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A bill to be entitled
 An act relating to health; amending s. 17.41, F.S.;
 providing for funds from the tobacco settlement to be
 transferred to the Biomedical Research Trust Fund within
 the Department of Health; amending s. 20.43, F.S.;
 renaming certain divisions within the Department of
 Health; establishing the Division of Disability
 Determinations within the department; amending s. 154.01,
 F.S.; providing for environmental health services to
 include investigations of elevated blood lead levels;
 authorizing the expenditure of funds for such
 investigations; creating s. 216.342, F.S.; authorizing the
 expenditure of funds of the United States Trust Fund for
 the operation of the Division of Disability
 Determinations; amending s. 381.0011, F.S.; revising
 duties of the Department of Health with respect to injury
 prevention and control; amending s. 381.004, F.S.;
 revising requirements for the release of HIV test results;
 amending s. 381.0065, F.S., relating to onsite sewage
 treatment and disposal systems; clarifying a definition;
 deleting obsolete provisions; amending s. 381.0072, F.S.;
 clarifying provisions governing the authority of the
 Department of Health to adopt and enforce sanitation
 rules; revising exemptions; creating s. 381.104, F.S.;
 authorizing state agencies to establish employee health
 and wellness programs; providing requirements for the
 programs; requiring the use of an employee health and
 wellness activity agreement form; requiring an evaluation
 and improvement process for the program; requiring the
 Department of Health to provide model program guidelines;



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31 creating s. 381.86, F.S.; creating the Review Council for
32 Human Subjects within the Department of Health; providing
33 duties and membership; providing for reimbursement for per
34 diem and travel expenses; requiring the department to
35 charge for costs incurred by the council for research
36 oversight; providing an exception; amending s. 381.89,
37 F.S.; revising the fees imposed for the licensure of
38 tanning facilities; amending s. 381.90, F.S.; revising the
39 membership of the Health Information Systems Council;
40 revising the date for submitting an annual plan; amending
41 s. 383.14, F.S.; clarifying provisions with respect to the
42 screening of newborns; amending s. 384.25, F.S.; revising
43 requirements for the reporting of sexually transmissible
44 diseases; requiring the Department of Health to adopt
45 rules relating to newborns or infants exposed to HIV;
46 amending s. 385.204, F.S.; revising requirements for the
47 purchase and distribution of insulin by the Department of
48 Health; amending s. 391.021, F.S.; redefining the term
49 "children with special health care needs" for purposes of
50 the Children's Medical Services Act; amending s. 391.025,
51 F.S.; revising applicability and scope of the act;
52 amending s. 391.029, F.S.; revising requirements for
53 program eligibility; amending s. 391.055, F.S.; requiring
54 the referral to the Children's Medical Services network of
55 a newborn having a certain abnormal screening result;
56 creating s. 391.309, F.S.; establishing the Florida
57 Infants and Toddlers Early Intervention Program; providing
58 requirements for the Department of Health under the
59 program; requiring certain federal waivers; amending s.
60 393.064, F.S.; transferring to the Department of Health



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61 authority for the supervision and management of the
62 Raymond C. Philips Research and Education Unit; amending
63 s. 394.4615, F.S.; limiting a patient's access to his or
64 her records where the patient's life or safety is
65 endangered; amending s. 394.9151, F.S.; authorizing the
66 Department of Children and Family Services to contract
67 with the Correctional Medical Authority to conduct surveys
68 of medical services and to provide medical quality
69 assurance and improvement assistance at secure confinement
70 and treatment facilities for certain persons; amending s.
71 395.3025, F.S.; clarifying access to patient records for
72 professional disciplinary purposes and for research
73 purposes; amending s. 395.404, F.S.; revising requirements
74 for reports to the Department of Health concerning certain
75 brain or spinal cord injuries; amending s. 395.7015, F.S.;
76 conforming cross references; amending s. 400.141, F.S.;
77 requiring copies of records to be provided to the
78 Department of Health upon subpoena; amending s. 400.145,
79 F.S.; requiring certification of copies of records
80 requested pursuant to subpoena or patient release;
81 amending s. 400.211, F.S.; reducing inservice training
82 hours for nursing assistants; creating s. 400.455, F.S.;
83 requiring a certified copy of subpoenaed records under
84 certain circumstances; amending s. 401.113, F.S.;
85 providing for the use of funds generated from interest on
86 certain grant moneys dispensed from the Emergency Medical
87 Services Trust Fund; amending s. 401.211, F.S.; providing
88 legislative intent with respect to a comprehensive
89 statewide injury prevention and control program; creating
90 s. 401.243, F.S.; providing duties of the Department of



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91 Health in operating the program; amending s. 401.27, F.S.;

92 authorizing electronically submitted applications for

93 certification or recertification as an emergency medical

94 technician or a paramedic; removing a provision

95 authorizing a temporary certificate; revising requirements

96 for an insignia identifying such person; requiring

97 submission of information and fingerprints for a criminal

98 history check; requiring fees; providing additional

99 grounds for denial of certification or recertification;

100 providing for certain exemptions; amending s. 401.2701,

101 F.S.; requiring emergency medical services training

102 programs to advise students of certification and

103 regulatory requirements; amending s. 401.2715, F.S.;

104 requiring recognition, upon application, of entities

105 approved by the Continuing Education Coordinating Board

106 for Emergency Medical Services for recertification

107 training; amending s. 401.272, F.S.; providing that

108 paramedics may provide life support services in hospital

109 emergency departments under certain circumstances;

110 amending s. 404.056, F.S.; revising requirements for

111 mandatory testing of certain buildings and facilities for

112 radon; amending s. 409.814, F.S.; authorizing certain

113 children to participate in the Florida Healthy Kids

114 program or the Medikids program; amending s. 455.227,

115 F.S.; conforming a cross reference; amending s. 456.017,

116 F.S.; providing for electronic posting of examination

117 scores; amending s. 456.025, F.S.; deleting the

118 requirement for the Department of Health to develop and

119 maintain a continuing education tracking system; amending

120 s. 456.0375, F.S.; providing exemption from registration



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121 for community college and university clinics; providing
122 distinction between supervision of administrative services
123 and supervision of health care delivery services;
124 providing exemption from registration for clinical
125 facilities where training is provided by certain medical
126 schools; amending s. 456.039, F.S.; deleting a cross
127 reference; amending s. 456.049, F.S.; specifying amount of
128 final professional liability claims to be reported for
129 physicians and dentists; amending s. 456.063, F.S.;
130 providing professional regulatory boards, or the
131 Department of Health if there is no board, rulemaking
132 authority for reporting allegations of sexual misconduct;
133 amending s. 456.072, F.S.; clarifying grounds for
134 discipline for performing or attempting to perform health
135 care services on the wrong patient or that are otherwise
136 wrong or unnecessary or leaving a foreign body in the
137 patient; providing for discipline for prescribing,
138 administering, dispensing, or distributing certain
139 medications without a valid professional relationship;
140 providing for additional costs to be assessed as part of
141 any penalty or other form of discipline; requiring clear
142 and convincing evidence to revoke or suspend a license and
143 the greater weight of the evidence for other forms of
144 discipline; conforming a cross reference; amending s.
145 456.073, F.S.; extending the time within which the subject
146 of an investigation may submit a written response to the
147 information in the complaint or other documentation;
148 requiring the Department of Health to give 45 days' notice
149 to the Division of Administrative Hearings when a hearing
150 is needed; requiring the division to charge its expenses



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151 to the Medical Quality Assurance Trust Fund; providing for
152 certain fees and charges; amending s. 456.077, F.S.;
153 providing that citations for first offenses do not
154 constitute discipline; deleting the required period for
155 issuing a citation; amending s. 456.078, F.S.; requiring
156 designation of certain violations as appropriate for
157 mediation; excluding certain violations from mediation;
158 requiring successful mediation to include a statement of
159 whether or not the resolution constitutes discipline;
160 requiring payment for the administrative costs of
161 mediation; prohibiting mediation more than once involving
162 a breach of the standard of care for health care
163 professionals; providing rulemaking authority; amending s.
164 458.303, F.S.; conforming cross references; amending s.
165 458.311, F.S.; consolidating and revising provisions
166 relating to requirements for licensure of physicians;
167 amending s. 458.3124, F.S.; conforming a cross reference;
168 amending s. 458.315, F.S.; consolidating and revising
169 provisions relating to requirements for limited licensure
170 of physicians; amending s. 458.319, F.S.; deleting a cross
171 reference; amending s. 458.320, F.S.; conforming a cross
172 reference; creating s. 458.3215, F.S.; providing for
173 reactivation of a physician's license for clinical
174 research purposes; providing for fees and continuing
175 education; amending s. 458.331, F.S.; increasing the
176 threshold amount of claims against a physician that
177 represent repeated malpractice; revising a reporting
178 requirement to conform; reducing the time period for a
179 physician to respond to information contained in a
180 complaint or other documentation; amending ss. 458.345 and



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181 458.347, F.S.; conforming cross references; amending s.
 182 459.008, F.S.; deleting a cross reference; creating s.
 183 459.0091, F.S.; providing for reactivation of an
 184 osteopathic physician's license for clinical research
 185 purposes; providing for fees and continuing education;
 186 amending s. 459.015, F.S.; increasing the threshold amount
 187 of claims against an osteopathic physician that represent
 188 repeated malpractice; revising a reporting requirement to
 189 conform; reducing the time period for an osteopathic
 190 physician to respond to information contained in a
 191 complaint or other documentation; amending s. 460.406,
 192 F.S.; revising an accrediting agency for chiropractic
 193 education; amending s. 460.413, F.S.; reducing the time
 194 period for a chiropractic physician to respond to
 195 information contained in a complaint or other
 196 documentation; amending s. 461.013, F.S.; increasing the
 197 threshold amount of claims against a podiatric physician
 198 that represent repeated malpractice; revising a reporting
 199 requirement to conform; reducing the time period for a
 200 podiatric physician to respond to information contained in
 201 a complaint or other documentation; amending s. 463.006,
 202 F.S.; revising an accrediting agency for optometry
 203 education; amending s. 464.0205, F.S.; conforming a cross
 204 reference; amending s. 464.203, F.S.; clarifying
 205 requirements for criminal history checks of certified
 206 nursing assistants; reducing the hours of inservice
 207 training required each year; providing for biennial
 208 renewal of certification, including fees; amending s.
 209 464.204, F.S.; revising a ground for disciplinary action
 210 for specificity and removal of the requirement of



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211 | intentional; amending s. 465.016, F.S.; providing for
 212 | disciplinary action against a pharmacist for compounding,
 213 | dispensing, or distributing legend drugs not prescribed in
 214 | the course of a valid professional relationship; amending
 215 | s. 467.009, F.S.; revising an accrediting agency for
 216 | midwifery education and the licensing agency for midwives;
 217 | amending s. 467.013, F.S.; providing for inactive
 218 | licensure status for midwives pursuant to rule of the
 219 | Department of Health and deleting statutory provisions to
 220 | conform; amending s. 467.0135, F.S.; clarifying language
 221 | for licensure status and fees for midwives; amending s.
 222 | 467.017, F.S.; requiring a midwife's emergency care plan
 223 | to be available upon request of the Department of Health;
 224 | amending s. 468.302, F.S.; authorizing a nuclear medicine
 225 | technologist to administer certain X radiation; excluding
 226 | such technologist from creating or modifying certain
 227 | tomography protocols and operating certain tomography
 228 | devices; amending s. 468.352, F.S.; revising definitions
 229 | applicable to regulation of respiratory therapy; amending
 230 | s. 468.355, F.S.; revising licensure requirements to
 231 | practice respiratory therapy; amending s. 468.368, F.S.;
 232 | revising requirements for exemptions from respiratory care
 233 | regulation; amending s. 468.509, F.S.; revising an
 234 | accrediting agency for education of dietitians and
 235 | nutritionists; amending s. 468.707, F.S.; revising an
 236 | accrediting agency for education of athletic trainers;
 237 | deleting a provision relating to a continuing education
 238 | course on HIV/AIDS for initial licensure as an athletic
 239 | trainer; amending ss. 486.031 and 486.102, F.S.; revising
 240 | an accrediting agency for education of physical therapists



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241 and physical therapist assistants; amending s. 489.553,
242 F.S.; revising registration requirements for master septic
243 tank contractors; amending s. 489.554, F.S.; revising
244 registration renewal requirements for such contractors;
245 providing for inactive status and reactivation of
246 registration; amending ss. 490.005 and 491.005, F.S.;
247 revising an accrediting agency for education of
248 psychologists and psychotherapists; revising requirements
249 for licensure as a clinical social worker; amending s.
250 491.0145, F.S.; prohibiting the licensure of a certified
251 master social worker if not licensed before a certain
252 date; creating s. 491.0146, F.S.; providing a saving
253 clause for a certified master social worker licensed from
254 a certain date; amending s. 491.0147, F.S.; providing
255 exemption from liability for disclosure of confidential
256 information under certain circumstances; amending s.
257 499.003, F.S.; redefining the term "compressed medical
258 gas" for purposes of the Florida Drug and Cosmetic Act;
259 amending s. 499.007, F.S.; revising requirements for
260 labeling medicinal drugs; amending s. 499.01, F.S.;
261 authorizing the department to issue a prescription drug
262 manufacturer permit to a nuclear pharmacy that is a health
263 care entity; amending s. 499.0121, F.S.; providing
264 requirements for retaining inventories and records;
265 transferring and renumbering s. 501.122, F.S., relating to
266 the control of nonionizing radiations; amending s.
267 627.912, F.S.; requiring insurers to report to the
268 Department of Health final claims in certain amounts for
269 physicians, osteopathic physicians, podiatric physicians,
270 and dentists; amending s. 766.101, F.S.; including certain



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271 university committees as medical review committees;
272 amending s. 766.314, F.S.; exempting children born in
273 certain family practice teaching hospitals from fee
274 assessments used to finance the Florida Birth-Related
275 Neurological Injury Compensation Plan; conforming a cross
276 reference; amending s. 784.081, F.S.; providing for the
277 reclassification of the offense of assault or battery if
278 committed on an employee of the Department of Health or
279 upon a direct service contract provider of the department;
280 amending s. 817.567, F.S.; revising an accrediting agency
281 for institutions awarding academic degrees and titles;
282 creating s. 945.6038, F.S.; authorizing the Correctional
283 Medical Authority to contract with other agencies to
284 provide medical quality improvement services; amending s.
285 1009.992, F.S.; revising the definition of the term
286 "institution" to update a reference to an accrediting
287 agency; amending s. 1012.46, F.S.; revising provisions
288 relating to athletic trainers in school districts;
289 removing a legislative goal; clarifying a cross reference;
290 providing for payments by the Department of Health and the
291 Division of Administrative Hearings with respect to
292 billings for hearings; requiring a joint audit of hearings
293 and billings of the Division of Administrative Hearings;
294 requiring a report to the Legislature on billing practices
295 of the Division of Administrative Hearings; repealing s.
296 381.0098(9), F.S., relating to obsolete transition
297 provisions concerning biomedical waste; repealing s.
298 381.85, F.S., relating to biomedical and social research;
299 repealing s. 385.103(2)(f), F.S., relating to rulemaking
300 authority of the department with respect to the operation



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301 of community intervention programs; repealing s. 385.205,
 302 F.S., relating to programs in kidney disease control;
 303 repealing s. 385.209, F.S., relating to dissemination of
 304 information on cholesterol health risks; repealing s.
 305 445.033(7), F.S., relating to an exemption from biomedical
 306 and social research requirements for evaluations of TANF-
 307 funded programs conducted by Workforce Florida, Inc.;
 308 repealing s. 456.031, F.S., relating to a requirement for
 309 instruction on domestic violence; repealing s. 456.033,
 310 F.S., relating to requirement for instruction on HIV and
 311 AIDS for certain licensees; repealing s. 456.034, F.S.,
 312 relating to requirement for instruction on HIV and AIDS
 313 for athletic trainers and massage therapists; repealing s.
 314 458.313, F.S., relating to physician licensure by
 315 endorsement; repealing s. 458.316, F.S., relating to
 316 public health certificates; repealing s. 458.3165, F.S.,
 317 relating to public psychiatry certificates; repealing s.
 318 458.317, F.S., relating to limited licenses for
 319 physicians; repealing s. 468.356, F.S., relating to
 320 approval of educational programs for respiratory therapy
 321 licensure; repealing s. 468.357, F.S., relating to
 322 respiratory therapy licensure by examination; repealing s.
 323 468.711(3), F.S., relating to a continuing education
 324 course on HIV/AIDS for athletic trainers seeking
 325 relicensure; providing an effective date.

