22 reimbursement plan as necessary to improve the overall  
23 effectiveness of the plan with respect to the costs of patient  
24 care, operating costs, and property costs. In the event  
25 adequate data are not available, the agency is authorized to  
26 adjust the patient's care component or the per diem rate to  
27 more adequately cover the cost of services provided in the  
28 patient's care component. The agency shall work with the  
29 Department of Elderly Affairs, the Florida Health Care  
30 Association, and the Florida Association of Homes for the  
31 Aging in developing the methodology. It is the intent of the

1 Legislature that the reimbursement plan achieve the goal of  
2 providing access to health care for nursing home residents who  
3 require large amounts of care while encouraging diversion  
4 services as an alternative to nursing home care for residents  
5 who can be served within the community. The agency shall base  
6 the establishment of any maximum rate of payment, whether  
7 overall or component, on the available moneys as provided for  
8 in the General Appropriations Act. The agency may base the  
9 maximum rate of payment on the results of scientifically valid  
10 analysis and conclusions derived from objective statistical  
11 data pertinent to the particular maximum rate of payment.

12

13 Reviser's note.--Paragraph (1)(a) is amended to  
14 improve clarity and facilitate correct  
15 interpretation. Paragraph (2)(b) is amended to  
16 delete a provision that has served its purpose.

17

18 Section 52. Paragraph (b) of subsection (3) of section  
19 409.912, Florida Statutes, is amended to read:

20 409.912 Cost-effective purchasing of health care.--The  
21 agency shall purchase goods and services for Medicaid  
22 recipients in the most cost-effective manner consistent with  
23 the delivery of quality medical care. The agency shall  
24 maximize the use of prepaid per capita and prepaid aggregate  
25 fixed-sum basis services when appropriate and other  
26 alternative service delivery and reimbursement methodologies,  
27 including competitive bidding pursuant to s. 287.057, designed  
28 to facilitate the cost-effective purchase of a case-managed  
29 continuum of care. The agency shall also require providers to  
30 minimize the exposure of recipients to the need for acute

31



1 inpatient, custodial, and other institutional care and the  
2 inappropriate or unnecessary use of high-cost services.

3 (3) The agency may contract with:

4 (b) An entity that is providing comprehensive  
5 behavioral health care services to certain Medicaid recipients  
6 through a capitated, prepaid arrangement pursuant to the  
7 federal waiver provided for by s. 409.905(5). Such an entity  
8 must be licensed under chapter 624, chapter 636, or chapter  
9 641 and must possess the clinical systems and operational  
10 competence to manage risk and provide comprehensive behavioral  
11 health care to Medicaid recipients. As used in this paragraph,  
12 the term "comprehensive behavioral health care services" means  
13 covered mental health and substance abuse treatment services  
14 that are available to Medicaid recipients. The secretary of  
15 the Department of Children and Family Services ~~Families~~ shall  
16 approve provisions of procurements related to children in the  
17 department's care or custody prior to enrolling such children  
18 in a prepaid behavioral health plan. Any contract awarded  
19 under this paragraph must be competitively procured. In  
20 developing the behavioral health care prepaid plan procurement  
21 document, the agency shall ensure that the procurement  
22 document requires the contractor to develop and implement a  
23 plan to ensure compliance with s. 394.4574 related to services  
24 provided to residents of licensed assisted living facilities  
25 that hold a limited mental health license. The agency must  
26 ensure that Medicaid recipients have available the choice of  
27 at least two managed care plans for their behavioral health  
28 care services. The agency may reimburse for  
29 substance-abuse-treatment services on a fee-for-service basis  
30 until the agency finds that adequate funds are available for  
31 capitated, prepaid arrangements.

1           1. By January 1, 2001, the agency shall modify the  
2 contracts with the entities providing comprehensive inpatient  
3 and outpatient mental health care services to Medicaid  
4 recipients in Hillsborough, Highlands, Hardee, Manatee, and  
5 Polk Counties, to include substance-abuse-treatment services.

6           2. By December 31, 2001, the agency shall contract  
7 with entities providing comprehensive behavioral health care  
8 services to Medicaid recipients through capitated, prepaid  
9 arrangements in Charlotte, Collier, DeSoto, Escambia, Glades,  
10 Hendry, Lee, Okaloosa, Pasco, Pinellas, Santa Rosa, Sarasota,  
11 and Walton Counties. The agency may contract with entities  
12 providing comprehensive behavioral health care services to  
13 Medicaid recipients through capitated, prepaid arrangements in  
14 Alachua County. The agency may determine if Sarasota County  
15 shall be included as a separate catchment area or included in  
16 any other agency geographic area.

17           3. Children residing in a Department of Juvenile  
18 Justice residential program approved as a Medicaid behavioral  
19 health overlay services provider shall not be included in a  
20 behavioral health care prepaid health plan pursuant to this  
21 paragraph.

22           4. In converting to a prepaid system of delivery, the  
23 agency shall in its procurement document require an entity  
24 providing comprehensive behavioral health care services to  
25 prevent the displacement of indigent care patients by  
26 enrollees in the Medicaid prepaid health plan providing  
27 behavioral health care services from facilities receiving  
28 state funding to provide indigent behavioral health care, to  
29 facilities licensed under chapter 395 which do not receive  
30 state funding for indigent behavioral health care, or  
31

1 reimburse the unsubsidized facility for the cost of behavioral  
2 health care provided to the displaced indigent care patient.

3           5. Traditional community mental health providers under  
4 contract with the Department of Children and Family Services  
5 ~~Families~~ pursuant to part IV of chapter 394 and inpatient  
6 mental health providers licensed pursuant to chapter 395 must  
7 be offered an opportunity to accept or decline a contract to  
8 participate in any provider network for prepaid behavioral  
9 health services.

10

11           Reviser's note.--Amended to conform to the  
12 official title of the department pursuant to s.  
13 20.19.

14

15           Section 53. Subsection (1) of section 409.9122,  
16 Florida Statutes, is reenacted to read:

17           409.9122 Mandatory Medicaid managed care enrollment;  
18 programs and procedures.--

19           (1) It is the intent of the Legislature that the  
20 MediPass program be cost-effective, provide quality health  
21 care, and improve access to health services, and that the  
22 program be statewide.

23

24           Reviser's note.--Section 7, ch. 96-199, Laws of  
25 Florida, amended the text of s. 409.9122,  
26 including amendment to the language in  
27 then-existing paragraph (1)(a). Paragraph  
28 (1)(b) did not appear in text after the  
29 amendment to paragraph (1)(a), but the entire  
30 text of subsection (1) also appeared following  
31 the text of newly created subsection (3),

1 struck-through as if it were to be deleted  
2 except for the last sentence of then-existing  
3 paragraph (1)(b) which became paragraph (4)(a).  
4 Subsection (1) is reenacted to confirm that the  
5 struck-through version of paragraph (1)(a)  
6 following the text of subsection (3) in the  
7 amendment to s. 409.9122 by s. 7, ch. 96-199,  
8 was not intended to repeal the paragraph.  
9

10 Section 54. Paragraphs (f) and (g) of subsection (1)  
11 of section 409.946, Florida Statutes, are amended to read:  
12 409.946 Inner City Redevelopment Review Panel.--In  
13 order to enhance public participation and involvement in the  
14 redevelopment of inner-city areas, there is created within the  
15 Office of Tourism, Trade, and Economic Development the Inner  
16 City Redevelopment Review Panel.

17 (1) The review panel shall consist of seven members  
18 who represent different areas of the state, who are appointed  
19 by the Director of the Office of Tourism, Trade, and Economic  
20 Development, and who are qualified, through the demonstration  
21 of special interest, experience, or education, in the  
22 redevelopment of the state's inner-city areas, as follows:

23 (f) One member must be affiliated with the Better  
24 Jobs/Better Wages Council of Workforce Florida, Inc., ~~if such~~  
25 ~~body is created. Otherwise, one member must be the president~~  
26 ~~and chief operating officer of the Florida Workforce~~  
27 ~~Development Board; and~~

28 (g) One member must be affiliated with the First  
29 Jobs/First Wages Council of Workforce Florida, Inc., ~~if such~~  
30 ~~body is created. Otherwise, one member must be the Secretary~~  
31 ~~of Labor and Employment Security or the secretary's designee.~~

1 Reviser's note.--Paragraphs (1)(f) and (g) are  
2 amended to delete provisions that have served  
3 their purpose. The Better Jobs/Better Wages  
4 Council and First Jobs/First Wages Council are  
5 provided for in s. 445.005. Paragraph (f) is  
6 further amended to conform to the official  
7 title of the council.

8  
9 Section 55. Paragraph (c) of subsection (9) of section  
10 411.01, Florida Statutes, is repealed.

11  
12 Reviser's note.--Repealed to delete an obsolete  
13 provision; the Partnership for School Readiness  
14 was to present recommendations by February 15,  
15 2000, to the Legislature for combining funding  
16 streams for school readiness programs into a  
17 School Readiness Trust Fund, which report was  
18 submitted.

19  
20 Section 56. Subsection (6) of section 414.105, Florida  
21 Statutes, is amended to read:

22 414.105 Time limitations of temporary cash  
23 assistance.--Unless otherwise expressly provided in this  
24 chapter, an applicant or current participant shall receive  
25 temporary cash assistance for episodes of not more than 24  
26 cumulative months in any consecutive 60-month period that  
27 begins with the first month of participation and for not more  
28 than a lifetime cumulative total of 48 months as an adult,  
29 unless otherwise provided by law.

30 (6) The department, in cooperation with Workforce  
31 Florida, Inc., shall establish a procedure for approving

1 hardship exemptions and for reviewing hardship cases at least  
2 once every 2 years. Regional workforce boards may assist in  
3 making these determinations. The composition of any review  
4 panel must generally reflect the racial, gender, and ethnic  
5 diversity of the community as a whole. Members of a review  
6 panel shall serve without compensation but are entitled to  
7 receive reimbursement for per diem and travel expenses as  
8 provided in s. 112.061 ~~112.016~~.

9  
10 Reviser's note.--Amended to conform to the  
11 correct citation of the referenced material; s.  
12 112.016 does not exist.

13  
14 Section 57. Subsection (1) of section 418.302, Florida  
15 Statutes, is amended to read:

16 418.302 Governing body of mobile home park recreation  
17 district.--

18 (1) The governing body of a recreation district  
19 created pursuant to s. 418.30 ~~section 1~~ shall consist of a  
20 nine-member board of trustees elected by the electors of the  
21 district. A person desiring to have her or his name placed on  
22 the ballot for election as a trustee of the district shall be  
23 a qualified elector of the district and shall present a  
24 written petition, signed by the applicant and not fewer than  
25 25 other electors of the district, to the supervisor of  
26 elections of the county not less than 60 days prior to the  
27 date of the election. The supervisor of elections shall be  
28 entitled to a reasonable reimbursement for conducting the  
29 election, payable out of the general funds of the district.

30  
31

1 Reviser's note.--Amended to conform to the  
2 correct citation of the referenced material; s.  
3 418.30 provides for creation of mobile home  
4 park recreation districts.

5  
6 Section 58. Section 420.506, Florida Statutes, is  
7 amended to read:

8 420.506 Executive director; agents and employees.--The  
9 appointment and removal of an executive director shall be by  
10 the Secretary of Community Affairs, with the advice and  
11 consent of the corporation's board of directors. The  
12 executive director shall employ legal and technical experts  
13 and such other agents and employees, permanent and temporary,  
14 as the corporation may require, and shall communicate with and  
15 provide information to the Legislature with respect to the  
16 corporation's activities. The board is authorized,  
17 notwithstanding the provisions of s. 216.262, to develop and  
18 implement rules regarding the employment of employees of the  
19 corporation and service providers, including legal counsel.  
20 ~~The corporation may hire any individual who, as of the~~  
21 ~~effective date of this act, is employed by the agency.~~The  
22 corporation is authorized to enter into a lease agreement with  
23 the Department of Management Services or the Department of  
24 Community Affairs for the lease of state employees from such  
25 entities, wherein an employee shall retain his or her status  
26 as a state employee but shall work under the direct  
27 supervision of the corporation, and shall retain the right to  
28 participate in the Florida Retirement System. The board of  
29 directors of the corporation is entitled to establish travel  
30 procedures and guidelines for employees of the corporation.  
31

1 The executive director's office and the corporation's files  
2 and records must be located in Leon County.

3  
4 Reviser's note.--Amended to delete a provision  
5 that has served its purpose. The stricken text,  
6 which was enacted by s. 9, ch. 97-167, Laws of  
7 Florida, effective July 1, 1997, relates to the  
8 replacement of the Florida Housing Finance  
9 Agency by the Florida Housing Finance  
10 Corporation.

11  
12 Section 59. Paragraph (a) of subsection (22) of  
13 section 420.507, Florida Statutes, is amended to read:

14 420.507 Powers of the corporation.--The corporation  
15 shall have all the powers necessary or convenient to carry out  
16 and effectuate the purposes and provisions of this part,  
17 including the following powers which are in addition to all  
18 other powers granted by other provisions of this part:

19 (22) To develop and administer the State Apartment  
20 Incentive Loan Program. In developing and administering that  
21 program, the corporation may:

22 (a) Make first, second, and other subordinated  
23 mortgage loans including variable or fixed rate loans subject  
24 to contingent interest. The corporation shall make loans  
25 exceeding 25 percent of project cost available only to  
26 nonprofit organizations and public bodies which are able to  
27 secure grants, donations of land, or contributions from other  
28 sources and to projects meeting the criteria of subparagraph  
29 1. Mortgage loans shall be made available at the following  
30 rates of interest:



1           1. Zero to 3 percent interest for sponsors of projects  
2 that maintain an 80 percent occupancy of residents qualifying  
3 as farmworkers as defined in s. 420.503(18)~~420.306(7)~~ over  
4 the life of the loan.

5           2. Three to 9 percent interest for sponsors of  
6 projects targeted at populations other than farmworkers.

7  
8           Reviser's note.--Amended to conform to the  
9 current location of the referenced material; s.  
10 420.306(7) was repealed by s. 3, ch. 93-181,  
11 Laws of Florida, and s. 420.503(18) defines  
12 "farmworker."

13  
14           Section 60. Sections 421.37, 421.38, 421.39, 421.40,  
15 421.41, 421.42, 421.43, 421.44, and 421.45, Florida Statutes,  
16 are repealed.

17  
18           Reviser's note.--The cited sections, relating  
19 to defense housing during World War II, are  
20 obsolete.

21  
22           Section 61. Subsection (2) of section 427.0159,  
23 Florida Statutes, is repealed.

24  
25           Reviser's note.--The cited subsection, enacted  
26 by s. 21, ch. 2000-257, Laws of Florida,  
27 provides for an allocation of funds by the  
28 Department of Transportation, contingent on  
29 S.B. 854 or similar legislation becoming law.  
30 Neither of those contingencies occurred.