326
 327 Be It Enacted by the Legislature of the State of Florida:

328
 329 Section 1. Subsection (5) of section 17.41, Florida
 330 Statutes, is amended to read:



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331 17.41 Department of Banking and Finance Tobacco Settlement
 332 Clearing Trust Fund.--

333 (5) The department shall disburse funds, by nonoperating
 334 transfer, from the Tobacco Settlement Clearing Trust Fund to the
 335 tobacco settlement trust funds of the various agencies or the
 336 Biomedical Research Trust Fund within the Department of Health,
 337 as appropriate, in amounts equal to the annual appropriations
 338 made from those agencies' trust funds in the General
 339 Appropriations Act.

340 Section 2. Paragraphs (f) and (j) of subsection (3) of
 341 section 20.43, Florida Statutes, are amended, and paragraph (k)
 342 is added to said subsection, to read:

343 20.43 Department of Health.--There is created a Department
 344 of Health.

345 (3) The following divisions of the Department of Health
 346 are established:

347 (f) Division of Emergency Medical Operations ~~Services and~~
 348 ~~Community Health Resources.~~

349 (j) Division of Health Access ~~Awareness~~ and Tobacco.

350 (k) Division of Disability Determinations.

351 Section 3. Paragraph (a) of subsection (2) and subsection
 352 (3) of section 154.01, Florida Statutes, are amended to read:

353 154.01 County health department delivery system.--

354 (2) A functional system of county health department
 355 services shall be established which shall include the following
 356 three levels of service and be funded as follows:

357 (a) "Environmental health services" are those services
 358 which are organized and operated to protect the health of the
 359 general public by monitoring and regulating activities in the
 360 environment which may contribute to the occurrence or



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361 transmission of disease. Environmental health services shall be
362 supported by available federal, state, and local funds and shall
363 include those services mandated on a state or federal level.
364 Examples of environmental health services include, but are not
365 limited to, food hygiene, investigations of elevated blood lead
366 levels, safe drinking water supply, sewage and solid waste
367 disposal, swimming pools, group care facilities, migrant labor
368 camps, toxic material control, radiological health, occupational
369 health, and entomology.

370 (3) The Department of Health shall enter into contracts
371 with the several counties for the purposes of this part. All
372 contracts shall be negotiated and approved by the appropriate
373 local governing bodies and the appropriate district
374 administrators on behalf of the department. In accordance with
375 federal guidelines, the state may utilize federal funds for
376 county health department services. A standard contract format
377 shall be developed and used by the department in contract
378 negotiations. The contract shall include the three levels of
379 county health department services outlined in subsection (2)
380 above and shall contain a section which stipulates, for the
381 contract year:

382 (a) All revenue sources, including federal, state, and
383 local general revenue, fees, and other cash contributions, which
384 shall be used by the county health department for county health
385 department services.†

386 (b) The types of services to be provided in each level of
387 service. Each participating county may expend funds for
388 federally mandated certification or recertification fees related
389 to investigations of elevated blood lead levels as provided
390 under paragraph (2)(a).†



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391 (c) The estimated number of clients, where applicable, who
392 will be served, by type of service.†

393 (d) The estimated number of services, where applicable,
394 that will be provided, by type of service.†

395 (e) The estimated number of staff positions (full-time
396 equivalent positions) who will work in each type of service
397 area.† ~~and~~

398 (f) The estimated expenditures for each type of service
399 and for each level of service.

400

401 The contract shall also provide for financial and service
402 reporting for each type of service according to standard service
403 and reporting procedures established by the department.

404 Section 4. Section 216.342, Florida Statutes, is created
405 to read:

406 216.342 Disbursement of funds of the United States Trust
407 Fund.--Funds of the United States Trust Fund may be expended by
408 the Department of Health in accordance with the budget and plans
409 agreed upon by the Social Security Administration and the
410 Department of Health for the operation of the Division of
411 Disability Determinations. The limitations on appropriations
412 provided in s. 216.262(1) do not apply to the United States
413 Trust Fund.

414 Section 5. Subsection (12) of section 381.0011, Florida
415 Statutes, is amended to read:

416 381.0011 Duties and powers of the Department of
417 Health.--It is the duty of the Department of Health to:

418 (12) Maintain ~~Cooperate with other departments, local~~
419 ~~officials, and private organizations in developing and~~
420 ~~implementing~~ a statewide injury prevention and control program.



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421 Section 6. Paragraph (d) of subsection (3) of section
422 381.004, Florida Statutes, is amended to read:

423 381.004 HIV testing.--

424 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
425 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

426 (d) No test result shall be determined as positive, and no
427 positive test result shall be revealed to any person, without
428 corroborating or confirmatory tests being conducted except in
429 the following situations:

430 1. Preliminary test results may be released to licensed
431 physicians or the medical or nonmedical personnel subject to the
432 significant exposure for purposes of subparagraphs (h)10., 11.,
433 and 12.

434 2. Preliminary test results may be released to health care
435 providers and to the person tested when decisions about medical
436 care or treatment of, or recommendation to, the person tested
437 and, in the case of an intrapartum or postpartum woman, when
438 care, treatment, or recommendations regarding her newborn,
439 cannot await the results of confirmatory testing. Positive
440 preliminary HIV test results shall not be characterized to the
441 patient as a diagnosis of HIV infection. Justification for the
442 use of preliminary test results must be documented in the
443 medical record by the health care provider who ordered the test.
444 ~~This subparagraph does not authorize the release of preliminary~~
445 ~~test results for the purpose of routine identification of HIV-~~
446 ~~infected individuals or when HIV testing is incidental to the~~
447 ~~preliminary diagnosis or care of a patient. Corroborating or~~
448 ~~confirmatory testing must be conducted as followup to a positive~~
449 ~~preliminary test.~~



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450 3. Positive rapid test results are considered preliminary
451 and may be released in accordance with the manufacturer's
452 instructions as approved by the United States Food and Drug
453 Administration. Positive rapid test results require confirmatory
454 testing for diagnosis and reporting of HIV infection.

455

456 Results shall be communicated to the patient according to
457 statute regardless of the outcome. Except as provided in this
458 section, test results are confidential and exempt from the
459 provisions of s. 119.07(1).

460 Section 7. Paragraph (k) of subsection (2) and paragraph
461 (j) of subsection (4) of section 381.0065, Florida Statutes, are
462 amended to read:

463 381.0065 Onsite sewage treatment and disposal systems;
464 regulation.--

465 (2) DEFINITIONS.--As used in ss. 381.0065-381.0067, the
466 term:

467 (k) "Permanent nontidal surface water body" means a
468 perennial stream, a perennial river, an intermittent stream, a
469 perennial lake, a submerged marsh or swamp, a submerged wooded
470 marsh or swamp, a spring, or a seep, as identified on the most
471 recent quadrangle map, 7.5 minute series (topographic), produced
472 by the United States Geological Survey, or products derived from
473 that series. "Permanent nontidal surface water body" shall also
474 mean an artificial surface water body that does not have an
475 impermeable bottom and side and that is designed to hold, or
476 does hold, visible standing water for at least 180 days of the
477 year. However, a nontidal surface water body that is drained,
478 either naturally or artificially, where the intent or the result
479 is that such drainage be temporary, shall be considered a



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480 permanent nontidal surface water body. A nontidal surface water
481 body that is drained of all visible surface water, where the
482 lawful intent or the result of such drainage is that such
483 drainage will be permanent, shall not be considered a permanent
484 nontidal surface water body. The boundary of a permanent
485 nontidal surface water body shall be the mean annual flood line.

486 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person may
487 not construct, repair, modify, abandon, or operate an onsite
488 sewage treatment and disposal system without first obtaining a
489 permit approved by the department. The department may issue
490 permits to carry out this section, but shall not make the
491 issuance of such permits contingent upon prior approval by the
492 Department of Environmental Protection. A construction permit is
493 valid for 18 months from the issuance date and may be extended
494 by the department for one 90-day period under rules adopted by
495 the department. A repair permit is valid for 90 days from the
496 date of issuance. An operating permit must be obtained prior to
497 the use of any aerobic treatment unit or if the establishment
498 generates commercial waste. Buildings or establishments that use
499 an aerobic treatment unit or generate commercial waste shall be
500 inspected by the department at least annually to assure
501 compliance with the terms of the operating permit. The operating
502 permit for a commercial wastewater system is valid for 1 year
503 from the date of issuance and must be renewed annually. The
504 operating permit for an aerobic treatment unit is valid for 2
505 years from the date of issuance and must be renewed every 2
506 years. If all information pertaining to the siting, location,
507 and installation conditions or repair of an onsite sewage
508 treatment and disposal system remains the same, a construction
509 or repair permit for the onsite sewage treatment and disposal



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510 system may be transferred to another person, if the transferee
511 files, within 60 days after the transfer of ownership, an
512 amended application providing all corrected information and
513 proof of ownership of the property. There is no fee associated
514 with the processing of this supplemental information. A person
515 may not contract to construct, modify, alter, repair, service,
516 abandon, or maintain any portion of an onsite sewage treatment
517 and disposal system without being registered under part III of
518 chapter 489. A property owner who personally performs
519 construction, maintenance, or repairs to a system serving his or
520 her own owner-occupied single-family residence is exempt from
521 registration requirements for performing such construction,
522 maintenance, or repairs on that residence, but is subject to all
523 permitting requirements. A municipality or political subdivision
524 of the state may not issue a building or plumbing permit for any
525 building that requires the use of an onsite sewage treatment and
526 disposal system unless the owner or builder has received a
527 construction permit for such system from the department. A
528 building or structure may not be occupied and a municipality,
529 political subdivision, or any state or federal agency may not
530 authorize occupancy until the department approves the final
531 installation of the onsite sewage treatment and disposal system.
532 A municipality or political subdivision of the state may not
533 approve any change in occupancy or tenancy of a building that
534 uses an onsite sewage treatment and disposal system until the
535 department has reviewed the use of the system with the proposed
536 change, approved the change, and amended the operating permit.

537 (j) An onsite sewage treatment and disposal system for a
538 single-family residence that is designed by a professional
539 engineer registered in the state and certified by such engineer



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540 as complying with performance criteria adopted by the department
541 must be approved by the department subject to the following:

542 1. The performance criteria applicable to engineer-
543 designed systems must be limited to those necessary to ensure
544 that such systems do not adversely affect the public health or
545 significantly degrade the groundwater or surface water. Such
546 performance criteria shall include consideration of the quality
547 of system effluent, the proposed total sewage flow per acre,
548 wastewater treatment capabilities of the natural or replaced
549 soil, water quality classification of the potential surface-
550 water-receiving body, and the structural and maintenance
551 viability of the system for the treatment of domestic
552 wastewater. However, performance criteria shall address only
553 the performance of a system and not a system's design.

554 2. The technical review and advisory panel shall assist
555 the department in the development of performance criteria
556 applicable to engineer-designed systems. ~~Workshops on the~~
557 ~~development of the rules delineating such criteria shall~~
558 ~~commence not later than September 1, 1996, and the department~~
559 ~~shall advertise such rules for public hearing no later than~~
560 ~~October 1, 1997.~~

561 3. A person electing to utilize an engineer-designed
562 system shall, upon completion of the system design, submit such
563 design, certified by a registered professional engineer, to the
564 county health department. The county health department may
565 utilize an outside consultant to review the engineer-designed
566 system, with the actual cost of such review to be borne by the
567 applicant. Within 5 working days after receiving an engineer-
568 designed system permit application, the county health department
569 shall request additional information if the application is not



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570 complete. Within 15 working days after receiving a complete
571 application for an engineer-designed system, the county health
572 department either shall issue the permit or, if it determines
573 that the system does not comply with the performance criteria,
574 shall notify the applicant of that determination and refer the
575 application to the department for a determination as to whether
576 the system should be approved, disapproved, or approved with
577 modification. The department engineer's determination shall
578 prevail over the action of the county health department. The
579 applicant shall be notified in writing of the department's
580 determination and of the applicant's rights to pursue a variance
581 or seek review under the provisions of chapter 120.

582 4. The owner of an engineer-designed performance-based
583 system must maintain a current maintenance service agreement
584 with a maintenance entity permitted by the department. The
585 maintenance entity shall obtain a biennial system operating
586 permit from the department for each system under service
587 contract. The department shall inspect the system at least
588 annually, or on such periodic basis as the fee collected
589 permits, and may collect system-effluent samples if appropriate
590 to determine compliance with the performance criteria. The fee
591 for the biennial operating permit shall be collected beginning
592 with the second year of system operation. The maintenance entity
593 shall inspect each system at least twice each year and shall
594 report quarterly to the department on the number of systems
595 inspected and serviced.

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



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600 Section 8. Paragraph (a) of subsection (2) of section
601 381.0072, Florida Statutes, is amended to read:

602 381.0072 Food service protection.--It shall be the duty of
603 the Department of Health to adopt and enforce sanitation rules
604 consistent with law to ensure the protection of the public from
605 food-borne illness. These rules shall provide the standards and
606 requirements for the storage, preparation, serving, or display
607 of food in food service establishments as defined in this
608 section and which are not permitted or licensed under chapter
609 500 or chapter 509.

610 (2) DUTIES.--

611 (a) The department shall adopt rules, including
612 definitions of terms which are consistent with law prescribing
613 minimum sanitation standards and manager certification
614 requirements as prescribed in s. 509.039, and which shall be
615 enforced in food service establishments as defined in this
616 section. The sanitation standards must address the construction,
617 operation, and maintenance of the establishment; lighting,
618 ventilation, laundry rooms, lockers, use and storage of toxic
619 materials and cleaning compounds, and first-aid supplies; plan
620 review; design, construction, installation, location,
621 maintenance, sanitation, and storage of food equipment and
622 utensils; employee training, health, hygiene, and work
623 practices; food supplies, preparation, storage, transportation,
624 and service, including access to the areas where food is stored
625 or prepared; and sanitary facilities and controls, including
626 water supply and sewage disposal; plumbing and toilet
627 facilities; garbage and refuse collection, storage, and
628 disposal; and vermin control. Public and private schools if the
629 food service is operated by school employees, hospitals licensed



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630 under chapter 395, nursing homes licensed under part II of
631 chapter 400, child care facilities as defined in s. 402.301, ~~and~~
632 residential facilities colocated with a nursing home or hospital
633 if all food is prepared in a central kitchen that complies with
634 nursing or hospital regulations, and bars and lounges shall be
635 exempt from the rules developed for manager certification. The
636 department shall administer a comprehensive inspection,
637 monitoring, and sampling program to ensure such standards are
638 maintained. With respect to food service establishments
639 permitted or licensed under chapter 500 or chapter 509, the
640 department shall assist the Division of Hotels and Restaurants
641 of the Department of Business and Professional Regulation and
642 the Department of Agriculture and Consumer Services with
643 rulemaking by providing technical information.

644 Section 9. Section 381.104, Florida Statutes, is created
645 to read:

646 381.104 Employee health and wellness program.--

647 (1) Each state agency may allocate, from existing
648 resources, the necessary funding and facilities for the
649 development and maintenance of an employee health and wellness
650 program and may seek additional funding from other sources to
651 support the program for the benefit of the agency's employees.

652 (2) Each state agency may dedicate resources to develop
653 and coordinate an employee health and wellness program or
654 arrange to cooperate with other agencies in their geographic
655 proximity for program coordination, including providers of state
656 employee benefits.

657 (3) Each state agency may establish an employee health and
658 wellness coordinator and an advisory committee to guide the
659 development of an operational plan, including the collection of



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660 data, to plan events and activities, and to oversee program
661 evaluation and the allocation of funds.

662 (4) Each state agency may conduct and dedicate resources
663 toward an employee needs assessment to ascertain the health-and-
664 wellness-related needs of its employees.

665 (5) Each state agency may establish policies that allow
666 employees no longer than 30 minutes of work time three times
667 each week, as individual workloads allow, which may be used for
668 the purpose of engaging in health and wellness activities,
669 including physical activity, stress-reduction programs, tobacco
670 cessation, personal training, nutrition counseling, or weight
671 reduction and control.

672 (6) Each state agency participating in the program must
673 use an employee health and wellness activity agreement form,
674 which must be completed and signed by the employee, signed by
675 the employee's immediate supervisor, and kept in the employee's
676 personnel file prior to participating in any activity. This form
677 shall be developed by the Department of Health. It is the
678 responsibility of the employee to complete the form, including
679 the time of the workday the health and wellness activity will be
680 observed and on which days of the week, obtain the signature of
681 his or her supervisor, and submit the form to the personnel
682 office. The employee must submit a revised employee health and
683 wellness activity agreement form prior to any change in the
684 employee's activities.

685 (7) Each state agency may designate up to 1 hour each
686 month for the purpose of providing health and wellness training
687 for its employees.



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688 (8) Each state agency may use e-mail and other
689 communication systems to promote the agency's employee health
690 and wellness activities.

691 (9) Each state agency may, and is encouraged to:

692 (a) Enter into an agreement or contract with other state
693 agencies, including a state-supported college or university, or
694 with a local or federal department, institution, commission,
695 agency, or private enterprise to present, collaborate, or
696 participate jointly in health or wellness education or activity
697 programs.

698 (b) Implement as a part of the employee health and
699 wellness program health education activities that focus on skill
700 development and lifestyle behavior change, along with
701 information dissemination and awareness building, preferably
702 tailored to an employee's interests and needs.

703 (c) Review and offer recommendations on environmental and
704 social support policies that pertain to improving the health of
705 employees.

706 (d) Link the employee health and wellness program to
707 programs such as the employee assistance program and other
708 related programs to help employees balance work and family.

709 (e) Offer free, low-cost, or employee-fee-based employee
710 health and wellness programs.

711 (10) Each agency that develops and implements an employee
712 health and wellness program shall include and document an
713 evaluation and improvement process to help enhance the program's
714 efficiency and effectiveness over time.

715 (11) The Department of Health shall provide model program
716 guidelines for the employee health and wellness program and
717 shall provide ongoing technical assistance to other state



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718 agencies to assist in developing the agency's employee health
719 and wellness program.

720 Section 10. Section 381.86, Florida Statutes, is created
721 to read:

722 381.86 Review Council for Human Subjects.--

723 (1) The Review Council for Human Subjects is created
724 within the Department of Health to comply with federal
725 requirements under 45 C.F.R. part 46 and 21 C.F.R. parts 50 and
726 56 for an institutional review board to review all biomedical
727 and behavioral research on human subjects which is funded by the
728 department or supported by the department in any manner,
729 including the permitting of access to department data or
730 department resources.

731 (2) Consistent with federal requirements, the Secretary of
732 Health shall determine and appoint the membership on the council
733 and designate the chair.

734 (3) The council may serve as an institutional review board
735 for other agencies at the discretion of the secretary.

736 (4) Each council member is entitled to reimbursement for
737 per diem and travel expenses as provided in s. 112.061 while
738 carrying out the official business of the council.

739 (5) The department shall charge for costs incurred by the
740 council for research oversight according to a fee schedule,
741 except that fees shall be waived for any student who is a
742 candidate for a degree at a university located in this state.
743 The fee schedule shall provide for fees for initial review,
744 amendments, and continuing review. The department shall adopt
745 rules necessary to comply with federal requirements and this
746 section. Such rules shall also prescribe procedures for
747 requesting council review.



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748 (6) Fees collected pursuant to this section shall be
 749 deposited into the department's Administrative Trust Fund and
 750 used solely for the purpose of administering the program
 751 authorized by this section.

752 Section 11. Paragraphs (b) and (c) of subsection (3) of
 753 section 381.89, Florida Statutes, are amended to read:

754 381.89 Regulation of tanning facilities.--

755 (3)

756 (b) The department shall establish procedures for the
 757 issuance and annual renewal of licenses and shall establish
 758 annual license and renewal fees and late payment fees in an
 759 amount necessary to cover the expenses of administering this
 760 section. Annual license and renewal fees may not ~~shall be not~~
 761 ~~less than \$125 nor~~ more than \$250 per tanning device and a
 762 maximum total fee per individual tanning facility may be set by
 763 rule. ~~Effective October 1, 1991, the fee amount shall be the~~
 764 ~~minimum fee proscribed in this paragraph and such fee amount~~
 765 ~~shall remain in effect until the effective date of a fee~~
 766 ~~schedule adopted by the department.~~

767 (c) The department may adopt a system under which licenses
 768 expire on staggered dates and the annual renewal fees are
 769 prorated quarterly ~~monthly~~ to reflect the actual number of
 770 months the license is valid.

771 Section 12. Subsection (3) and paragraph (a) of subsection
 772 (7) of section 381.90, Florida Statutes, are amended to read:

773 381.90 Health Information Systems Council; legislative
 774 intent; creation, appointment, duties.--

775 (3) The council shall be composed of the following members
 776 or their senior executive-level designees:

777 (a) The Secretary of ~~the Department of Health.~~+



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- 778 (b) The Executive Director ~~secretary~~ of the Department of
 779 Veterans' Affairs. ~~Business and Professional Regulation~~;
- 780 (c) The Secretary of ~~the Department of~~ Children and Family
 781 Services.
- 782 (d) The Secretary of Health Care Administration.
- 783 (e) The Secretary of ~~the Department of~~ Corrections.
- 784 (f) The Attorney General.
- 785 (g) The Executive Director of the Correctional Medical
 786 Authority.
- 787 (h) Two members representing county health departments,
 788 one from a small county and one from a large county, appointed
 789 by the Governor.
- 790 (i) A representative from the Florida Association of
 791 Counties.
- 792 (j) The Chief Financial Officer. ~~State Treasurer and~~
 793 ~~Insurance Commissioner~~;
- 794 (k) A representative from the Florida Healthy Kids
 795 Corporation.
- 796 (l) A representative from a school of public health chosen
 797 by the Commissioner of Education. ~~Board of Regents~~;
- 798 (m) The Commissioner of Education.
- 799 (n) The Secretary of ~~the Department of~~ Elderly Affairs
 800 ~~and~~
- 801 (o) The Secretary of ~~the Department of~~ Juvenile Justice.
- 802
- 803 Representatives of the Federal Government may serve without
 804 voting rights.
- 805 (7) The council's duties and responsibilities include, but
 806 are not limited to, the following:



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807 (a) By June ~~March~~ 1 of each year, to develop and approve a
 808 strategic plan pursuant to the requirements set forth in s.
 809 186.022(9). Copies of the plan shall be transmitted
 810 electronically or in writing to the Executive Office of the
 811 Governor, the Speaker of the House of Representatives, and the
 812 President of the Senate.

813 Section 13. Subsections (1) and (2), paragraphs (f) and
 814 (g) of subsection (3), and subsection (5) of section 383.14,
 815 Florida Statutes, are amended to read:

816 383.14 Screening for metabolic disorders, other hereditary
 817 and congenital disorders, and environmental risk factors.--

818 (1) SCREENING REQUIREMENTS.--To help ensure access to the
 819 maternal and child health care system, the Department of Health
 820 shall promote the screening of all newborns ~~infants~~ born in
 821 Florida for phenylketonuria and other metabolic, hereditary, and
 822 congenital disorders known to result in significant impairment
 823 of health or intellect, as screening programs accepted by
 824 current medical practice become available and practical in the
 825 judgment of the department. The department shall also promote
 826 the identification and screening of all newborns ~~infants~~ born in
 827 this state and their families for environmental risk factors
 828 such as low income, poor education, maternal and family stress,
 829 emotional instability, substance abuse, and other high-risk
 830 conditions associated with increased risk of infant mortality
 831 and morbidity to provide early intervention, remediation, and
 832 prevention services, including, but not limited to, parent
 833 support and training programs, home visitation, and case
 834 management. Identification, perinatal screening, and
 835 intervention efforts shall begin prior to and immediately
 836 following the birth of the child by the attending health care



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837 provider. Such efforts shall be conducted in hospitals,
838 perinatal centers, county health departments, school health
839 programs that provide prenatal care, and birthing centers, and
840 reported to the Office of Vital Statistics.

841 (a) Prenatal screening.--The department shall develop a
842 multilevel screening process that includes a risk assessment
843 instrument to identify women at risk for a preterm birth or
844 other high-risk condition. The primary health care provider
845 shall complete the risk assessment instrument and report the
846 results to the Office of Vital Statistics so that the woman may
847 immediately be notified and referred to appropriate health,
848 education, and social services.

849 (b) Postnatal screening.--A risk factor analysis using the
850 department's designated risk assessment instrument shall also be
851 conducted as part of the medical screening process upon the
852 birth of a child and submitted to the department's Office of
853 Vital Statistics for recording and other purposes provided for
854 in this chapter. The department's screening process for risk
855 assessment shall include a scoring mechanism and procedures that
856 establish thresholds for notification, further assessment,
857 referral, and eligibility for services by professionals or
858 paraprofessionals consistent with the level of risk. Procedures
859 for developing and using the screening instrument, notification,
860 referral, and care coordination services, reporting
861 requirements, management information, and maintenance of a
862 computer-driven registry in the Office of Vital Statistics which
863 ensures privacy safeguards must be consistent with the
864 provisions and plans established under chapter 411, Pub. L. No.
865 99-457, and this chapter. Procedures established for reporting
866 information and maintaining a confidential registry must include



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867 a mechanism for a centralized information depository at the
868 state and county levels. The department shall coordinate with
869 existing risk assessment systems and information registries.
870 The department must ensure, to the maximum extent possible, that
871 the screening information registry is integrated with the
872 department's automated data systems, including the Florida On-
873 line Recipient Integrated Data Access (FLORIDA) system. Tests
874 and screenings must be performed by the State Public Health
875 Laboratory, in coordination with Children's Medical Services, at
876 such times and in such manner as is prescribed by the department
877 after consultation with the Genetics and Newborn Infant
878 Screening Advisory Council and the State Coordinating Council
879 for School Readiness Programs.

880 (2) RULES.--After consultation with the Genetics and
881 Newborn Infant Screening Advisory Council, the department shall
882 adopt and enforce rules requiring that every newborn infant born
883 in this state shall, prior to becoming 2 weeks of age, be
884 subjected to a test for phenylketonuria and, at the appropriate
885 age, be tested for such other metabolic diseases and hereditary
886 or congenital disorders as the department may deem necessary
887 from time to time. After consultation with the State
888 Coordinating Council for School Readiness Programs, the
889 department shall also adopt and enforce rules requiring every
890 newborn infant born in this state to be screened for
891 environmental risk factors that place children and their
892 families at risk for increased morbidity, mortality, and other
893 negative outcomes. The department shall adopt such additional
894 rules as are found necessary for the administration of this
895 section, including rules providing definitions of terms, rules
896 relating to the methods used and time or times for testing as



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897 accepted medical practice indicates, rules relating to charging
898 and collecting fees for screenings authorized by this section,
899 and rules requiring mandatory reporting of the results of tests
900 and screenings for these conditions to the department.

901 (3) DEPARTMENT OF HEALTH; POWERS AND DUTIES.--The
902 department shall administer and provide certain services to
903 implement the provisions of this section and shall:

904 (f) Promote the availability of genetic studies and
905 counseling in order that the parents, siblings, and affected
906 newborns ~~infants~~ may benefit from available knowledge of the
907 condition.

908 (g) Have the authority to charge and collect fees for
909 screenings authorized in this section, as follows:

910 1. A fee of \$20 will be charged for each live birth, as
911 recorded by the Office of Vital Statistics, occurring in a
912 hospital licensed under part I of chapter 395 or a birth center
913 licensed under s. 383.305, up to 3,000 live births per licensed
914 hospital per year or over 60 births per birth center per year.
915 The department shall calculate the annual assessment for each
916 hospital and birth center, and this assessment must be paid in
917 equal amounts quarterly. Quarterly, the department shall
918 generate and mail to each hospital and birth center a statement
919 of the amount due.

920 2. As part of the department's legislative budget request
921 prepared pursuant to chapter 216, the department shall submit a
922 certification by the department's inspector general, or the
923 director of auditing within the inspector general's office, of
924 the annual costs of the uniform testing and reporting procedures
925 of the newborn ~~infant~~ screening program. In certifying the
926 annual costs, the department's inspector general or the director



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927 of auditing within the inspector general's office shall
928 calculate the direct costs of the uniform testing and reporting
929 procedures, including applicable administrative costs.
930 Administrative costs shall be limited to those department costs
931 which are reasonably and directly associated with the
932 administration of the uniform testing and reporting procedures
933 of the newborn ~~infant~~ screening program.

934
935 All provisions of this subsection must be coordinated with the
936 provisions and plans established under this chapter, chapter
937 411, and Pub. L. No. 99-457.

938 (5) ADVISORY COUNCIL.--There is established a Genetics and
939 Newborn ~~Infant~~ Screening Advisory Council made up of 12 members
940 appointed by the Secretary of Health. The council shall be
941 composed of two consumer members, three practicing
942 pediatricians, at least one of whom must be a pediatric
943 hematologist, one representative from each of the four medical
944 schools in the state, the Secretary of Health or his or her
945 designee, one representative from the Department of Health
946 representing Children's Medical Services, and one representative
947 from the Developmental Disabilities Program Office of the
948 Department of Children and Family Services. All appointments
949 shall be for a term of 4 years. The chairperson of the council
950 shall be elected from the membership of the council and shall
951 serve for a period of 2 years. The council shall meet at least
952 semiannually or upon the call of the chairperson. The council
953 may establish ad hoc or temporary technical advisory groups to
954 assist the council with specific topics which come before the
955 council. Council members shall serve without pay. Pursuant to
956 the provisions of s. 112.061, the council members are entitled



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957 to be reimbursed for per diem and travel expenses. It is the
 958 purpose of the council to advise the department about:

959 (a) Conditions for which testing should be included under
 960 the screening program and the genetics program.~~;~~

961 (b) Procedures for collection and transmission of
 962 specimens and recording of results.~~;~~ ~~and~~

963 (c) Methods whereby screening programs and genetics
 964 services for children now provided or proposed to be offered in
 965 the state may be more effectively evaluated, coordinated, and
 966 consolidated.

967 Section 14. Section 384.25, Florida Statutes, is amended
 968 to read:

969 384.25 Reporting required.--

970 (1) Each person who makes a diagnosis of or treats a
 971 person with a sexually transmissible disease and each laboratory
 972 that performs a test for a sexually transmissible disease which
 973 concludes with a positive result shall report such facts as may
 974 be required by the department by rule, within a time period as
 975 specified by rule of the department, but in no case to exceed 2
 976 weeks.