31

1 Section 62. Paragraph (a) of subsection (3) of section  
2 435.03, Florida Statutes, is amended to read:

3 435.03 Level 1 screening standards.--

4 (3) Standards must also ensure that the person:

5 (a) For employees and employers licensed or registered  
6 pursuant to chapter 400, and for employees and employers of  
7 developmental services institutions as defined in s. 393.063,  
8 intermediate care facilities for the developmentally disabled  
9 as defined in s. 393.063, and mental health treatment  
10 facilities as defined in s. 394.455, meets the requirements of  
11 this chapter ~~part II~~.

12  
13 Reviser's note.--Amended to conform to the  
14 arrangement of chapter 435, which is not  
15 divided into parts.

16  
17 Section 63. Subsection (2) of section 435.05, Florida  
18 Statutes, is amended to read:

19 435.05 Requirements for covered employees.--Except as  
20 otherwise provided by law, the following requirements shall  
21 apply to covered employees:

22 (2) Unless otherwise prohibited by state or federal  
23 law, new employees may be placed on probationary status  
24 pending a determination of compliance with minimum standards  
25 set forth in this chapter ~~part~~.

26  
27 Reviser's note.--Amended to conform to the  
28 arrangement of chapter 435, which is not  
29 divided into parts.

30  
31

1           Section 64. Subsection (1) of section 435.07, Florida  
2 Statutes, is amended to read:

3           435.07 Exemptions from disqualification.--Unless  
4 otherwise provided by law, the provisions of this section  
5 shall apply to exemptions from disqualification.

6           (1) The appropriate licensing agency may grant to any  
7 employee otherwise disqualified from employment an exemption  
8 from disqualification for:

9           (a) Felonies committed more than 3 years prior to the  
10 date of disqualification;

11           (b) Misdemeanors prohibited under any of the Florida  
12 Statutes cited in this chapter or under similar statutes of  
13 other jurisdictions;

14           (c) Offenses that were felonies when committed but are  
15 now misdemeanors;

16           (d) Findings of delinquency; or

17           (e) Commissions of acts of domestic violence as  
18 defined in s. 741.30.

19

20 For the purposes of this subsection, the term "felonies" means  
21 both felonies prohibited under any of the Florida Statutes  
22 cited in this chapter ~~part~~ or under similar statutes of other  
23 jurisdictions.

24

25           Reviser's note.--Amended to conform to the  
26 arrangement of chapter 435, which is not  
27 divided into parts.

28

29           Section 65. Paragraph (c) of subsection (2) of section  
30 440.15, Florida Statutes, is amended to read:

31

1           440.15 Compensation for disability.--Compensation for  
2 disability shall be paid to the employee, subject to the  
3 limits provided in s. 440.12(2), as follows:

4           (2) TEMPORARY TOTAL DISABILITY.--

5           (c) Temporary total disability benefits paid pursuant  
6 to this subsection shall include such period as may be  
7 reasonably necessary for training in the use of artificial  
8 members and appliances, and shall include such period as the  
9 employee may be receiving training and education under a  
10 program pursuant to s. 440.491 ~~440.49(1)~~. Notwithstanding s.  
11 440.02(9), the date of maximum medical improvement for  
12 purposes of paragraph (3)(b) shall be no earlier than the last  
13 day for which such temporary disability benefits are paid.

14  
15           Reviser's note.--Amended to conform to the  
16 current location of the referenced material.  
17           Section 440.49(1) was repealed by s. 43, ch.  
18 93-415, Laws of Florida, and s. 440.491,  
19 created by s. 44, ch. 93-415, provides for  
20 training and education.

21  
22           Section 66. Subsection (2) of section 440.381, Florida  
23 Statutes, is amended to read:

24           440.381 Application for coverage; reporting payroll;  
25 payroll audit procedures; penalties.--

26           (2) The application must contain a statement that the  
27 filing of an application containing false, misleading, or  
28 incomplete information with the purpose of avoiding or  
29 reducing the amount of premiums for workers' compensation  
30 coverage is a felony of the third degree, punishable as  
31 provided in s. 775.082, s. 775.083, or s. 775.084. The

1 application must contain a sworn statement by the employer  
2 attesting to the accuracy of the information submitted and  
3 acknowledging the provisions of former s. 440.37(4).  
4

5 Reviser's note.--Amended to improve clarity and  
6 facilitate correct interpretation. Section  
7 440.37 was repealed by s. 109, ch. 93-415, Laws  
8 of Florida.  
9

10 Section 67. Paragraph (e) of subsection (1) and  
11 paragraph (a) of subsection (2) of section 440.4416, Florida  
12 Statutes, are amended to read:

13 440.4416 Workers' Compensation Oversight Board.--

14 (1) There is created within the Department of Labor  
15 and Employment Security the Workers' Compensation Oversight  
16 Board. The board shall be composed of the following members,  
17 each of whom has knowledge of, or experience with, the  
18 workers' compensation system:

19 (e) ~~The original appointments to the board shall be~~  
20 ~~made on or before January 1, 1994.~~ Vacancies in the membership  
21 of the board shall be filled in the same manner as the  
22 original appointments. Except as to ex officio members of the  
23 board, three appointees of the Governor, two appointees of the  
24 President of the Senate, and two appointees of the Speaker of  
25 the House of Representatives shall serve for terms of 2 years,  
26 and the remaining appointees shall serve for terms of 4 years.  
27 Thereafter, all members shall serve for terms of 4 years;  
28 except that a vacancy shall be filled by appointment for the  
29 remainder of the term. ~~The board shall have an organizational~~  
30 ~~meeting on or before March 1, 1994, the time and place of such~~  
31 ~~meeting to be determined by the Governor.~~

1 (2) POWERS AND DUTIES; ORGANIZATION.--

2 (a) The board shall have all the powers necessary and  
3 convenient to carry out and effectuate the purposes of this  
4 section, including, but not limited to, the power to:

5 1. Conduct public hearings.

6 ~~2. Report to the Legislature by January 1, 1995, as to~~  
7 ~~the feasibility of a return-to-work program that includes~~  
8 ~~incentives for employers who encourage such a program and~~  
9 ~~disincentives for employers who hinder such a program.~~

10 2.3. Prescribe qualifications for board employees.

11 3.4. Appear on its own behalf before other boards,  
12 commissions, or agencies of the state or Federal Government.

13 4.5. Make and execute contracts to the extent that  
14 such contracts are consistent with duties and powers set forth  
15 in this section and elsewhere in the law of this state.

16

17 Reviser's note.--Amended to delete obsolete  
18 provisions.

19

20 Section 68. Subsection (1) of section 443.1715,  
21 Florida Statutes, is amended to read:

22 443.1715 Disclosure of information; confidentiality.--

23 (1) RECORDS AND REPORTS.--Information revealing the  
24 employing unit's or individual's identity obtained from the  
25 employing unit or from any individual pursuant to the  
26 administration of this chapter, and any determination  
27 revealing such information, must, except to the extent  
28 necessary for the proper presentation of a claim or upon  
29 written authorization of the claimant who has a workers'  
30 compensation claim pending, be held confidential and exempt  
31 from the provisions of s. 119.07(1) and s. 24(a), Art. I of

1 the State Constitution. Such information may be made available  
2 only to public employees in the performance of their public  
3 duties, including employees of the Department of Education in  
4 obtaining information for the Florida Education and Training  
5 Placement Information Program and the Office of Tourism,  
6 Trade, and Economic Development ~~Department of Commerce~~ in its  
7 administration of the qualified defense contractor tax refund  
8 program authorized by s. 288.1045 ~~288.104~~. Except as otherwise  
9 provided by law, public employees receiving such information  
10 must retain the confidentiality of such information. Any  
11 claimant, or the claimant's legal representative, at a hearing  
12 before an appeals referee or the commission shall be supplied  
13 with information from such records to the extent necessary for  
14 the proper presentation of her or his claim. Any employee or  
15 member of the commission or any employee of the division, or  
16 any other person receiving confidential information, who  
17 violates any provision of this subsection commits a  
18 misdemeanor of the second degree, punishable as provided in s.  
19 775.082 or s. 775.083. However, the division may furnish to  
20 any employer copies of any report previously submitted by such  
21 employer, upon the request of such employer, and may furnish  
22 to any claimant copies of any report previously submitted by  
23 such claimant, upon the request of such claimant, and the  
24 division is authorized to charge therefor such reasonable fee  
25 as the division may by rule prescribe not to exceed the actual  
26 reasonable cost of the preparation of such copies. Fees  
27 received by the division for copies as provided in this  
28 subsection must be deposited to the credit of the Employment  
29 Security Administration Trust Fund.