977 ~~(a)(2)~~ The department shall adopt rules specifying the
 978 information required in and a minimum time period for reporting
 979 a sexually transmissible disease. In adopting such rules, the
 980 department shall consider the need for information, protections
 981 for the privacy and confidentiality of the patient, and the
 982 practical ability of persons and laboratories to report in a
 983 reasonable fashion. To ensure the confidentiality of persons
 984 infected with the human immunodeficiency virus (HIV), reporting
 985 of HIV infection and acquired immune deficiency syndrome (AIDS)
 986 must be conducted using a system ~~the HIV/AIDS Reporting System~~



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987 ~~(HARS)~~ developed by the Centers for Disease Control and
 988 Prevention of the United States Public Health Service or an
 989 equivalent system.

990 (b)(3) The department shall require reporting of ~~physician~~
 991 ~~diagnosed~~ cases of AIDS and HIV infection consistent with based
 992 upon diagnostic criteria for surveillance-case definition for
 993 HIV/AIDS reporting from the Centers for Disease Control and
 994 Prevention.

995 (c)(4) The department shall ~~may~~ require physician and
 996 laboratory reporting of HIV infection. ~~However, only reports of~~
 997 ~~HIV infection identified on or after the effective date of the~~
 998 ~~rule developed by the department pursuant to this subsection~~
 999 ~~shall be accepted.~~ The Reporting may not affect or relate to
 1000 anonymous HIV testing programs conducted pursuant to s.
 1001 381.004(4) ~~or to university-based medical research protocols as~~
 1002 ~~determined by the department.~~

1003 (2)(5) After notification of the test subject ~~under~~
 1004 ~~subsection (4)~~, the department may, with the consent of the test
 1005 subject, notify school superintendents of students and school
 1006 personnel whose HIV tests are positive.

1007 (3) The department shall adopt rules requiring each
 1008 physician and laboratory to report any newborn or infant up to
 1009 18 months of age who has been exposed to HIV. The rules may
 1010 include the method and time period for reporting, information to
 1011 be included in the report, requirements for enforcement, and
 1012 followup activities by the department.

1013 (4)(6) The department shall by February 1 of each year
 1014 submit to the Legislature an annual report relating to all
 1015 information obtained pursuant to this section.



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1016 ~~(5)(7)~~ Each person who violates the provisions of this
 1017 section or the rules adopted hereunder may be fined by the
 1018 department up to \$500 for each offense. The department shall
 1019 report each violation of this section to the regulatory agency
 1020 responsible for licensing each health care professional and each
 1021 laboratory to which these provisions apply.

1022 Section 15. Subsection (1) of section 385.204, Florida
 1023 Statutes, is amended to read:

1024 385.204 Insulin; purchase, distribution; penalty for
 1025 fraudulent application for and obtaining of insulin.--

1026 (1) The Department of Health, to the extent funds are
 1027 available, shall purchase and distribute insulin through its
 1028 agents or other appropriate agent of the state or Federal
 1029 Government in any county or municipality in the state to any
 1030 bona fide resident of this state suffering from diabetes ~~or a~~
 1031 ~~kindred disease~~ requiring insulin in its treatment who makes
 1032 application for insulin and furnishes proof of his or her
 1033 financial inability to purchase in accordance with the rules
 1034 adopted promulgated by the department concerning the
 1035 distribution of insulin.

1036 Section 16. Subsection (2) of section 391.021, Florida
 1037 Statutes, is amended to read:

1038 391.021 Definitions.--When used in this act, unless the
 1039 context clearly indicates otherwise:

1040 (2) "Children with special health care needs" means those
 1041 children under the age of 21 years who have, or are at increased
 1042 risk for, chronic physical, developmental, behavioral, or
 1043 emotional conditions and who also require health care and
 1044 related services of a type or amount beyond that which is
 1045 generally required by children ~~whose serious or chronic physical~~



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1046 ~~or developmental conditions require extensive preventive and~~
 1047 ~~maintenance care beyond that required by typically healthy~~
 1048 ~~children. Health care utilization by these children exceeds the~~
 1049 ~~statistically expected usage of the normal child adjusted for~~
 1050 ~~chronological age. These children often need complex care~~
 1051 ~~requiring multiple providers, rehabilitation services, and~~
 1052 ~~specialized equipment in a number of different settings.~~

1053 Section 17. Section 391.025, Florida Statutes, is amended
 1054 to read:

1055 391.025 Applicability and scope.--

1056 ~~(1) This act applies to health services provided to~~
 1057 ~~eligible individuals who are:~~

1058 ~~(a) Enrolled in the Medicaid program;~~

1059 ~~(b) Enrolled in the Florida Kidcare program; and~~

1060 ~~(c) Uninsured or underinsured, provided that they meet the~~
 1061 ~~financial eligibility requirements established in this act, and~~
 1062 ~~to the extent that resources are appropriated for their care.~~

1063 (1)(2) The Children's Medical Services program consists of
 1064 the following components:

1065 (a) The newborn ~~infant metabolic~~ screening program
 1066 established in s. 383.14.

1067 (b) The regional perinatal intensive care centers program
 1068 established in ss. 383.15-383.21.

1069 (c) A federal or state program authorized by the
 1070 Legislature.

1071 (d) The developmental evaluation and intervention program,
 1072 including the Florida Infants and Toddlers Early Intervention
 1073 Program.

1074 (e) The Children's Medical Services network.



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1075 (2)~~(3)~~ The Children's Medical Services program shall not
 1076 be deemed an insurer and is not subject to the licensing
 1077 requirements of the Florida Insurance Code or the rules of the
 1078 Department of Insurance, when providing services to children who
 1079 receive Medicaid benefits, other Medicaid-eligible children with
 1080 special health care needs, and children participating in the
 1081 Florida Kidcare program.

1082 Section 18. Section 391.029, Florida Statutes, is amended
 1083 to read:

1084 391.029 Program eligibility.--

1085 (1) The department shall establish the medical criteria to
 1086 determine if an applicant for the Children's Medical Services
 1087 program is an eligible individual.

1088 (2) The following individuals are financially eligible to
 1089 receive services through ~~for~~ the program:

1090 (a) A high-risk pregnant female who is eligible for
 1091 Medicaid.

1092 (b) Children ~~A child~~ with special health care needs from
 1093 birth to ~~age~~ 21 years of age who are ~~is~~ eligible for Medicaid.

1094 (c) Children ~~A child~~ with special health care needs from
 1095 birth to ~~age~~ 19 years of age who are ~~is~~ eligible for a program
 1096 under Title XXI of the Social Security Act.

1097 (3) Subject to the availability of funds, the following
 1098 individuals may receive services through the program:

1099 (a)~~(d)~~ Children ~~A child~~ with special health care needs
 1100 from birth to ~~age~~ 21 years of age whose family income is above
 1101 financial eligibility requirements under Title XXI of the Social
 1102 Security Act and whose projected annual cost of care adjusts the
 1103 family income to Medicaid financial criteria. In cases where
 1104 the family income is adjusted based on a projected annual cost



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1105 of care, the family shall participate financially in the cost of
 1106 care based on criteria established by the department.

1107 (b)(e) Children ~~A child~~ with special health care needs
 1108 from birth to 21 years of age, as provided ~~defined~~ in Title V of
 1109 the Social Security Act ~~relating to children with special health~~
 1110 ~~care needs.~~

1111
 1112 ~~The department may continue to serve certain children with~~
 1113 ~~special health care needs who are 21 years of age or older and~~
 1114 ~~who were receiving services from the program prior to April 1,~~
 1115 ~~1998. Such children may be served by the department until July~~
 1116 ~~1, 2000.~~

1117 (4)(3) The department shall determine the financial and
 1118 medical eligibility of children for the program. The department
 1119 shall also determine the financial ability of the parents, or
 1120 persons or other agencies having legal custody over such
 1121 individuals, to pay the costs of health services under the
 1122 program. The department may pay reasonable travel expenses
 1123 related to the determination of eligibility for or the provision
 1124 of health services.

1125 (5)(4) Any child who has been provided with surgical or
 1126 medical care or treatment under this act prior to being adopted
 1127 shall continue to be eligible to be provided with such care or
 1128 treatment after his or her adoption, regardless of the financial
 1129 ability of the persons adopting the child.

1130 Section 19. Subsection (4) is added to section 391.055,
 1131 Florida Statutes, to read:

1132 391.055 Service delivery systems.--

1133 (4) If a newborn has a presumptively abnormal screening
 1134 result for metabolic or other hereditary and congenital



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1135 disorders which is identified through the newborn screening
 1136 program pursuant to s. 383.14, the newborn shall be referred to
 1137 the Children's Medical Services network for confirmatory
 1138 testing, medical management, or medical referral.

1139 Section 20. Section 391.309, Florida Statutes, is created
 1140 to read:

1141 391.309 Florida Infants and Toddlers Early Intervention
 1142 Program.--The Department of Health may implement and administer
 1143 Part C of the federal Individuals with Disabilities Education
 1144 Act (IDEA), which shall be known as the Florida Infants and
 1145 Toddlers Early Intervention Program.

1146 (1) The department, jointly with the Department of
 1147 Education, shall annually prepare a grant application to the
 1148 United States Department of Education for funding early
 1149 intervention services for infants and toddlers with
 1150 disabilities, ages birth through 36 months, and their families
 1151 pursuant to Part C of the federal Individuals with Disabilities
 1152 Education Act.

1153 (2) The department shall ensure that no early intervention
 1154 provider participating in the program provides both core and
 1155 required services without a waiver from the Deputy Secretary for
 1156 Children's Medical Services, or his or her designee, as
 1157 expressed in the contract between the department and the
 1158 provider. For purposes of this section, core services are
 1159 limited to child find and referral services, family support
 1160 planning, service coordination, and multidisciplinary
 1161 evaluation.

1162 Section 21. Subsection (5) of section 393.064, Florida
 1163 Statutes, is amended to read:

1164 393.064 Prevention.--



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1165 (5) The Department of Health ~~Children and Family Services~~
 1166 shall have the authority, within available resources, to
 1167 contract for the supervision and management of the Raymond C.
 1168 Philips Research and Education Unit, and such contract shall
 1169 include specific program objectives.

1170 Section 22. Subsection (10) of section 394.4615, Florida
 1171 Statutes, is amended to read:

1172 394.4615 Clinical records; confidentiality.--

1173 (10) Patients shall have reasonable access to their
 1174 clinical records, unless such access is determined by the
 1175 patient's physician to be a danger to the patient's life or
 1176 safety ~~harmful to the patient~~. If the patient's right to inspect
 1177 his or her clinical record is restricted by the facility,
 1178 written notice of such restriction shall be given to the patient
 1179 and the patient's guardian, guardian advocate, attorney, and
 1180 representative. In addition, the restriction shall be recorded
 1181 in the clinical record, together with the reasons for it. The
 1182 restriction of a patient's right to inspect his or her clinical
 1183 record shall expire after 7 days but may be renewed, after
 1184 review, for subsequent 7-day periods.

1185 Section 23. Section 394.9151, Florida Statutes, is amended
 1186 to read:

1187 394.9151 Contract authority.--The Department of Children
 1188 and Family Services may contract with a private entity or state
 1189 agency for use of and operation of facilities to comply with the
 1190 requirements of this act. The department ~~of Children and Family~~
 1191 ~~Services~~ may also contract with the Correctional Privatization
 1192 Commission as defined in chapter 957 to issue a request for
 1193 proposals and monitor contract compliance for these services.
 1194 The department may enter an agreement or may contract with the



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1195 Correctional Medical Authority as defined in chapter 945 to
 1196 conduct surveys of medical services and to provide medical
 1197 quality assurance and improvement assistance at secure
 1198 confinement and treatment facilities for persons confined under
 1199 this part.

1200 Section 24. Paragraphs (a) and (e) of subsection (4) and
 1201 paragraph (b) of subsection (7) of section 395.3025, Florida
 1202 Statutes, are amended, and a new paragraph (1) is added to
 1203 subsection (4) of said section, to read:

1204 395.3025 Patient and personnel records; copies;
 1205 examination.--

1206 (4) Patient records are confidential and must not be
 1207 disclosed without the consent of the person to whom they
 1208 pertain, but appropriate disclosure may be made without such
 1209 consent to:

1210 (a) ~~Licensed~~ Facility personnel and all other licensed
 1211 health care practitioners attending physicians for use in
 1212 connection with the treatment of the patient.

1213 (e) The Department of Health ~~agency~~ upon subpoena issued
 1214 pursuant to s. 456.071, but the records obtained thereby must be
 1215 used solely for the purpose of the department ~~agency~~ and the
 1216 appropriate professional board in its investigation,
 1217 prosecution, and appeal of disciplinary proceedings. The
 1218 administrator or records custodian in a facility licensed under
 1219 this chapter shall certify that a true and complete copy of the
 1220 records requested pursuant to a subpoena or patient release have
 1221 been provided to the department or otherwise identify those
 1222 documents that have not been provided. If the department ~~agency~~
 1223 requests copies of the records, the facility shall charge no
 1224 more than its actual copying costs, including reasonable staff



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1225 time. The records must be sealed and must not be available to
 1226 the public pursuant to s. 119.07(1) or any other statute
 1227 providing access to records, nor may they be available to the
 1228 public as part of the record of investigation for and
 1229 prosecution in disciplinary proceedings made available to the
 1230 public by the department ~~agency~~ or the appropriate regulatory
 1231 board. However, the department ~~agency~~ must make available, upon
 1232 written request by a practitioner against whom probable cause
 1233 has been found, any such records that form the basis of the
 1234 determination of probable cause.

1235 (1) Researchers or facility personnel for research
 1236 purposes, provided that the researchers or facility personnel
 1237 demonstrate compliance with the requirements of 45 C.F.R. s.
 1238 164.512(i).

1239 (7)

1240 (b) Absent a specific written release or authorization
 1241 permitting utilization of patient information for ~~solicitation~~
 1242 ~~or~~ marketing the sale of goods or services, any use of such that
 1243 information for that purpose those purposes is prohibited. For
 1244 purposes of this paragraph, the term "marketing" is defined as
 1245 set forth in 45 C.F.R. s. 164.501.

1246 Section 25. Subsection (2) of section 395.404, Florida
 1247 Statutes, is amended to read:

1248 395.404 Review of trauma registry data; confidentiality
 1249 and limited release.--

1250 (2) Notwithstanding the provisions of s. 381.74, each
 1251 trauma center and acute care hospital shall submit severe
 1252 disability and head-injury registry data to the department as
 1253 provided by rule. Each trauma center and acute care hospital
 1254 shall continue to provide initial notification of any person who



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1255 ~~has a moderate-to-severe brain or spinal cord injury persons who~~
 1256 ~~have severe disabilities and head injuries to the brain and~~
 1257 spinal cord injury central registry of the Department of Health
 1258 within timeframes provided in s. 381.74 ~~chapter 413~~. Such
 1259 initial notification shall be made in the manner prescribed by
 1260 the Department of Health for the purpose of providing timely
 1261 ~~vocational~~ rehabilitation and transitional services to an
 1262 individual who sustains traumatic moderate-to-severe brain or
 1263 spinal cord injury to enable such individual to return to his or
 1264 her community services to the severely disabled or head-injured
 1265 person.

1266 Section 26. Paragraph (b) of subsection (2) of section
 1267 395.7015, Florida Statutes, is amended to read:

1268 395.7015 Annual assessment on health care entities.--

1269 (2) There is imposed an annual assessment against certain
 1270 health care entities as described in this section:

1271 (b) For the purpose of this section, "health care
 1272 entities" include the following:

1273 1. Ambulatory surgical centers and mobile surgical
 1274 facilities licensed under s. 395.003. This subsection shall only
 1275 apply to mobile surgical facilities operating under contracts
 1276 entered into on or after July 1, 1998.

1277 2. Clinical laboratories licensed under s. 483.091,
 1278 excluding any hospital laboratory defined under s. 483.041(6),
 1279 any clinical laboratory operated by the state or a political
 1280 subdivision of the state, any clinical laboratory which
 1281 qualifies as an exempt organization under s. 501(c)(3) of the
 1282 Internal Revenue Code of 1986, as amended, and which receives 70
 1283 percent or more of its gross revenues from services to charity
 1284 patients or Medicaid patients, and any blood, plasma, or tissue



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1285 bank procuring, storing, or distributing blood, plasma, or
1286 tissue either for future manufacture or research or distributed
1287 on a nonprofit basis, and further excluding any clinical
1288 laboratory which is wholly owned and operated by 6 or fewer
1289 physicians who are licensed pursuant to chapter 458 or chapter
1290 459 and who practice in the same group practice, and at which no
1291 clinical laboratory work is performed for patients referred by
1292 any health care provider who is not a member of the same group.

1293 3. Diagnostic-imaging centers that are freestanding
1294 outpatient facilities that provide specialized services for the
1295 identification or determination of a disease through examination
1296 and also provide sophisticated radiological services, and in
1297 which services are rendered by a physician licensed by the Board
1298 of Medicine under s. 458.311, ~~s. 458.313~~, or s. 458.315 ~~458.317~~,
1299 or by an osteopathic physician licensed by the Board of
1300 Osteopathic Medicine under s. 459.006, s. 459.007, or s.
1301 459.0075. For purposes of this paragraph, "sophisticated
1302 radiological services" means the following: magnetic resonance
1303 imaging; nuclear medicine; angiography; arteriography; computed
1304 tomography; positron emission tomography; digital vascular
1305 imaging; bronchography; lymphangiography; splenography;
1306 ultrasound, excluding ultrasound providers that are part of a
1307 private physician's office practice or when ultrasound is
1308 provided by two or more physicians licensed under chapter 458 or
1309 chapter 459 who are members of the same professional association
1310 and who practice in the same medical specialties; and such other
1311 sophisticated radiological services, excluding mammography, as
1312 adopted in rule by the board.

1313 Section 27. Subsection (10) of section 400.141, Florida
1314 Statutes, is amended to read:



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1315 400.141 Administration and management of nursing home
1316 facilities.--Every licensed facility shall comply with all
1317 applicable standards and rules of the agency and shall:

1318 (10) Keep full records of resident admissions and
1319 discharges; medical and general health status, including medical
1320 records, personal and social history, and identity and address
1321 of next of kin or other persons who may have responsibility for
1322 the affairs of the residents; and individual resident care plans
1323 including, but not limited to, prescribed services, service
1324 frequency and duration, and service goals. The records shall be
1325 open to inspection by the agency. A certified complete copy of
1326 the records shall be provided to the Department of Health upon
1327 subpoena issued pursuant to ss. 456.057 and 456.071. The
1328 provisions of chapter 456 shall apply to the records obtained
1329 pursuant to this section.

1330 Section 28. Subsection (3) is added to section 400.145,
1331 Florida Statutes, to read:

1332 400.145 Records of care and treatment of resident; copies
1333 to be furnished.--

1334 (3) The administrator or records custodian in a facility
1335 licensed under this chapter shall certify that a true and
1336 complete copy of the records requested pursuant to a subpoena or
1337 patient release have been provided to the department or
1338 otherwise identify those documents that have not been provided.

1339 Section 29. Paragraph (a) of subsection (4) of section
1340 400.211, Florida Statutes, is amended to read:

1341 400.211 Persons employed as nursing assistants;
1342 certification requirement.--

1343 (4) When employed by a nursing home facility for a 12-
1344 month period or longer, a nursing assistant, to maintain



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1345 certification, shall submit to a performance review every 12
 1346 months and must receive regular inservice education based on the
 1347 outcome of such reviews. The inservice training must:

1348 (a) Be sufficient to ensure the continuing competence of
 1349 nursing assistants, must be at least 12 ~~18~~ hours per year, and
 1350 may include hours accrued under s. 464.203 (7) ~~(8)~~;

1351
 1352 Costs associated with this training may not be reimbursed from
 1353 additional Medicaid funding through interim rate adjustments.

1354 Section 30. Section 400.455, Florida Statutes, is created
 1355 to read:

1356 400.455 Certified copy of subpoenaed records.--Upon a
 1357 subpoena issued by the Department of Health pursuant to s.
 1358 456.057 or s. 456.071, a certified complete copy of the
 1359 requested records shall be provided. The provisions of chapter
 1360 456 shall apply to the records obtained pursuant to this
 1361 section.

1362 Section 31. Subsection (2) of section 401.113, Florida
 1363 Statutes, is amended to read:

1364 401.113 Department; powers and duties.--

1365 (2)(a) The department shall annually dispense funds
 1366 contained in the Emergency Medical Services Trust Fund as
 1367 follows:

1368 1.(a) Forty-five percent of such moneys must be divided
 1369 among the counties according to the proportion of the combined
 1370 amount deposited in the trust fund from the county. These funds
 1371 may not be used to match grant funds as identified in
 1372 subparagraph 2. paragraph(b). An individual board of county
 1373 commissioners may distribute these funds to emergency medical



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1374 service organizations within the county, as it deems
 1375 appropriate.

1376 2.(b) Forty percent of such moneys must be used by the
 1377 department for making matching grants to local agencies,
 1378 municipalities, and emergency medical services organizations for
 1379 the purpose of conducting research, increasing existing levels
 1380 of emergency medical services, evaluation, community education,
 1381 injury prevention programs, and training in cardiopulmonary
 1382 resuscitation and other lifesaving and first aid techniques.

1383 a.1- At least 90 percent of these moneys must be made
 1384 available on a cash matching basis. A grant made under this
 1385 sub-subparagraph ~~subparagraph~~ must be contingent upon the
 1386 recipient providing a cash sum equal to 25 percent of the total
 1387 department-approved grant amount.

1388 b.2- No more than 10 percent of these moneys must be made
 1389 available to rural emergency medical services, and
 1390 notwithstanding the restrictions specified in subsection (1),
 1391 these moneys may be used for improvement, expansion, or
 1392 continuation of services provided. A grant made under this sub-
 1393 subparagraph ~~subparagraph~~ must be contingent upon the recipient
 1394 providing a cash sum equal to no more than 10 percent of the
 1395 total department-approved grant amount.

1396
 1397 The department shall develop procedures and standards for grant
 1398 disbursement under this subparagraph ~~paragraph~~ based on the need
 1399 for emergency medical services, the requirements of the
 1400 population to be served, and the objectives of the state
 1401 emergency medical services plan.

1402 3.(e) Fifteen percent of such moneys must be used by the
 1403 department for capital equipment outlay, personnel, community



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1404 education, evaluation, and other costs associated with the
1405 administration of this chapter. Any moneys not annually used for
1406 this purpose must be used for making additional rural grant
1407 funds available.

1408 (b) Notwithstanding any other provision of law to the
1409 contrary, any interest generated from grant funds may be
1410 expended by the grantee on the budget items approved by the
1411 department. Grantees receiving funds that require a match may
1412 not expend interest funds until all match requirements have been
1413 satisfied. Such grantees shall return to the department any
1414 interest and grant funds not expended at the conclusion of the
1415 grant period. All such returned funds shall be used by the
1416 department for additional matching grant awards.

1417 Section 32. Section 401.211, Florida Statutes, is amended
1418 to read:

1419 401.211 Legislative intent.--The Legislature recognizes
1420 that the systematic provision of emergency medical services
1421 saves lives and reduces disability associated with illness and
1422 injury. In addition, that system of care must be equally capable
1423 of assessing, treating, and transporting children, adults, and
1424 frail elderly persons. Further, it is the intent of the
1425 Legislature to encourage the development and maintenance of
1426 emergency medical services because such services are essential
1427 to the health and well-being of all citizens of the state. The
1428 Legislature also recognizes that the establishment of a
1429 comprehensive statewide injury prevention and control program
1430 supports state and community health systems by further enhancing
1431 the total delivery system of emergency medical services and
1432 reduces injuries for all persons. The purpose of this part is to
1433 protect and enhance the public health, welfare, and safety



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1434 through the establishment of an emergency medical services state
 1435 plan, an advisory council, a comprehensive statewide injury
 1436 prevention and control program, minimum standards for emergency
 1437 medical services personnel, vehicles, services and medical
 1438 direction, and the establishment of a statewide inspection
 1439 program created to monitor the quality of patient care delivered
 1440 by each licensed service and appropriately certified personnel.

1441 Section 33. Section 401.243, Florida Statutes, is created
 1442 to read:

1443 401.243 Injury prevention and control.--The injury
 1444 prevention and control program is responsible for the statewide
 1445 coordination and expansion of injury prevention and control
 1446 activities. The duties of the department may include, but are
 1447 not limited to, data collection, surveillance, education, and
 1448 the promotion of interventions. The department may:

1449 (1) Assist county health departments and community and
 1450 other state agencies by serving as a focal point for injury
 1451 prevention expertise and guidance.

1452 (2) Seek, receive, and expend any funds received through
 1453 appropriations, grants, donations, or contributions from public
 1454 or private sources for program purposes.

1455 (3) Adopt rules related to the activities of the program,
 1456 including, but not limited to, those needed for implementation
 1457 of injury prevention and control activities, data collection,
 1458 surveillance, education, promotion of interventions, and
 1459 assistance to other entities.

1460 (4) Develop, and revise as necessary, a comprehensive
 1461 state plan for injury prevention and control.



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1462 Section 34. Subsections (3), (4), (5), and (13) of section
1463 401.27, Florida Statutes, are amended, and subsection (14) is
1464 added to said section, to read:

1465 401.27 Personnel; standards and certification.--

1466 (3) Any person who desires to be certified or recertified
1467 as an emergency medical technician or paramedic must apply to
1468 the department under oath on forms provided by the department
1469 which shall contain such information as the department
1470 reasonably requires, which may include affirmative evidence of
1471 ability to comply with applicable laws and rules. The department
1472 may accept electronically submitted applications. If an
1473 application is submitted electronically, the department may
1474 require supplemental materials, including an original signature
1475 of the applicant and documentation verifying eligibility for
1476 certification to be submitted in a nonelectronic format. The
1477 department shall determine whether the applicant meets the
1478 requirements specified in this section and in rules of the
1479 department and shall issue a certificate to any person who meets
1480 such requirements.

1481 (4) An applicant for certification or recertification as
1482 an emergency medical technician or paramedic must:

1483 (a) Have completed an appropriate training course as
1484 follows:

1485 1. For an emergency medical technician, an emergency
1486 medical technician training course equivalent to the most recent
1487 emergency medical technician basic training course of the United
1488 States Department of Transportation as approved by the
1489 department. ~~†~~

1490 2. For a paramedic, a paramedic training program
1491 equivalent to the most recent paramedic course of the United



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1492 States Department of Transportation as approved by the
1493 department.+

1494 (b) Certify ~~under oath~~ that he or she is not addicted to
1495 alcohol or any controlled substance.+

1496 (c) Certify ~~under oath~~ that he or she is free from any
1497 physical or mental defect or disease that might impair the
1498 applicant's ability to perform his or her duties.+

1499 (d) Within 1 year after course completion have passed an
1500 examination developed or required by the department.+

1501 (e)1. For an emergency medical technician, hold either a
1502 current American Heart Association cardiopulmonary resuscitation
1503 course card or an American Red Cross cardiopulmonary
1504 resuscitation course card or its equivalent as defined by
1505 department rule.+

1506 2. For a paramedic, hold a certificate of successful
1507 course completion in advanced cardiac life support from the
1508 American Heart Association or its equivalent as defined by
1509 department rule.+

1510 (f) Submit the certification fee and the nonrefundable
1511 examination fee prescribed in s. 401.34, which examination fee
1512 will be required for each examination administered to an
1513 applicant.+~~and~~

1514 (g) Submit a completed application to the department,
1515 which application documents compliance with paragraphs (a), (b),
1516 (c), (e), (f), (g), and, if applicable, (d). The application
1517 must be submitted so as to be received by the department at
1518 least 30 calendar days before the next regularly scheduled
1519 examination for which the applicant desires to be scheduled.

1520 (5) The certification examination must be offered monthly.
1521 The department shall issue an examination admission notice to



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1522 the applicant advising him or her of the time and place of the
1523 examination for which he or she is scheduled. ~~Individuals~~
1524 ~~achieving a passing score on the certification examination may~~
1525 ~~be issued a temporary certificate with their examination grade~~
1526 ~~report. The department must issue an original certification~~
1527 ~~within 45 days after the examination.~~ Examination questions and
1528 answers are not subject to discovery but may be introduced into
1529 evidence and considered only in camera in any administrative
1530 proceeding under chapter 120. If an administrative hearing is
1531 held, the department shall provide challenged examination
1532 questions and answers to the administrative law judge. The
1533 department shall establish by rule the procedure by which an
1534 applicant, and the applicant's attorney, may review examination
1535 questions and answers in accordance with s. 119.07(3)(a).

1536 (13) ~~The department shall adopt a standard state insignia~~
1537 ~~for emergency medical technicians and paramedics. The department~~
1538 ~~shall establish by rule the requirements to display the state~~
1539 ~~emergency medical technician and paramedic insignia. The rules~~
1540 ~~may not require a person to wear the standard insignia but must~~
1541 ~~require that~~ If a person wears any insignia that identifies the
1542 person as a certified emergency medical technician or paramedic
1543 in this state, the insignia must ~~be the standard state insignia~~
1544 ~~adopted under this section. The insignia must denote the~~
1545 individual's level of certification at which he or she is
1546 functioning.

1547 (14)(a) An applicant for initial certification under this
1548 section must submit information and a set of fingerprints to the
1549 department on a form and under procedures specified by the
1550 department, along with payment in an amount equal to the costs



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1551 incurred by the department for a statewide and a national
1552 criminal history check of the applicant.

1553 (b) An applicant for renewal of certification who has not
1554 previously submitted a set of fingerprints to the department
1555 must submit information required to perform a statewide and a
1556 national criminal history check and a set of fingerprints to the
1557 department as a condition of the initial renewal of his or her
1558 certificate after the effective date of this section. The
1559 applicant must submit the fingerprints on a form and under
1560 procedures specified by the department, along with payment in an
1561 amount equal to the costs incurred by the department. For
1562 subsequent renewals, the department shall, by rule, adopt an
1563 application form that includes a sworn oath or affirmation
1564 attesting to the existence of any criminal convictions,
1565 regardless of plea or adjudication, which have occurred since
1566 the previous certification. If there has been a criminal
1567 conviction, the provisions of this subsection shall apply. The
1568 department shall notify current certificateholders of their
1569 requirement to undergo a criminal history check sufficiently in
1570 advance of the 2004 biennial expiration for the
1571 certificateholder to provide the required information prior to
1572 submission of the renewal certification application. Eligibility
1573 for renewal may not be denied by the department for the first
1574 renewal application subsequent to enactment of this subsection
1575 for delays created in obtaining the criminal history from the
1576 Department of Law Enforcement, the Federal Bureau of
1577 Investigation, or the Division of State Fire Marshal if the
1578 applicant has submitted the required criminal history screening
1579 information or affidavit and fees with the renewal certification
1580 application.



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1581 (c) Pursuant to the requirements of s. 120.60,
1582 applications for certification must be processed within 90 days
1583 after receipt of a completed application. Applications for
1584 certification shall not be complete until the criminal history
1585 information and certified copies of all court documents for
1586 those applications with prior criminal convictions, pursuant to
1587 this section, have been received by the department.