30  
31

1 Reviser's note.--Amended to conform to the  
2 substitution of the Office of Tourism, Trade,  
3 and Economic Development for the Department of  
4 Commerce for purposes of s. 288.106 by s. 44,  
5 ch. 96-320, Laws of Florida, and the repeal of  
6 s. 288.104 by s. 8, ch. 96-348, Laws of  
7 Florida, and the enactment of new s. 288.1045  
8 governing the qualified defense contractor tax  
9 refund program by s. 1, ch. 96-348.

10  
11 Section 69. Paragraph (b) of subsection (6) of section  
12 445.003, Florida Statutes, as amended by section 3 of chapter  
13 2000-165, Laws of Florida, is reenacted to read:

14 445.003 Implementation of the federal Workforce  
15 Investment Act of 1998.--

16 (6) LONG-TERM CONSOLIDATION OF WORKFORCE  
17 DEVELOPMENT.--

18 (b) The Office of Program Policy Analysis and  
19 Government Accountability shall review the workforce  
20 development system, as established by this act. The office  
21 shall submit its final report and recommendations by December  
22 31, 2002, to the President of the Senate and the Speaker of  
23 the House of Representatives.

24  
25 Reviser's note.--Reenacted to confirm the  
26 continued existence of the paragraph despite a  
27 repeal by s. 46, ch. 2000-158, Laws of Florida,  
28 a reviser's bill. Section 3, ch. 2000-165, Laws  
29 of Florida, amended paragraph (6)(b) to require  
30 submittal of a report and recommendations by  
31 December 31, 2002; prior to amendment,



1           submittal of the report and recommendations was  
2           required by January 31, 2000.

3  
4           Section 70. Paragraph (c) of subsection (7) of section  
5 445.009, Florida Statutes, as amended by section 9 of chapter  
6 2000-165, Laws of Florida, is reenacted to read:

7           445.009 One-stop delivery system.--  
8           (7)

9           (c) Workforce Florida, Inc., shall periodically review  
10 Individual Training Account pricing schedules developed by  
11 regional workforce boards and present findings and  
12 recommendations for process improvement to the President of  
13 the Senate and the Speaker of the House of Representatives.

14  
15           Reviser's note.--Reenacted to confirm the  
16 continued existence of the paragraph despite a  
17 repeal by s. 45, ch. 2000-158, Laws of Florida,  
18 a reviser's bill. Section 9, ch. 2000-165, Laws  
19 of Florida, amended paragraph (8)(c),  
20 redesignated as paragraph (7)(c), to provide  
21 for periodic review of Individual Training  
22 Account pricing schedules and deleted the  
23 January 1, 2000, submittal date for findings  
24 and recommendations for process improvement.

25  
26           Section 71. Paragraph (e) of subsection (3) of section  
27 445.024, Florida Statutes, is amended to read:

28           445.024 Work requirements.--

29           (3) EXEMPTION FROM WORK ACTIVITY REQUIREMENTS.--The  
30 following individuals are exempt from work activity  
31 requirements:

1 (e) An individual who is exempt from the time period  
2 pursuant to s. 414.105 ~~415.015~~.

3  
4 Reviser's note.--Amended to conform to the  
5 correct citation of the referenced material; s.  
6 415.015 does not exist.

7  
8 Section 72. Paragraph (a) of subsection (2) and  
9 paragraph (a) of subsection (3) of section 446.50, Florida  
10 Statutes, are amended to read:

11 446.50 Displaced homemakers; multiservice programs;  
12 report to the Legislature; Displaced Homemaker Trust Fund  
13 created.--

14 (2) DEFINITIONS.--For the purposes of this section:

15 (a) "Displaced homemaker" means an individual who:

- 16 1. Is 35 years of age or older;
- 17 2. Has worked in the home, providing unpaid household  
18 services for family members;
- 19 3. Is not adequately employed, as defined by rule of  
20 the agency ~~division~~;
- 21 4. Has had, or would have, difficulty in securing  
22 adequate employment; and
- 23 5. Has been dependent on the income of another family  
24 member but is no longer supported by such income, or has been  
25 dependent on federal assistance.

26 (3) AGENCY POWERS AND DUTIES.--

27 (a) The agency, under plans established by Workforce  
28 Florida, Inc., shall establish, or contract for the  
29 establishment of, programs for displaced homemakers which  
30 shall include:

1           1. Job counseling, by professionals and peers,  
2 specifically designed for a person entering the job market  
3 after a number of years as a homemaker.

4           2. Job training and placement services, including:

5           a. Training programs for available jobs in the public  
6 and private sectors, taking into account the skills and job  
7 experiences of a homemaker and developed by working with  
8 public and private employers.

9           b. Assistance in locating available employment for  
10 displaced homemakers, some of whom could be employed in  
11 existing job training and placement programs.

12           c. Utilization of the services of the state employment  
13 service in locating employment opportunities.

14           3. Financial management services providing information  
15 and assistance with respect to insurance, including, but not  
16 limited to, life, health, home, and automobile insurance, and  
17 taxes, estate and probate problems, mortgages, loans, and  
18 other related financial matters.

19           4. Educational services, including high school  
20 equivalency degree and such other courses as the agency  
21 determines would be of interest and benefit to displaced  
22 homemakers.

23           5. Outreach and information services with respect to  
24 federal and state employment, education, health, and  
25 unemployment assistance programs which the agency ~~division~~  
26 determines would be of interest and benefit to displaced  
27 homemakers.

28

29           Reviser's note.--Amended to conform to the  
30 substitution of the term "agency" for the term

31

1 "division" made elsewhere in the section by s.  
2 126, ch. 2000-165, Laws of Florida.

3  
4 Section 73. Subsection (5) of section 456.025, Florida  
5 Statutes, is amended to read:

6 456.025 Fees; receipts; disposition.--

7 (5) All moneys collected by the department from fees  
8 or fines or from costs awarded to the agency by a court shall  
9 be paid into a trust fund used by the department to implement  
10 this chapter. The Legislature shall appropriate funds from  
11 this trust fund sufficient to carry out this chapter and the  
12 provisions of law with respect to professions regulated by the  
13 Division of Medical Quality Assurance within the department  
14 and the boards. The department may contract with public and  
15 private entities to receive and deposit revenue pursuant to  
16 this section. The department shall maintain separate accounts  
17 in the trust fund used by the department to implement this  
18 chapter for every profession within the department. To the  
19 maximum extent possible, the department shall directly charge  
20 all expenses to the account of each regulated profession. For  
21 the purpose of this subsection, direct charge expenses  
22 include, but are not limited to, costs for investigations,  
23 examinations, and legal services. For expenses that cannot be  
24 charged directly, the department shall provide for the  
25 proportionate allocation among the accounts of expenses  
26 incurred by the department in the performance of its duties  
27 with respect to each regulated profession. The regulation by  
28 the department of professions, as defined in this chapter  
29 ~~part~~, shall be financed solely from revenue collected by it  
30 from fees and other charges and deposited in the Medical  
31 Quality Assurance Trust Fund, and all such revenue is hereby

1 appropriated to the department. However, it is legislative  
2 intent that each profession shall operate within its  
3 anticipated fees. The department may not expend funds from the  
4 account of a profession to pay for the expenses incurred on  
5 behalf of another profession, except that the Board of Nursing  
6 must pay for any costs incurred in the regulation of certified  
7 nursing assistants. The department shall maintain adequate  
8 records to support its allocation of agency expenses. The  
9 department shall provide any board with reasonable access to  
10 these records upon request. The department shall provide each  
11 board an annual report of revenue and direct and allocated  
12 expenses related to the operation of that profession. The  
13 board shall use these reports and the department's adopted  
14 long-range plan to determine the amount of license fees. A  
15 condensed version of this information, with the department's  
16 recommendations, shall be included in the annual report to the  
17 Legislature prepared under s. 456.026.