1588 (d) The department shall submit the fingerprints and
1589 information required for a statewide criminal history check to
1590 the Department of Law Enforcement for such check, and the
1591 Department of Law Enforcement shall forward the fingerprints and
1592 information to the Federal Bureau of Investigation for a
1593 national criminal history check of the applicant.

1594 (e) If an applicant has undergone a criminal history check
1595 as a condition of employment or certification as a firefighter
1596 under s. 633.34, the Division of State Fire Marshal of the
1597 Department of Financial Services shall provide the criminal
1598 history information regarding the applicant seeking
1599 certification or renewal of certification under this section to
1600 the department. Any applicant for initial certification or
1601 renewal of certification who has already submitted a set of
1602 fingerprints and information to the Division of State Fire
1603 Marshal of the Department of Financial Services for the criminal
1604 history check required for employment and certification of
1605 firefighters under s. 633.34 within 2 years prior to application
1606 under this section is not required to provide to the department
1607 a subsequent set of fingerprints or other duplicate information
1608 required for a criminal history check if the applicant submits
1609 an affidavit in a form prescribed by the department attesting



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1610 that he or she has been a state resident for the previous 2
1611 years.

1612 (f) Notwithstanding the grounds for certification denial
1613 outlined in s. 401.411, an applicant must not have:

1614 1. Been found guilty of, regardless of plea or
1615 adjudication, any offense prohibited under any of the following
1616 provisions of the Florida Statutes or under any similar statute
1617 of another jurisdiction:

1618 a. Section 415.111, relating to abuse, neglect, or
1619 exploitation of a vulnerable adult.

1620 b. Section 782.04, relating to murder.

1621 c. Section 782.07, relating to manslaughter, aggravated
1622 manslaughter of an elderly person or disabled adult, aggravated
1623 manslaughter of a child, or aggravated manslaughter of an
1624 officer, a firefighter, an emergency medical technician, or a
1625 paramedic.

1626 d. Section 782.071, relating to vehicular homicide.

1627 e. Section 782.09, relating to killing of an unborn child
1628 by injury to the mother.

1629 f. Section 784.011, relating to assault, if the victim of
1630 the offense was a minor.

1631 g. Section 784.021, relating to aggravated assault.

1632 h. Section 784.03, relating to battery, if the victim of
1633 the offense was a minor.

1634 i. Section 784.045, relating to aggravated battery.

1635 j. Section 787.01, relating to kidnapping.

1636 k. Section 787.02, relating to false imprisonment.

1637 l. Section 794.011, relating to sexual battery.

1638 m. Former s. 794.041, relating to prohibited acts of
1639 persons in familial or custodial authority.



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- 1640 n. Chapter 796, relating to prostitution.
- 1641 o. Section 798.02, relating to lewd and lascivious
- 1642 behavior.
- 1643 p. Chapter 800, relating to lewdness and indecent
- 1644 exposure.
- 1645 q. Section 806.01, relating to arson.
- 1646 r. Chapter 812, relating to theft, robbery, and related
- 1647 crimes, if the offense was a felony.
- 1648 s. Section 817.563, relating to fraudulent sale of
- 1649 controlled substances, only if the offense was a felony.
- 1650 t. Section 825.102, relating to abuse, aggravated abuse,
- 1651 or neglect of an elderly person or disabled adult.
- 1652 u. Section 825.1025, relating to lewd or lascivious
- 1653 offenses committed upon or in the presence of an elderly person
- 1654 or disabled person.
- 1655 v. Section 825.103, relating to exploitation of an elderly
- 1656 person or disabled adult, if the offense was a felony.
- 1657 w. Section 826.04, relating to incest.
- 1658 x. Section 827.03, relating to child abuse, aggravated
- 1659 child abuse, or neglect of a child.
- 1660 y. Section 827.04, relating to contributing to the
- 1661 delinquency or dependency of a child.
- 1662 z. Former s. 827.05, relating to negligent treatment of
- 1663 children.
- 1664 aa. Section 827.071, relating to sexual performance by a
- 1665 child.
- 1666 bb. Chapter 847, relating to obscenity.
- 1667 cc. Chapter 893, relating to drug abuse prevention and
- 1668 control, only if the offense was a felony or if any other person
- 1669 involved in the offense was a minor.



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1670 2. Committed an act that constitutes domestic violence as
1671 defined in s. 741.28.

1672 (g) The department may grant to any applicant who would
1673 otherwise be denied certification or recertification under this
1674 subsection an exemption from that denial for:

1675 1. Felonies committed more than 3 years prior to the date
1676 of disqualification;

1677 2. Misdemeanors prohibited under any of the Florida
1678 Statutes cited in this subsection or under similar statutes of
1679 other jurisdictions;

1680 3. Offenses that were felonies when committed but are now
1681 misdemeanors;

1682 4. Findings of delinquency; or

1683 5. Commissions of acts of domestic violence as defined in
1684 s. 741.28.

1685 (h) For the department to grant an exemption to any
1686 applicant under this section, the applicant must demonstrate by
1687 clear and convincing evidence that the applicant should not be
1688 disqualified from certification or renewal of certification.
1689 Applicants seeking an exemption have the burden of setting forth
1690 sufficient evidence of rehabilitation, including, but not
1691 limited to, the circumstances surrounding the criminal incident
1692 for which an exemption is sought, the time period that has
1693 elapsed since the incident, the nature of the harm caused to the
1694 victim, and the history of the applicant since the incident, or
1695 any other evidence or circumstances indicating that the
1696 applicant will not present a danger if certification or renewal
1697 of certification is granted. To do so the applicant must request
1698 an exemption and submit the required information supporting that



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1699 request at the time of application so that the department may
1700 make a determination in accordance with this section.

1701 (i) Denial of certification or renewal of certification
1702 under paragraph (f) may not be removed from, nor may an
1703 exemption be granted to, any applicant who is found guilty of,
1704 regardless of plea or adjudication, any felony covered by
1705 paragraph (f) solely by reason of any pardon, executive
1706 clemency, or restoration of civil rights.

1707 (j) If an applicant has undergone a criminal history check
1708 as a condition of employment or licensing under any Florida
1709 Statute within 2 years prior to application under this section,
1710 the applicant may submit a copy of the official Florida Criminal
1711 History Record or National Criminal History Record produced
1712 under that requirement in lieu of the fingerprint card required
1713 in paragraph (a) or paragraph (b). The department shall
1714 determine if the submission meets its requirements and, if not,
1715 the applicant shall be required to comply with the provisions of
1716 this subsection. The department is authorized to share criminal
1717 history information with local, state, and federal agencies for
1718 purposes of licensing or employment background checks.

1719 Section 35. Subsection (6) is added to section 401.2701,
1720 Florida Statutes, to read:

1721 401.2701 Emergency medical services training programs.--

1722 (6) Training programs approved by the department shall at
1723 initiation of an emergency medical technician or paramedic
1724 course advise students of the certification and regulatory
1725 requirements of this chapter, including, but not limited to, the
1726 criminal history screening requirement for initial and renewal
1727 certification under s. 401.27. The department shall prescribe,
1728 by rule, the required content of this component of the course.



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1729 Section 36. Subsection (2) of section 401.2715, Florida
 1730 Statutes, is amended to read:

1731 401.2715 Recertification training of emergency medical
 1732 technicians and paramedics.--

1733 (2) Any individual, institution, school, corporation, or
 1734 governmental entity may conduct emergency medical technician or
 1735 paramedic recertification training upon application to the
 1736 department and payment of a nonrefundable fee to be deposited
 1737 into the Emergency Medical Services Trust Fund. Institutions
 1738 conducting department-approved educational programs as provided
 1739 in this chapter and licensed ambulance services are exempt from
 1740 the application process and payment of fees. Upon application,
 1741 the department shall recognize any entity in this state that has
 1742 approval from the Continuing Education Coordinating Board for
 1743 Emergency Medical Services for courses in cardiopulmonary
 1744 resuscitation or advanced life support for equivalency. The
 1745 department shall adopt rules for the application and payment of
 1746 a fee not to exceed the actual cost of administering this
 1747 approval process.

1748 Section 37. Section 401.272, Florida Statutes, is amended
 1749 to read:

1750 401.272 Emergency medical services community health
 1751 care.--

1752 (1)(a) The purpose of this section is to encourage more
 1753 effective utilization of the skills of emergency medical
 1754 technicians and paramedics by enabling them to perform, in
 1755 partnership with local county health departments, specific
 1756 additional health care tasks that are consistent with the public
 1757 health and welfare.



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1758 (b)~~(2)~~ Notwithstanding any other provision of law to the
1759 contrary:

1760 1.~~(a)~~ Paramedics or emergency medical technicians may
1761 perform health promotion and wellness activities and blood
1762 pressure screenings in a nonemergency environment, within the
1763 scope of their training, and under the direction of a medical
1764 director. As used in this subparagraph ~~paragraph~~, the term
1765 "health promotion and wellness" means the provision of public
1766 health programs pertaining to the prevention of illness and
1767 injury.

1768 2.~~(b)~~ Paramedics may administer immunizations in a
1769 nonemergency environment, within the scope of their training,
1770 and under the direction of a medical director. There must be a
1771 written agreement between the paramedic's medical director and
1772 the county health department located in each county in which the
1773 paramedic administers immunizations. This agreement must
1774 establish the protocols, policies, and procedures under which
1775 the paramedic must operate.

1776 (c)~~(3)~~ Each medical director under whose direction a
1777 paramedic administers immunizations must verify and document
1778 that the paramedic has received sufficient training and
1779 experience to administer immunizations. The verification must be
1780 documented on forms developed by the department, and the
1781 completed forms must be maintained at the service location of
1782 the licensee and made available to the department upon request.

1783 (d)~~(4)~~ The department may adopt and enforce all rules
1784 necessary to enforce the provisions relating to a paramedic's
1785 administration of immunizations and the performance of health
1786 promotion and wellness activities and blood pressure screenings



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1787 by a paramedic or emergency medical technician in a nonemergency
 1788 environment.

1789 (2) Notwithstanding any other provision of law to the
 1790 contrary, paramedics may provide basic life support and advanced
 1791 life support in a hospital emergency department. Such services
 1792 provided by paramedics must be under the direction of the
 1793 manager or nursing director of the emergency department. Where
 1794 the management and provision of emergency medical services is
 1795 contracted by the hospital, paramedics providing services in the
 1796 emergency department must be employees of the medical group
 1797 contracted to provide emergency medical services to the hospital
 1798 and the services provided by paramedics must be under the direct
 1799 supervision of a physician.

1800 Section 38. Subsection (4) of section 404.056, Florida
 1801 Statutes, is amended to read:

1802 404.056 Environmental radiation standards and projects;
 1803 certification of persons performing measurement or mitigation
 1804 services; mandatory testing; notification on real estate
 1805 documents; rules.--

1806 (4) MANDATORY TESTING.--All public and private school
 1807 buildings or school sites housing students in kindergarten
 1808 through grade 12; all state-owned, state-operated, state-
 1809 regulated, or state-licensed 24-hour care facilities; and all
 1810 state-licensed day care centers for children or minors which are
 1811 located in counties designated within the Department of
 1812 Community Affairs' Florida Radon Protection Map Categories as
 1813 "Intermediate" or "Elevated Radon Potential" shall be measured
 1814 to determine the level of indoor radon, using measurement
 1815 procedures established by the department. Initial measurements
 1816 Testing shall be performed ~~completed within the first year of~~



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1817 ~~construction~~ in 20 percent of the habitable first floor spaces
 1818 within any of the regulated buildings. Initial measurements
 1819 shall be completed and reported to the department within 1 ~~by~~
 1820 ~~July 1 of the year~~ after the date the building is opened for
 1821 occupancy or within 1 year after license approval for an entity
 1822 residing in an existing building. Followup testing must be
 1823 completed in 5 percent of the habitable first floor spaces
 1824 within any of the regulated buildings after the building has
 1825 been occupied for 5 years, and results must be reported to the
 1826 department by the first day ~~July 1~~ of the 6th ~~5th~~ year of
 1827 occupancy. After radon measurements have been made twice,
 1828 regulated buildings need not undergo further testing unless
 1829 significant structural changes occur. No funds collected
 1830 pursuant to s. 553.721 shall be used to carry out the provisions
 1831 of this subsection.

1832 Section 39. Subsection (5) of section 409.814, Florida
 1833 Statutes, is amended to read:

1834 409.814 Eligibility.--A child whose family income is equal
 1835 to or below 200 percent of the federal poverty level is eligible
 1836 for the Florida Kidcare program as provided in this section. In
 1837 determining the eligibility of such a child, an assets test is
 1838 not required. An applicant under 19 years of age who, based on a
 1839 complete application, appears to be eligible for the Medicaid
 1840 component of the Florida Kidcare program is presumed eligible
 1841 for coverage under Medicaid, subject to federal rules. A child
 1842 who has been deemed presumptively eligible for Medicaid shall
 1843 not be enrolled in a managed care plan until the child's full
 1844 eligibility determination for Medicaid has been completed. The
 1845 Florida Healthy Kids Corporation may, subject to compliance with
 1846 applicable requirements of the Agency for Health Care



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1847 Administration and the Department of Children and Family
 1848 Services, be designated as an entity to conduct presumptive
 1849 eligibility determinations. An applicant under 19 years of age
 1850 who, based on a complete application, appears to be eligible for
 1851 the Medikids, Florida Healthy Kids, or Children's Medical
 1852 Services network program component, who is screened as
 1853 ineligible for Medicaid and prior to the monthly verification of
 1854 the applicant's enrollment in Medicaid or of eligibility for
 1855 coverage under the state employee health benefit plan, may be
 1856 enrolled in and begin receiving coverage from the appropriate
 1857 program component on the first day of the month following the
 1858 receipt of a completed application. For enrollment in the
 1859 Children's Medical Services network, a complete application
 1860 includes the medical or behavioral health screening. If, after
 1861 verification, an individual is determined to be ineligible for
 1862 coverage, he or she must be disenrolled from the respective
 1863 Title XXI-funded Kidcare program component.

1864 (5) A child whose family income is above 200 percent of
 1865 the federal poverty level or a child who is excluded under the
 1866 provisions of subsection (4) may participate in the Florida
 1867 Healthy Kids program or the Medikids program, ~~Kidcare program,~~
 1868 ~~excluding the Medicaid program,~~ but is subject to the following
 1869 provisions:

1870 (a) The family is not eligible for premium assistance
 1871 payments and must pay the full cost of the premium, including
 1872 any administrative costs.

1873 (b) The agency is authorized to place limits on enrollment
 1874 in Medikids by these children in order to avoid adverse
 1875 selection. The number of children participating in Medikids
 1876 whose family income exceeds 200 percent of the federal poverty



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1877 level must not exceed 10 percent of total enrollees in the
 1878 Medikids program.

1879 (c) The board of directors of the Florida Healthy Kids
 1880 Corporation is authorized to place limits on enrollment of these
 1881 children in order to avoid adverse selection. In addition, the
 1882 board is authorized to offer a reduced benefit package to these
 1883 children in order to limit program costs for such families. The
 1884 number of children participating in the Florida Healthy Kids
 1885 program whose family income exceeds 200 percent of the federal
 1886 poverty level must not exceed 10 percent of total enrollees in
 1887 the Florida Healthy Kids program.

1888 (d) Children described in this subsection are not counted
 1889 in the annual enrollment ceiling for the Florida Kidcare
 1890 program.

1891 Section 40. Paragraph (d) of subsection (1) of section
 1892 455.227, Florida Statutes, is amended to read:

1893 455.227 Grounds for discipline; penalties; enforcement.--

1894 (1) The following acts shall constitute grounds for which
 1895 the disciplinary actions specified in subsection (2) may be
 1896 taken:

1897 (d) Using a Class III or a Class IV laser device or
 1898 product, as defined by federal regulations, without having
 1899 complied with the rules adopted pursuant to s. 404.24(2)
 1900 ~~501.122(2)~~ governing the registration of such devices.