18

19 Reviser's note.--Amended to conform to the  
20 arrangement of chapter 456, which is not  
21 divided into parts.

22

23 Section 74. Paragraph (a) of subsection (1) of section  
24 456.039, Florida Statutes, is amended to read:

25 456.039 Designated health care professionals;  
26 information required for licensure.--

27 (1) Each person who applies for initial licensure as a  
28 physician under chapter 458, chapter 459, chapter 460, or  
29 chapter 461, except a person applying for registration  
30 pursuant to ss. 458.345 and 459.021, must, at the time of  
31 application, and each physician who applies for license

1 renewal under chapter 458, chapter 459, chapter 460, or  
2 chapter 461, except a person registered pursuant to ss.  
3 458.345 and 459.021, must, in conjunction with the renewal of  
4 such license and under procedures adopted by the Department of  
5 Health, and in addition to any other information that may be  
6 required from the applicant, furnish the following information  
7 to the Department of Health:

8 (a)1. The name of each medical school that the  
9 applicant has attended, with the dates of attendance and the  
10 date of graduation, and a description of all graduate medical  
11 education completed by the applicant, excluding any coursework  
12 taken to satisfy medical licensure continuing education  
13 requirements.

14 2. The name of each hospital at which the applicant  
15 has privileges.

16 3. The address at which the applicant will primarily  
17 conduct his or her practice.

18 4. Any certification that the applicant has received  
19 from a specialty board that is recognized by the board to  
20 which the applicant is applying.

21 5. The year that the applicant began practicing  
22 medicine.

23 6. Any appointment to the faculty of a medical school  
24 which the applicant currently holds and an indication as to  
25 whether the applicant has had the responsibility for graduate  
26 medical education within the most recent 10 years.

27 7. A description of any criminal offense of which the  
28 applicant has been found guilty, regardless of whether  
29 adjudication of guilt was withheld, or to which the applicant  
30 has pled guilty or nolo contendere. A criminal offense  
31 committed in another jurisdiction which would have been a

1 felony or misdemeanor if committed in this state must be  
2 reported. If the applicant indicates that a criminal offense  
3 is under appeal and submits a copy of the notice for appeal of  
4 that criminal offense, the department must state that the  
5 criminal offense is under appeal if the criminal offense is  
6 reported in the applicant's profile. If the applicant  
7 indicates to the department that a criminal offense is under  
8 appeal, the applicant must, upon disposition of the appeal,  
9 submit to the department a copy of the final written order of  
10 disposition.

11           8. A description of any final disciplinary action  
12 taken within the previous 10 years against the applicant by  
13 the agency regulating the profession that the applicant is or  
14 has been licensed to practice, whether in this state or in any  
15 other jurisdiction, by a specialty board that is recognized by  
16 the American Board of Medical Specialties ~~Specialities~~, the  
17 American Osteopathic Association, or a similar national  
18 organization, or by a licensed hospital, health maintenance  
19 organization, prepaid health clinic, ambulatory surgical  
20 center, or nursing home. Disciplinary action includes  
21 resignation from or nonrenewal of medical staff membership or  
22 the restriction of privileges at a licensed hospital, health  
23 maintenance organization, prepaid health clinic, ambulatory  
24 surgical center, or nursing home taken in lieu of or in  
25 settlement of a pending disciplinary case related to  
26 competence or character. If the applicant indicates that the  
27 disciplinary action is under appeal and submits a copy of the  
28 document initiating an appeal of the disciplinary action, the  
29 department must state that the disciplinary action is under  
30 appeal if the disciplinary action is reported in the  
31 applicant's profile.

1 Reviser's note.--Amended to conform to the  
2 correct title of the board.

3  
4 Section 75. Paragraph (d) of subsection (2) and  
5 subsections (6) and (7) of section 458.3135, Florida Statutes,  
6 are amended to read:

7 458.3135 Temporary certificate for visiting physicians  
8 to practice in approved cancer centers.--

9 (2) A temporary certificate for practice in an  
10 approved cancer center may be issued without examination to an  
11 individual who:

12 (d) Has not committed any act in this or any other  
13 jurisdiction which would constitute the basis for disciplining  
14 a physician under s. 456.072 ~~455.624~~ or s. 458.331;

15 (6) The board shall not issue a temporary certificate  
16 for practice in an approved cancer center to any physician who  
17 is under investigation in another jurisdiction for an act that  
18 would constitute a violation of this chapter or chapter 456  
19 ~~455~~ until such time as the investigation is complete and the  
20 physician is found innocent of all charges.

21 (7) A physician applying under this section is exempt  
22 from the requirements of ss. 456.039-456.046 ~~455.565-455.5656~~.  
23 All other provisions of chapters 456 ~~455~~ and 458 apply.

24  
25 Reviser's note.--Paragraph (2)(d) is amended to  
26 conform to the redesignation of s. 455.624 as  
27 s. 456.072 by s. 90, ch. 2000-160, Laws of  
28 Florida. Subsections (6) and (7) are amended to  
29 conform to the redesignation of sections  
30 comprising part II of chapter 455 as chapter  
31 456 by ch. 2000-160. Subsection (7) is further



1 amended to conform to the redesignation of ss.  
2 455.565-455.5656 as ss. 456.039 and  
3 456.041-456.046 by ss. 66-71, ch. 2000-160; and  
4 the enactment of s. 455.56503, renumbered as s.  
5 456.0391 by the reviser, by s. 152, ch.  
6 2000-318, Laws of Florida.

7  
8 Section 76. Subsection (5) of section 458.319, Florida  
9 Statutes, is amended to read:

10 458.319 Renewal of license.--

11 (5)(a) Notwithstanding any provision of this chapter  
12 or ~~part II~~ of chapter 456 ~~455~~, the requirements for the  
13 biennial renewal of the license of any licensee who is a  
14 member of the Legislature shall stand continued and extended  
15 without the requirement of any filing by such a licensee of  
16 any notice or application for renewal with the board or the  
17 department and such licensee's license shall be an active  
18 status license under this chapter, throughout the period that  
19 the licensee is a member of the Legislature and for a period  
20 of 60 days after the licensee ceases to be a member of the  
21 Legislature.