1901 Section 41. Subsection (7) is added to section 456.017,
 1902 Florida Statutes, to read:

1903 456.017 Examinations.--

1904 (7) The department may post examination scores
 1905 electronically on the Internet in lieu of mailing the scores to
 1906 each applicant. Such electronic posting of the examination



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1907 scores meets the requirements of chapter 120 if the department
 1908 also posts with the examination scores a notification of rights
 1909 as set forth in chapter 120. The date of receipt for purposes of
 1910 chapter 120 shall be the date the examination scores are posted
 1911 electronically. The department shall also notify the examinee
 1912 when scores are posted electronically of the availability of a
 1913 postexamination review, if applicable.

1914 Section 42. Subsection (7) of section 456.025, Florida
 1915 Statutes, is amended to read:

1916 456.025 Fees; receipts; disposition.--

1917 (7) Each board, or the department if there is no board,
 1918 shall establish, by rule, a fee not to exceed \$250 for anyone
 1919 seeking approval to provide continuing education courses or
 1920 programs and shall establish by rule a biennial renewal fee not
 1921 to exceed \$250 for the renewal of providership of such courses.
 1922 The fees collected from continuing education providers shall be
 1923 used for the purposes of reviewing course provider applications,
 1924 monitoring the integrity of the courses provided, and covering
 1925 legal expenses incurred as a result of not granting or renewing
 1926 a providership, ~~and developing and maintaining an electronic~~
 1927 ~~continuing education tracking system. The department shall~~
 1928 ~~implement an electronic continuing education tracking system for~~
 1929 ~~each new biennial renewal cycle for which electronic renewals~~
 1930 ~~are implemented after the effective date of this act and shall~~
 1931 ~~integrate such system into the licensure and renewal system. All~~
 1932 ~~approved continuing education providers shall provide~~
 1933 ~~information on course attendance to the department necessary to~~
 1934 ~~implement the electronic tracking system. The department shall,~~
 1935 ~~by rule, specify the form and procedures by which the~~
 1936 ~~information is to be submitted.~~



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1937 Section 43. Paragraph (b) of subsection (1) of section
 1938 456.0375, Florida Statutes, is amended to read:

1939 456.0375 Registration of certain clinics; requirements;
 1940 discipline; exemptions.--

1941 (1)

1942 (b) For purposes of this section, the term "clinic" does
 1943 not include and the registration requirements herein do not
 1944 apply to:

1945 1. Entities licensed or registered by the state pursuant
 1946 to chapter 390, chapter 394, chapter 395, chapter 397, chapter
 1947 400, chapter 463, chapter 465, chapter 466, chapter 478, chapter
 1948 480, or chapter 484.

1949 2. Entities exempt from federal taxation under 26 U.S.C.
 1950 s. 501(c)(3) and community college and university clinics.

1951 3. Sole proprietorships, group practices, partnerships, or
 1952 corporations that provide health care services by licensed
 1953 health care practitioners pursuant to chapters 457, 458, 459,
 1954 460, 461, 462, 463, 466, 467, 484, 486, 490, 491, or part I,
 1955 part III, part X, part XIII, or part XIV of chapter 468, or s.
 1956 464.012, which are wholly owned by licensed health care
 1957 practitioners or the licensed health care practitioner and the
 1958 spouse, parent, or child of a licensed health care practitioner,
 1959 so long as one of the owners who is a licensed health care
 1960 practitioner is supervising the administrative services
 1961 performed therein and is legally responsible for the entity's
 1962 compliance with all federal and state laws. However, no health
 1963 care practitioner may supervise the health care delivery
 1964 services beyond the scope of the practitioner's license.
 1965 Supervision of the administrative services for compliance with
 1966 federal and state laws is different and distinct from



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1967 supervision of the delivery of health care services. Health care
 1968 delivery is the sole responsibility of the physician delivering
 1969 health care services.

1970 4. Clinical facilities affiliated with an accredited
 1971 medical school at which training is provided for medical
 1972 students, residents, or fellows.

1973 Section 44. Paragraph (a) of subsection (4) of section
 1974 456.039, Florida Statutes, is amended to read:

1975 456.039 Designated health care professionals; information
 1976 required for licensure.--

1977 (4)(a) An applicant for initial licensure must submit a
 1978 set of fingerprints to the Department of Health in accordance
 1979 with s. 458.311, s. 458.3115, s. 458.3124, ~~s. 458.313~~, s.
 1980 459.0055, s. 460.406, or s. 461.006.

1981 Section 45. Subsection (1) of section 456.049, Florida
 1982 Statutes, is amended to read:

1983 456.049 Health care practitioners; reports on professional
 1984 liability claims and actions.--

1985 (1) Any practitioner of medicine licensed pursuant to the
 1986 provisions of chapter 458, practitioner of osteopathic medicine
 1987 licensed pursuant to the provisions of chapter 459, podiatric
 1988 physician licensed pursuant to the provisions of chapter 461, or
 1989 dentist licensed pursuant to the provisions of chapter 466 shall
 1990 report to the department any claim or action for damages for
 1991 personal injury alleged to have been caused by error, omission,
 1992 or negligence in the performance of such licensee's professional
 1993 services or based on a claimed performance of professional
 1994 services without consent if the claim was not covered by an
 1995 insurer required to report under s. 627.912 and the claim
 1996 resulted in:



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1997 (a) A final judgment of \$50,000 or more, or of \$25,000 or
 1998 more for a dentist licensed pursuant to the provisions of
 1999 chapter 466 in any amount.

2000 (b) A settlement of \$50,000 or more, or of \$25,000 or more
 2001 for a dentist licensed pursuant to the provisions of chapter 466
 2002 in any amount.

2003 (c) A final disposition not resulting in payment on behalf
 2004 of the licensee.

2005

2006 Reports shall be filed with the department no later than 60 days
 2007 following the occurrence of any event listed in paragraph (a),
 2008 paragraph (b), or paragraph (c).

2009 Section 46. Subsection (3) of section 456.063, Florida
 2010 Statutes, is amended to read:

2011 456.063 Sexual misconduct; disqualification for license,
 2012 certificate, or registration.--

2013 (3) Licensed health care practitioners shall report
 2014 allegations of sexual misconduct to the department, regardless
 2015 of the practice setting in which the alleged sexual misconduct
 2016 occurred. Each board, or the department if there is no board,
 2017 may adopt rules to implement the requirements for reporting
 2018 allegations of sexual misconduct, including rules to determine
 2019 the sufficiency of the allegations.

2020 Section 47. Paragraphs (d), (aa), and (bb) of subsection
 2021 (1) and subsection (4) of section 456.072, Florida Statutes, are
 2022 amended, paragraph (dd) is added to subsection (1), and
 2023 subsection (7) is added to said section, to read:

2024 456.072 Grounds for discipline; penalties; enforcement.--



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2025 (1) The following acts shall constitute grounds for which
 2026 the disciplinary actions specified in subsection (2) may be
 2027 taken:

2028 (d) Using a Class III or a Class IV laser device or
 2029 product, as defined by federal regulations, without having
 2030 complied with the rules adopted pursuant to s. 404.24(2)
 2031 ~~501.122(2)~~ governing the registration of such devices.

2032 (aa) Performing or attempting to perform health care
 2033 services on the wrong patient, a wrong-site procedure, a wrong
 2034 procedure, or an unauthorized procedure or a procedure that is
 2035 medically unnecessary or otherwise unrelated to the patient's
 2036 diagnosis or medical condition. For the purposes of this
 2037 paragraph, performing or attempting to perform health care
 2038 services includes invasive actions taken in furtherance of the
 2039 preparation of the patient, but does not include those
 2040 preparations that are noninvasive.

2041 (bb) Leaving a foreign body in a patient, such as a
 2042 sponge, clamp, forceps, surgical needle, or other paraphernalia
 2043 commonly used in surgical, examination, or other diagnostic
 2044 procedures, unless leaving the foreign body is medically
 2045 indicated and documented in the patient record. For the purposes
 2046 of this paragraph, it shall be legally presumed that retention
 2047 of a foreign body is not in the best interest of the patient and
 2048 is not within the standard of care of the profession, unless
 2049 medically indicated and documented in the patient record
 2050 ~~regardless of the intent of the professional.~~

2051 (dd) Prescribing, administering, dispensing, or
 2052 distributing a legend drug, including a controlled substance,
 2053 when the practitioner knows or reasonably should know that the
 2054 receiving patient has not established a valid professional



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2055 relationship with the prescribing practitioner. A medical
2056 questionnaire completed by Internet, telephone, electronic
2057 transfer, or mail does not establish a valid professional
2058 relationship.

2059 (4) In any ~~addition to any other discipline imposed~~
2060 ~~through~~ final order, or citation, entered on or after July 1,
2061 2001, that imposes a penalty or other form of discipline
2062 pursuant to this section or discipline imposed through final
2063 order, or citation, entered on or after July 1, 2001, for a
2064 violation of any practice act, the board, or the department when
2065 there is no board, shall assess costs related to the
2066 investigation and prosecution of the case, including costs
2067 associated with an attorney's time. The amount of costs to be
2068 assessed shall be determined by the board, or the department
2069 when there is no board, following its consideration of an
2070 affidavit of itemized costs and any written objections thereto.
2071 In any case where ~~the board or the department imposes~~ a fine or
2072 assessment of costs imposed by the board or department ~~and the~~
2073 ~~fine or assessment~~ is not paid within a reasonable time, such
2074 reasonable time to be prescribed in the rules of the board, or
2075 the department when there is no board, or in the order assessing
2076 such fines or costs, the department or the Department of Legal
2077 Affairs may contract for the collection of, or bring a civil
2078 action to recover, the fine or assessment.

2079 (7) In any formal administrative hearing conducted under
2080 s. 120.57(1), the department shall establish grounds for
2081 revocation or suspension of a license by clear and convincing
2082 evidence. Any other forms of discipline shall be established by
2083 the greater weight of the evidence.



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2084 Section 48. Subsections (1) and (5) of section 456.073,
 2085 Florida Statutes, are amended to read:

2086 456.073 Disciplinary proceedings.--Disciplinary
 2087 proceedings for each board shall be within the jurisdiction of
 2088 the department.

2089 (1) The department, for the boards under its jurisdiction,
 2090 shall cause to be investigated any complaint that is filed
 2091 before it if the complaint is in writing, signed by the
 2092 complainant, and legally sufficient. A complaint is legally
 2093 sufficient if it contains ultimate facts that show that a
 2094 violation of this chapter, of any of the practice acts relating
 2095 to the professions regulated by the department, or of any rule
 2096 adopted by the department or a regulatory board in the
 2097 department has occurred. In order to determine legal
 2098 sufficiency, the department may require supporting information
 2099 or documentation. The department may investigate, and the
 2100 department or the appropriate board may take appropriate final
 2101 action on, a complaint even though the original complainant
 2102 withdraws it or otherwise indicates a desire not to cause the
 2103 complaint to be investigated or prosecuted to completion. The
 2104 department may investigate an anonymous complaint if the
 2105 complaint is in writing and is legally sufficient, if the
 2106 alleged violation of law or rules is substantial, and if the
 2107 department has reason to believe, after preliminary inquiry,
 2108 that the violations alleged in the complaint are true. The
 2109 department may investigate a complaint made by a confidential
 2110 informant if the complaint is legally sufficient, if the alleged
 2111 violation of law or rule is substantial, and if the department
 2112 has reason to believe, after preliminary inquiry, that the
 2113 allegations of the complainant are true. The department may



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2114 initiate an investigation if it has reasonable cause to believe
2115 that a licensee or a group of licensees has violated a Florida
2116 statute, a rule of the department, or a rule of a board. ~~Except~~
2117 ~~as provided in ss. 458.331(9), 459.015(9), 460.413(5), and~~
2118 ~~461.013(6),~~ When an investigation of any subject is undertaken,
2119 the department shall promptly furnish to the subject or the
2120 subject's attorney a copy of the complaint or document that
2121 resulted in the initiation of the investigation. The subject may
2122 submit a written response to the information contained in such
2123 complaint or document within 30 ~~20~~ days after service to the
2124 subject of the complaint or document. The subject's written
2125 response shall be considered by the probable cause panel. The
2126 right to respond does not prohibit the issuance of a summary
2127 emergency order if necessary to protect the public. However, if
2128 the secretary, or the secretary's designee, and the chair of the
2129 respective board or the chair of its probable cause panel agree
2130 in writing that such notification would be detrimental to the
2131 investigation, the department may withhold notification. The
2132 department may conduct an investigation without notification to
2133 any subject if the act under investigation is a criminal
2134 offense.

2135 (5)(a) A formal hearing before an administrative law judge
2136 from the Division of Administrative Hearings shall be requested
2137 ~~held~~ pursuant to chapter 120 if there are any disputed issues of
2138 material fact raised within 45 days after service of the
2139 administrative complaint. The administrative law judge shall
2140 issue a recommended order pursuant to chapter 120. ~~If any party~~
2141 ~~raises an issue of disputed fact during an informal hearing, the~~
2142 ~~hearing shall be terminated and a formal hearing pursuant to~~
2143 ~~chapter 120 shall be held.~~



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2144 (b) Notwithstanding s. 120.569(2), the department shall
2145 notify the division within 45 days after receipt of a petition
2146 or request for a hearing which the department has determined
2147 requires a formal hearing before an administrative law judge.

2148 (c) The division shall maintain time records for each case
2149 it receives. The division shall charge its expenses to the
2150 Medical Quality Assurance Trust Fund based on an hourly rate set
2151 forth in this paragraph. The costs charged shall include actual
2152 travel and copying expenses plus a \$100 hourly fee for the
2153 actual time spent on the case by the administrative law judge or
2154 hearing officer. There shall be a one-time filing fee per case
2155 of \$50. There shall be no charge for hearings canceled more than
2156 21 days in advance. Hearings canceled between 3 and 21 days in
2157 advance shall be billed for actual expenses incurred. For any
2158 formal hearing canceled less than 72 hours before the start of
2159 the hearing, actual expenses incurred and a cancellation fee of
2160 \$250 shall be billed.

2161 Section 49. Section 456.077, Florida Statutes, is amended
2162 to read:

2163 456.077 Authority to issue citations.--

2164 (1) Notwithstanding s. 456.073, the board, or the
2165 department if there is no board, shall adopt rules to permit the
2166 issuance of citations. The citation shall be issued to the
2167 subject and shall contain the subject's name and address, the
2168 subject's license number if applicable, a brief factual
2169 statement, the sections of the law allegedly violated, and the
2170 penalty imposed. The citation must clearly state that the
2171 subject may choose, in lieu of accepting the citation, to follow
2172 the procedure under s. 456.073. If the subject disputes the
2173 matter in the citation, the procedures set forth in s. 456.073



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2174 must be followed. However, if the subject does not dispute the
2175 matter in the citation with the department within 30 days after
2176 the citation is served, the citation becomes a public final
2177 order and ~~does not constitute~~ ~~constitutes~~ discipline for a first
2178 offense. The penalty shall be a fine or other conditions as
2179 established by rule.

2180 (2) The board, or the department if there is no board,
2181 shall adopt rules designating violations for which a citation
2182 may be issued. Such rules shall designate as citation violations
2183 those violations for which there is no substantial threat to the
2184 public health, safety, and welfare. Violations for which a
2185 citation may be issued shall include violations of continuing
2186 education requirements; failure to timely pay required fees and
2187 fines; failure to comply with the requirements of ss. 381.026
2188 and 381.0261 regarding the dissemination of information
2189 regarding patient rights; failure to comply with advertising
2190 requirements; failure to timely update practitioner profile and
2191 credentialing files; failure to display signs, licenses, and
2192 permits; failure to have required reference books available; and
2193 all other violations that do not pose a direct and serious
2194 threat to the health and safety of the patient.