22 (b) At any time during the licensee's legislative term  
23 of office and during the period of 60 days after the licensee  
24 ceases to be a member of the Legislature, the licensee may  
25 file a completed renewal application that shall consist solely  
26 of:

27 1. A license renewal fee of \$250 for each year the  
28 licensee's license renewal has been continued and extended  
29 pursuant to the terms of this subsection since the last  
30 otherwise regularly scheduled biennial renewal year and each  
31

1 year during which the renewed license shall be effective until  
2 the next regularly scheduled biennial renewal date;

3 2. Documentation of the completion by the licensee of  
4 10 hours of continuing medical education credits for each year  
5 from the effective date of the last renewed license for the  
6 licensee until the year in which the application is filed;

7 3. The information from the licensee expressly  
8 required in s. 456.039(1)(a)1.-8. and (b), and (4)(a), (b),  
9 and (c)~~455.565(1)(a)1.-8. and (b), and (4)(a), (b), and (c).~~

10 (c) The department and board may not impose any  
11 additional requirements for the renewal of such licenses and,  
12 not later than 20 days after receipt of a completed  
13 application as specified in paragraph (b), shall renew the  
14 active status license of the licensee, effective on and  
15 retroactive to the last previous renewal date of the  
16 licensee's license. Said license renewal shall be valid until  
17 the next regularly scheduled biennial renewal date for said  
18 license, and thereafter shall be subject to the biennial  
19 requirements for renewal in this chapter and ~~part II of~~  
20 chapter 456 ~~455~~.

21  
22 Reviser's note.--Paragraphs (5)(a) and (c) are  
23 amended to conform to the redesignation of  
24 sections comprising part II of chapter 455 as  
25 chapter 456 by ch. 2000-160, Laws of Florida.  
26 Paragraph (5)(b) is amended to conform to the  
27 redesignation of s. 455.565 as s. 456.039 by s.  
28 66, ch. 2000-160.

29  
30 Section 77. Paragraph (c) of subsection (9) of section  
31 460.403, Florida Statutes, is amended to read:

1           460.403 Definitions.--As used in this chapter, the  
2 term:

3           (9)

4           (c)1. Chiropractic physicians may adjust, manipulate,  
5 or treat the human body by manual, mechanical, electrical, or  
6 natural methods; by the use of physical means or  
7 physiotherapy, including light, heat, water, or exercise; by  
8 the use of acupuncture; or by the administration of foods,  
9 food concentrates, food extracts, and items for which a  
10 prescription is not required and may apply first aid and  
11 hygiene, but chiropractic physicians are expressly prohibited  
12 from prescribing or administering to any person any legend  
13 drug except as authorized under subparagraph 2., from  
14 performing any surgery except as stated herein, or from  
15 practicing obstetrics.

16           2. Notwithstanding the prohibition against prescribing  
17 and administering legend drugs under subparagraph 1., or s.  
18 499.0122 ~~449.0122~~, pursuant to board rule chiropractic  
19 physicians may order, store, and administer, for emergency  
20 purposes only at the chiropractic physician's office or place  
21 of business, prescription medical oxygen and may also order,  
22 store, and administer the following topical anesthetics in  
23 aerosol form:

24           a. Any solution consisting of 25 percent ethylchloride  
25 and 75 percent dichlorodifluoromethane.

26           b. Any solution consisting of 15 percent  
27 dichlorodifluoromethane and 85 percent  
28 trichloromonofluoromethane.

29  
30  
31

1 However, this paragraph does not authorize a chiropractic  
2 physician to prescribe medical oxygen as defined in chapter  
3 499.

4

5 Reviser's note.--Amended to conform to the  
6 correct citation of the referenced material; s.  
7 449.0122 does not exist.

8

9 Section 78. Section 464.0045, Florida Statutes, is  
10 repealed.

11

12 Reviser's note.--The cited section authorizes  
13 the Governor to appoint one or more new members  
14 of the Board of Nursing added to the board  
15 pursuant to ch. 96-274, Laws of Florida, for a  
16 period of less than 4 years to achieve  
17 staggered terms. Chapter 96-274 took effect May  
18 29, 1996.

19

20 Section 79. Effective October 1, 2002, sections  
21 467.001, 467.002, 467.004, 467.011, 467.0125, 467.014,  
22 467.015, 467.016, 467.017, 467.201, 467.203, 467.205, and  
23 467.207, Florida Statutes, are reenacted to read:

24 467.001 Short title.--This chapter shall be known and  
25 may be cited as the "Midwifery Practice Act."

26 467.002 Legislative intent.--The Legislature  
27 recognizes the need for a person to have the freedom to choose  
28 the manner, cost, and setting for giving birth. The  
29 Legislature finds that access to prenatal care and delivery  
30 services is limited by the inadequate number of providers of  
31 such services and that the regulated practice of midwifery may

1 help to reduce this shortage. The Legislature also recognizes  
2 the need for the safe and effective delivery of newborn babies  
3 and the health, safety, and welfare of their mothers in the  
4 delivery process. The Legislature finds that the interests of  
5 public health require the regulation of the practice of  
6 midwifery in this state for the purpose of protecting the  
7 health and welfare of mothers and infants. Therefore, it is  
8 unlawful for any person to practice midwifery in this state  
9 unless such person is licensed pursuant to the provisions of  
10 this chapter or s. 464.012.

11 467.004 Council of Licensed Midwifery.--

12 (1) The Council of Licensed Midwifery is created  
13 within the department and shall consist of nine members to be  
14 appointed by the secretary.

15 (2) One member of the council shall be a certified  
16 nurse midwife. One member of the council shall be a physician  
17 who is an obstetrician certified by the American Board of  
18 Obstetrics and Gynecology and one family physician certified  
19 by the American Board of Family Practice. One member of the  
20 council shall be a physician who is a pediatrician certified  
21 by the American Board of Pediatrics. Four members of the  
22 council shall be licensed midwives. The one remaining member  
23 shall be a resident of this state who has never been a  
24 licensed midwife and who has no financial interest in the  
25 practice of midwifery or in any health care facility, agency,  
26 or insurer. The council members shall serve staggered 4-year  
27 terms as determined by rule.

28 (3) The council shall:

29 (a) Assist and advise the department in developing  
30 rules relating to: training requirements, including core  
31 competencies, for persons training to become licensed

1 midwives; the licensure examination; fees; the informed  
2 consent form; responsibilities of midwives; emergency care  
3 plans; records and reports to be filed by licensed midwives;  
4 and other regulatory requirements developed by the department.

5 (b) Assist the department in developing rules to  
6 implement s. 467.205, relating to approval of midwifery  
7 training programs.

8 (c) Monitor and inform the department on the practice  
9 of midwifery in other states and countries by persons who are  
10 not nurses.

11 (d) Educate the public and other providers of  
12 obstetrical care about the role of licensed midwives.

13 (e) Collect and review data regarding licensed  
14 midwifery.

15 (f) Recommend changes in the Midwifery Practice Act to  
16 the department and the Legislature.

17 (g) Address concerns and problems of practicing  
18 licensed midwives in order to promote improved safety in the  
19 practice of midwifery.

20 (4) Members of the council shall serve without pay.  
21 The council members shall be entitled to reimbursement for per  
22 diem and travel expenses pursuant to s. 112.061.

23 467.011 Licensure by examination.--

24 (1) The department shall administer an examination to  
25 test the proficiency of applicants in the core competencies  
26 required to practice midwifery as specified in s. 467.009.

27 (2) The department shall develop, publish, and make  
28 available to interested parties at a reasonable cost a  
29 bibliography and guide for the examination.

30 (3) The department shall issue a license to practice  
31 midwifery to an applicant who has graduated from an approved

1 midwifery program and successfully completed the examination,  
2 upon payment of the required licensure fee.

3 467.0125 Licensure by endorsement.--

4 (1) The department shall issue a license by  
5 endorsement to practice midwifery to an applicant who, upon  
6 applying to the department, demonstrates to the department  
7 that she or he:

8 (a)1. Holds a valid certificate or diploma from a  
9 foreign institution of medicine or midwifery or from a  
10 midwifery program offered in another state, bearing the seal  
11 of the institution or otherwise authenticated, which renders  
12 the individual eligible to practice midwifery in the country  
13 or state in which it was issued, provided the requirements  
14 therefor are deemed by the department to be substantially  
15 equivalent to, or to exceed, those established under this  
16 chapter and rules adopted under this chapter, and submits  
17 therewith a certified translation of the foreign certificate  
18 or diploma; or

19 2. Holds a valid certificate or license to practice  
20 midwifery in another state, issued by that state, provided the  
21 requirements therefor are deemed by the department to be  
22 substantially equivalent to, or to exceed, those established  
23 under this chapter and rules adopted under this chapter.

24 (b) Has completed a 4-month prelicensure course  
25 conducted by an approved program and has submitted  
26 documentation to the department of successful completion. The  
27 department shall determine by rule the content of the  
28 prelicensure course.

29 (c) Has successfully passed the licensed midwifery  
30 examination.

31

1           (2) The department may issue a temporary certificate  
2 to practice in areas of critical need to any midwife who is  
3 qualifying for licensure by endorsement under subsection (1),  
4 with the following restrictions:

5           (a) The Department of Health shall determine the areas  
6 of critical need, and the midwife so certified shall practice  
7 only in those specific areas, under the auspices of a  
8 physician licensed pursuant to chapter 458 or chapter 459, a  
9 certified nurse midwife licensed pursuant to part I of chapter  
10 464, or a midwife licensed under this chapter, who has a  
11 minimum of 3 years' professional experience. Such areas shall  
12 include, but not be limited to, health professional shortage  
13 areas designated by the United States Department of Health and  
14 Human Services.

15           (b) A temporary certificate issued under this section  
16 shall be valid only as long as an area for which it is issued  
17 remains an area of critical need, but no longer than 2 years,  
18 and shall not be renewable.

19           (c) The department may administer an abbreviated oral  
20 examination to determine the midwife's competency, but no  
21 written regular examination shall be necessary.

22           (d) The department shall not issue a temporary  
23 certificate to any midwife who is under investigation in  
24 another state for an act which would constitute a violation of  
25 this chapter until such time as the investigation is complete,  
26 at which time the provisions of this section shall apply.

27           (e) The department shall review the practice under a  
28 temporary certificate at least annually to ascertain that the  
29 minimum requirements of the midwifery rules promulgated under  
30 this chapter are being met. If it is determined that the  
31



1 minimum requirements are not being met, the department shall  
2 immediately revoke the temporary certificate.

3 (f) The fee for a temporary certificate shall not  
4 exceed \$50 and shall be in addition to the fee required for  
5 licensure.

6 467.014 Financial responsibility.--A licensed midwife  
7 shall include in the informed consent plan presented to the  
8 parents the status of the midwife's malpractice insurance,  
9 including the amount of malpractice insurance, if any.

10 467.015 Responsibilities of the midwife.--

11 (1) A midwife shall accept and provide care for only  
12 those mothers who are expected to have a normal pregnancy,  
13 labor, and delivery and shall ensure that the following  
14 conditions are met:

15 (a) The patient has signed an informed consent form  
16 approved by the department pursuant to s. 467.016.

17 (b) If the patient is delivering at home, the home is  
18 safe and hygienic and meets standards set forth by the  
19 department.

20 (2) A midwife may provide collaborative prenatal and  
21 postpartal care to pregnant women not at low risk in their  
22 pregnancy, labor, and delivery, within a written protocol of a  
23 physician currently licensed under chapter 458 or chapter 459,  
24 which physician shall maintain supervision for directing the  
25 specific course of medical treatment. The department shall by  
26 rule develop guidelines for the identification of high-risk  
27 pregnancies.

28 (3) A midwife licensed under this chapter may  
29 administer prophylactic ophthalmic medication, oxygen,  
30 postpartum oxytocin, vitamin K, rho immune globulin (human),  
31 and local anesthetic pursuant to a prescription issued by a

1 practitioner licensed under chapter 458 or chapter 459, and  
2 may administer such other medicinal drugs as prescribed by  
3 such practitioner. Any such prescription for medicinal drugs  
4 shall be in a form that complies with chapter 499 and shall be  
5 dispensed in a pharmacy permitted under chapter 465 by a  
6 pharmacist licensed under chapter 465.

7 (4) The care of mothers and infants throughout the  
8 prenatal, intrapartal, and postpartal periods shall be in  
9 conformity with rules adopted by the department pursuant to  
10 this chapter and the public health laws of this state.

11 (5) The midwife shall:

12 (a) Prepare a written plan of action with the family  
13 to ensure continuity of medical care throughout labor and  
14 delivery and to provide for immediate medical care if an  
15 emergency arises. The family should have specific plans for  
16 medical care throughout the prenatal, intrapartal, and  
17 postpartal periods.

18 (b) Instruct the patient and family regarding the  
19 preparation of the environment and ensure availability of  
20 equipment and supplies needed for delivery and infant care, if  
21 a home birth is planned.

22 (c) Instruct the patient in the hygiene of pregnancy  
23 and nutrition as it relates to prenatal care.

24 (d) Maintain equipment and supplies in conformity with  
25 the rules adopted pursuant to this chapter.

26 (6) The midwife shall determine the progress of labor  
27 and, when birth is imminent, shall be immediately available  
28 until delivery is accomplished. During labor and delivery,  
29 the midwife shall comply with rules adopted by the department  
30 pursuant to this chapter, which shall include rules that  
31 govern:

- 1 (a) Maintaining a safe and hygienic environment;  
2 (b) Monitoring the progress of labor and the status of  
3 the fetus;  
4 (c) Recognizing early signs of distress or  
5 complications; and  
6 (d) Enacting the written emergency plan when  
7 indicated.
- 8 (7)(a) The midwife shall remain with the postpartal  
9 mother until the conditions of the mother and the neonate are  
10 stabilized.
- 11 (b) The midwife shall instill into each eye of the  
12 newborn infant a prophylactic in accordance with s. 383.04.
- 13 467.016 Informed consent.--The department shall  
14 develop a uniform client informed-consent form to be used by  
15 the midwife to inform the client of the qualifications of a  
16 licensed midwife and the nature and risk of the procedures to  
17 be used by a midwife and to obtain the client's consent for  
18 the provision of midwifery services.
- 19 467.017 Emergency care plan; immunity.--
- 20 (1) Every licensed midwife shall develop a written  
21 plan for the appropriate delivery of emergency care. A copy  
22 of the plan shall accompany any application for license  
23 issuance or renewal. The plan shall address the following:
- 24 (a) Consultation with other health care providers.  
25 (b) Emergency transfer.  
26 (c) Access to neonatal intensive care units and  
27 obstetrical units or other patient care areas.
- 28 (2) Any physician licensed under chapter 458 or  
29 chapter 459, or any certified nurse midwife, or any hospital  
30 licensed under chapter 395, or any osteopathic hospital,  
31 providing medical care or treatment to a woman or infant due

1 to an emergency arising during delivery or birth as a  
2 consequence of the care received by a midwife licensed under  
3 chapter 467 shall not be held liable for any civil damages as  
4 a result of such medical care or treatment unless such damages  
5 result from providing, or failing to provide, medical care or  
6 treatment under circumstances demonstrating a reckless  
7 disregard for the consequences so as to affect the life or  
8 health of another.

9           467.201 Violations and penalties.--Each of the  
10 following acts constitutes a felony of the third degree,  
11 punishable as provided in s. 775.082, s. 775.083, or s.  
12 775.084:

13           (1) Practicing midwifery, unless holding an active  
14 license to do so.

15           (2) Using or attempting to use a license which has  
16 been suspended or revoked.

17           (3) The willful practice of midwifery by a student  
18 midwife without a preceptor present, except in an emergency.

19           (4) Knowingly allowing a student midwife to practice  
20 midwifery without a preceptor present, except in an emergency.

21           (5) Obtaining or attempting to obtain a license under  
22 this chapter through bribery or fraudulent misrepresentation.

23           (6) Using the name or title "midwife" or "licensed  
24 midwife" or any other name or title which implies that a  
25 person is licensed to practice midwifery, unless such person  
26 is duly licensed as provided in this chapter.

27           (7) Knowingly concealing information relating to the  
28 enforcement of this chapter or rules adopted pursuant thereto.

29           467.203 Disciplinary actions; penalties.--

30           (1) The following acts shall be grounds for  
31 disciplinary action as set forth in this section:

1 (a) Procuring, attempting to procure, or renewing a  
2 license to practice midwifery by bribery, by fraudulent  
3 misrepresentation, or through an error of the department.

4 (b) Having a license to practice midwifery revoked,  
5 suspended, or otherwise acted against, including being denied  
6 licensure, by the licensing authority of another state,  
7 territory, or country.

8 (c) Being convicted or found guilty, regardless of  
9 adjudication, in any jurisdiction of a crime which directly  
10 relates to the practice of midwifery or to the ability to  
11 practice midwifery. A plea of nolo contendere shall be  
12 considered a conviction for purposes of this provision.

13 (d) Making or filing a false report or record, which  
14 the licensee knows to be false; intentionally or negligently  
15 failing to file a report or record required by state or  
16 federal law; or willfully impeding or obstructing such filing  
17 or inducing another to do so. Such reports or records shall  
18 include only those which are signed in the midwife's capacity  
19 as a licensed midwife.

20 (e) Advertising falsely, misleadingly, or deceptively.

21 (f) Engaging in unprofessional conduct, which  
22 includes, but is not limited to, any departure from, or the  
23 failure to conform to, the standards of practice of midwifery  
24 as established by the department, in which case actual injury  
25 need not be established.

26 (g) Being unable to practice midwifery with reasonable  
27 skill and safety to patients by reason of illness;  
28 drunkenness; or use of drugs, narcotics, chemicals, or other  
29 materials or as a result of any mental or physical condition.  
30 A midwife affected under this paragraph shall, at reasonable  
31 intervals, be afforded an opportunity to demonstrate that he

1 or she can resume the competent practice of midwifery with  
2 reasonable skill and safety.

3 (h) Failing to report to the department any person who  
4 the licensee knows is in violation of this chapter or of the  
5 rules of the department.

6 (i) Willfully or repeatedly violating any provision of  
7 this chapter, any rule of the department, or any lawful order  
8 of the department previously entered in a disciplinary  
9 proceeding or failing to comply with a lawfully issued  
10 subpoena of the department.

11 (2) When the department finds any person guilty of any  
12 of the grounds set forth in subsection (1), it may enter an  
13 order imposing one or more of the following penalties:

14 (a) Refusal to approve an application for licensure.

15 (b) Revocation or suspension of a license.

16 (c) Imposition of an administrative fine not to exceed  
17 \$1,000 for each count or separate offense.

18 (d) Issuance of a reprimand.

19 (e) Placement of the midwife on probation for such  
20 period of time and subject to such conditions as the  
21 department may specify, including requiring the midwife to  
22 submit to treatment; undertake further relevant education or  
23 training; take an examination; or work under the supervision  
24 of another licensed midwife, a physician, or a nurse midwife  
25 licensed under part I of chapter 464.

26 (3) The department shall not reinstate the license of  
27 a midwife, or cause a license to be issued to a person it has  
28 deemed unqualified, until such time as it is satisfied that  
29 such person has complied with all the terms and conditions set  
30 forth in the final order and that such person is capable of  
31 safely engaging in the practice of midwifery.

1           (4) The department shall by rule establish guidelines  
2 for the disposition of disciplinary cases involving specific  
3 types of violations. Such guidelines may include minimum and  
4 maximum fines, periods of suspension or probation, or  
5 conditions of probation or reissuance of a license.

6           467.205 Approval of midwifery programs.--

7           (1) An organization desiring to conduct an approved  
8 program for the education of midwives shall apply to the  
9 department and submit such evidence as may be required to show  
10 that it complies with s. 467.009 and with the rules of the  
11 department. Any accredited or state-licensed institution of  
12 higher learning, public or private, may provide midwifery  
13 education and training.

14           (2) The department shall adopt rules regarding  
15 educational objectives, faculty qualifications, curriculum  
16 guidelines, administrative procedures, and other training  
17 requirements as are necessary to ensure that approved programs  
18 graduate midwives competent to practice under this chapter.

19           (3) The department shall survey each organization  
20 applying for approval. If the department is satisfied that  
21 the program meets the requirements of s. 467.009 and rules  
22 adopted pursuant to that section, it shall approve the  
23 program.

24           (4) The department shall, at least once every 3 years,  
25 certify whether each approved midwifery program complies with  
26 the standards developed under s. 467.009.

27           (5) If the department finds that an approved program  
28 no longer meets the required standards, it may place the  
29 program on probationary status until such time as the  
30 standards are restored. If a program fails to correct these  
31 conditions within a specified period of time, the department

1 may rescind the approval. Any program having its approval  
2 rescinded shall have the right to reapply.

3 (6) Provisional approval of a new program may be  
4 granted pending the licensure results of the first graduating  
5 class.

6 467.207 Exceptions.--No provision of this chapter  
7 shall be construed to prohibit:

8 (1) The practice of midwifery by students enrolled in  
9 an approved midwifery training program.

10 (2) The establishment of an independent practice by  
11 one or more midwives for the purpose of rendering to patients  
12 midwifery services within the scope of the midwife license.

13 (3) Assistance by any person in the case of an  
14 emergency.

15  
16 Reviser's note.--Reenacted to conform to the  
17 repeal of the s. 11.61 repeal of ss. 467.001,  
18 467.002, 467.004, 467.011, 467.0125,  
19 467.014-467.017, and 467.201-467.207 by s. 4,  
20 ch. 91-429, Laws of Florida, and the  
21 confirmation of that repeal by s. 33, ch.  
22 96-318, Laws of Florida. Section 467.004 is  
23 also reenacted to conform to the repeal of the  
24 s. 11.611 review of the Council of Licensed  
25 Midwifery as provided by s. 20, ch. 92-179,  
26 Laws of Florida. Section 5, ch. 91-429,  
27 repealed s. 11.611, and s. 33, ch. 96-318,  
28 confirmed the repeal of s. 11.611.

29  
30  
31



1 Section 80. Paragraph (b) of subsection (3) of section  
2 468.354, Florida Statutes, as amended by section 178 of  
3 chapter 99-397, Laws of Florida, is reenacted to read:

4 468.354 Board of Respiratory Care; organization;  
5 function.--

6 (3)

7 (b) To achieve staggering of terms, within 120 days  
8 after July 1, 1999, the Governor shall appoint the board  
9 members as follows:

10 1. Two members shall be appointed for terms of 2  
11 years.

12 2. Two members shall be appointed for terms of 3  
13 years.

14 3. Three members shall be appointed for terms of 4  
15 years.

16  
17 Reviser's note.--Reenacted to confirm the  
18 continued existence of the paragraph despite  
19 the repeal by s. 57, ch. 99-5, Laws of Florida,  
20 a reviser's bill. Section 178, ch. 99-397, Laws  
21 of Florida, amended paragraph (3)(b) to require  
22 that, in order to achieve staggered terms,  
23 within 120 days after July 1, 1999, the  
24 Governor appoint board members for terms of  
25 office ranging from 2 to 4 years; prior to  
26 amendment, the appointments were to be made  
27 within 120 days after October 1, 1984.  
28  
29  
30  
31