2195 (3) The department shall be entitled to recover the costs
2196 of investigation, in addition to any penalty provided according
2197 to board or department rule, as part of the penalty levied
2198 pursuant to the citation.

2199 ~~(4) A citation must be issued within 6 months after the~~
2200 ~~filing of the complaint that is the basis for the citation.~~

2201 (4)~~(5)~~ Service of a citation may be made by personal
2202 service or certified mail, restricted delivery, to the subject
2203 at the subject's last known address.



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2204 (5)~~(6)~~ A board has 6 months in which to enact rules
 2205 designating violations and penalties appropriate for citation
 2206 offenses. Failure to enact such rules gives the department
 2207 exclusive authority to adopt rules as required for implementing
 2208 this section. A board has continuous authority to amend its
 2209 rules adopted pursuant to this section.

2210 Section 50. Section 456.078, Florida Statutes, is amended
 2211 to read:

2212 456.078 Mediation.--

2213 (1) Notwithstanding the provisions of s. 456.073, the
 2214 board, or the department when there is no board, shall adopt
 2215 rules to designate which violations of the applicable
 2216 professional practice act are appropriate for mediation. The
 2217 board, or the department when there is no board, shall ~~may~~
 2218 designate as mediation offenses those complaints where harm
 2219 caused by the licensee is economic in nature, except complaints
 2220 involving fraud, or can be remedied by the licensee, or does not
 2221 result in an adverse incident. For the purposes of this section,
 2222 an adverse incident is defined as an event that results in:

- 2223 (a) The death of a patient;
- 2224 (b) Brain or spinal damage to a patient;
- 2225 (c) The performance of a surgical procedure on the wrong
 2226 patient;
- 2227 (d) The performance of a wrong-site surgical procedure;
- 2228 (e) The performance of a wrong surgical procedure;
- 2229 (f) The performance of a surgical procedure that is
 2230 medically unnecessary or otherwise unrelated to the patient's
 2231 diagnosis or medical condition;
- 2232 (g) The surgical repair of damage resulting to a patient
 2233 from a planned surgical procedure, where the damage is not a



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2234 recognized specific risk, as disclosed to the patient and
2235 documented through the informed-consent process; or

2236 (h) The performance of procedures to remove unplanned
2237 foreign objects remaining from a surgical procedure.

2238 (2) After the department determines a complaint is legally
2239 sufficient and the alleged violations are defined as mediation
2240 offenses, the department or any agent of the department may
2241 conduct informal mediation to resolve the complaint. If the
2242 complainant and the subject of the complaint agree to a
2243 resolution of a complaint within 14 days after contact by the
2244 mediator, the mediator shall notify the department of the terms
2245 of the resolution. The department or board shall take no further
2246 action unless the complainant and the subject each fail to
2247 record with the department an acknowledgment of satisfaction of
2248 the terms of mediation within 60 days of the mediator's
2249 notification to the department. A successful mediation shall
2250 include a statement of whether or not the resolution constitutes
2251 discipline. However, in the event the complainant and subject
2252 fail to reach settlement terms or to record the required
2253 acknowledgment, the department shall process the complaint
2254 according to the provisions of s. 456.073.

2255 (3) Conduct or statements made during mediation are
2256 inadmissible in any proceeding pursuant to s. 456.073. Further,
2257 any information relating to the mediation of a case shall be
2258 subject to the confidentiality provisions of s. 456.073.

2259 (4) Any licensee who completes a successful mediation
2260 shall pay the department's administrative costs for the
2261 mediation. No licensee shall go through the mediation process
2262 more than once if the allegation relates to the breach of the
2263 standard of care for that health care professional. In any



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2264 event, no licensee shall go through the mediation process more
 2265 than three times without approval of the department. The
 2266 department may consider the subject and dates of the earlier
 2267 complaints in rendering its decision. Such decision shall not be
 2268 considered a final agency action for purposes of chapter 120.

2269 (5) A board has 6 months in which to adopt rules
 2270 designating violations appropriate for mediation. Failure to
 2271 adopt such rules gives the department exclusive authority to
 2272 adopt rules as required for implementing this section ~~Any board~~
 2273 ~~created on or after January 1, 1995, shall have 6 months to~~
 2274 ~~adopt rules designating which violations are appropriate for~~
 2275 ~~mediation, after which time the department shall have exclusive~~
 2276 ~~authority to adopt rules pursuant to this section.~~ A board shall
 2277 have continuing authority to amend its rules adopted pursuant to
 2278 this section.

2279 Section 51. Section 458.303, Florida Statutes, is amended
 2280 to read:

2281 458.303 Provisions not applicable to other practitioners;
 2282 exceptions, etc.--

2283 (1) The provisions of ss. 458.301, 458.303, 458.305,
 2284 458.307, 458.309, 458.311, ~~458.313,~~ 458.315, ~~458.317,~~ 458.319,
 2285 458.321, 458.327, 458.329, 458.331, 458.337, 458.339, 458.341,
 2286 458.343, 458.345, and 458.347 shall have no application to:

2287 (a) Other duly licensed health care practitioners acting
 2288 within their scope of practice authorized by statute.

2289 (b) Any physician lawfully licensed in another state or
 2290 territory or foreign country, when meeting duly licensed
 2291 physicians of this state in consultation.

2292 (c) Commissioned medical officers of the Armed Forces of
 2293 the United States and of the Public Health Service of the United



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2294 States while on active duty and while acting within the scope of
 2295 their military or public health responsibilities.

2296 (d) Any person while actually serving without salary or
 2297 professional fees on the resident medical staff of a hospital in
 2298 this state, subject to the provisions of s. 458.321.

2299 (e) Any person furnishing medical assistance in case of an
 2300 emergency.

2301 (f) The domestic administration of recognized family
 2302 remedies.

2303 (g) The practice of the religious tenets of any church in
 2304 this state.

2305 (h) Any person or manufacturer who, without the use of
 2306 drugs or medicine, mechanically fits or sells lenses, artificial
 2307 eyes or limbs, or other apparatus or appliances or is engaged in
 2308 the mechanical examination of eyes for the purpose of
 2309 constructing or adjusting spectacles, eyeglasses, or lenses.

2310 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.
 2311 458.307, s. 458.309, s. 458.311, ~~s. 458.313~~, s. 458.319, s.
 2312 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.
 2313 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall
 2314 be construed to prohibit any service rendered by a registered
 2315 nurse or a licensed practical nurse, if such service is rendered
 2316 under the direct supervision and control of a licensed physician
 2317 who provides specific direction for any service to be performed
 2318 and gives final approval to all services performed. Further,
 2319 nothing in this or any other chapter shall be construed to
 2320 prohibit any service rendered by a medical assistant in
 2321 accordance with the provisions of s. 458.3485.

2322 Section 52. Section 458.311, Florida Statutes, is amended
 2323 to read:



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2324 (Substantial rewording of section. See
2325 s. 458.311, F.S., for present text.)
2326 458.311 Licensure; requirements; fees.--
2327 (1) Any person desiring to be licensed as a physician
2328 shall apply to the department on forms furnished by the
2329 department. The department shall license each applicant who the
2330 board certifies has met the provisions of this section.

2331 (2) Each applicant must demonstrate compliance with the
2332 following:

2333 (a) Has completed the application form and remitted a
2334 nonrefundable application fee not to exceed \$500.

2335 (b) Is at least 21 years of age.

2336 (c) Is of good moral character.

2337 (d) Has not committed any act or offense in this or any
2338 other jurisdiction which would constitute the basis for
2339 disciplining a physician pursuant to s. 458.331.

2340 (e) Has submitted to the department a set of fingerprints
2341 on a form and under procedures specified by the department,
2342 along with a payment in an amount equal to the costs incurred by
2343 the department for the criminal history check of the applicant.

2344 (f) Has caused to be submitted to the department core
2345 credentials verified by the Federation Credentials Verification
2346 Service of the Federation of State Medical Boards.

2347 (g) For an applicant holding a valid active license in
2348 another state, has submitted evidence of the active licensed
2349 practice of medicine in another jurisdiction for at least 2 of
2350 the immediately preceding 4 years or evidence of successful
2351 completion of either a board-approved postgraduate training
2352 program within 2 years preceding filing of an application or a
2353 board-approved clinical competency examination within the year



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2354 preceding the filing of an application for licensure. For
2355 purposes of this paragraph, the term "active licensed practice
2356 of medicine" means that practice of medicine by physicians,
2357 including those employed by any governmental entity in community
2358 or public health, as defined by this chapter, those designated
2359 as medical directors under s. 641.495(11) who are practicing
2360 medicine, and those on the active teaching faculty of an
2361 accredited medical school. If the applicant fails to meet the
2362 requirements of this paragraph, the board may impose conditions
2363 on the license, including, but not limited to, supervision of
2364 practice.

2365 (3) Each applicant must demonstrate that he or she has
2366 complied with one of the following:

2367 (a) Is a graduate of an allopathic medical school or
2368 allopathic college recognized and approved by an accrediting
2369 agency recognized by the United States Department of Education
2370 or is a graduate of an allopathic medical school or allopathic
2371 college within a territorial jurisdiction of the United States
2372 recognized by the accrediting agency of the governmental body of
2373 that jurisdiction; or

2374 (b) Is a graduate of an allopathic international medical
2375 school registered with the World Health Organization and has had
2376 his or her medical credentials evaluated by the Educational
2377 Commission for Foreign Medical Graduates, holds an active, valid
2378 certificate issued by that commission, and has passed the
2379 examination utilized by that commission. However, a graduate of
2380 an international medical school need not present the certificate
2381 issued by the Educational Commission for Foreign Medical
2382 Graduates or pass the examination utilized by that commission if
2383 the graduate has:



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2384 1. Received a bachelor's degree from an accredited United
2385 States college or university.

2386 2. Studied at a medical school which is recognized by the
2387 World Health Organization.

2388 3. Completed all of the formal requirements of the
2389 international medical school, except the internship or social
2390 service requirements, and passed part I of the National Board of
2391 Medical Examiners examination or the Educational Commission for
2392 Foreign Medical Graduates examination equivalent.

2393 4. Completed an academic year of supervised clinical
2394 training in a hospital affiliated with a medical school approved
2395 by the Council on Medical Education of the American Medical
2396 Association and, upon completion, passed part II of the National
2397 Board of Medical Examiners examination or the Educational
2398 Commission for Foreign Medical Graduates examination equivalent.

2399 (4) Each applicant must demonstrate that he or she has
2400 completed an Accreditation Council for Graduate Medical
2401 Education (ACGME) approved residency, as defined by board rule,
2402 of at least 2 years, or a fellowship of at least 2 years in one
2403 specialty area which is counted toward regular or subspecialty
2404 certification by a board recognized and certified by the
2405 American Board of Medical Specialties. However, applicants who
2406 meet the requirements of paragraph (3)(a) who completed their
2407 training prior to October 1, 2003, must demonstrate completion
2408 of at least 1 year of an approved residency.

2409 (5)(a) Each applicant must demonstrate that he or she has
2410 complied with one of the following examination requirements:

2411 1. Prior to January 1, 2000, has obtained a passing score,
2412 as established by rule of the board, on the licensure
2413 examination of the National Board of Medical Examiners (NBME),



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2414 the licensure examination of the Federation of State Medical
2415 Boards of the United States, Inc. (FLEX), the United States
2416 Medical Licensing Examination (USMLE), or a combination thereof;

2417 2. On or after January 1, 2000, has obtained a passing
2418 score on all three steps of the United States Medical Licensing
2419 Examination (USMLE); or

2420 3. Has obtained a passing score on a state board
2421 examination or the Canadian licensing examination (LLMCC) if the
2422 applicant has a current active license in at least one other
2423 jurisdiction of the United States or Canada and has practiced
2424 pursuant to such licensure continuously for the immediately
2425 preceeding 10 years without encumbrance on the license.

2426 (b) As prescribed by board rule, the board may require an
2427 applicant who does not pass any step of the national licensing
2428 examination after five attempts to complete additional remedial
2429 education or training.

2430 (c) As prescribed by board rule, the board may require an
2431 applicant who does not pass all steps of the United States
2432 Medical Licensing Examination (USMLE) within 7 years to complete
2433 additional remedial education or training or to retake the step
2434 of the examination which the applicant passed first.

2435 (6) The department and the board shall ensure that
2436 applicants for licensure meet the criteria of this section
2437 through an investigative process.

2438 (7) The board may not certify to the department for
2439 licensure any applicant who is under investigation in another
2440 jurisdiction for an offense which would constitute a violation
2441 of this chapter until such investigation is completed. Upon
2442 completion of the investigation, the provisions of s. 458.331
2443 shall apply. Furthermore, the department may not issue an



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2444 unrestricted license to any individual who has committed any act
2445 or offense in any jurisdiction which would constitute the basis
2446 for disciplining a physician pursuant to s. 458.331. When the
2447 board finds that an individual has committed an act or offense
2448 in any jurisdiction which would constitute the basis for
2449 disciplining a physician pursuant to s. 458.331, the board may
2450 enter an order imposing one or more of the terms set forth in s.
2451 456.072(2).

2452 (8) The board may adopt rules pursuant to ss. 120.536(1)
2453 and 120.54 necessary to carry out the provisions of this
2454 section, which shall be applied on a uniform and consistent
2455 basis.

2456 (9) When the board determines that any applicant for
2457 licensure has failed to meet, to the board's satisfaction, each
2458 of the appropriate requirements set forth in this section, it
2459 may enter an order requiring one or more of the following terms:

2460 (a) Refusal to certify to the department an application
2461 for licensure, certification, or registration;

2462 (b) Certification to the department of an application for
2463 licensure, certification, or registration with restrictions on
2464 the scope of practice of the licensee; or

2465 (c) Certification to the department of an application for
2466 licensure, certification, or registration with placement of the
2467 physician on probation for a period of time and subject to such
2468 conditions as the board may specify, including, but not limited
2469 to, requiring the physician to submit to treatment, attend
2470 continuing education courses, submit to reexamination, or work
2471 under the supervision of another physician.

2472 Section 53. Subsection (5) of section 458.3124, Florida
2473 Statutes, is amended to read:



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2474 458.3124 Restricted license; certain experienced foreign-
2475 trained physicians.--

2476 (5) Notwithstanding s. 458.311(3) and ~~(4)(1)(f)~~, a person
2477 who successfully meets the requirements of this section and who
2478 successfully passes Step III of the United States Medical
2479 Licensing Examination is eligible for full licensure as a
2480 physician.

2481 Section 54. Section 458.315, Florida Statutes, is amended
2482 to read:

2483 (Substantial rewording of section. See
2484 s. 458.315, F.S., for present text.)

2485 458.315 Limited licenses.--

2486 (1) Any person desiring to obtain a limited license shall
2487 apply to the department on forms furnished by the department.
2488 The department shall license each applicant who the board
2489 certifies:

2490 (a) Has submitted to the department, with an application
2491 and fee not to exceed \$300, a statement stating that he or she
2492 has been licensed to practice medicine in any jurisdiction or
2493 territory of the United States or Canada for at least 2 years
2494 and intends to practice only pursuant to the restrictions of a
2495 limited license granted pursuant to this section. However, if
2496 the physician will only use the limited license for
2497 noncompensated practice, and submits a statement from the
2498 employing agency or institution stating that he or she will not
2499 receive compensation for any service involving the practice of
2500 medicine, the application fee and all licensure fees shall be
2501 waived.

2502 (b) Has submitted evidence of the active licensed practice
2503 of medicine in any jurisdiction or territory of the United



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2504 States or Canada for at least 2 of the immediately preceding 4
2505 years. For purposes of this paragraph, the term "active licensed
2506 practice of medicine" means that practice of medicine by
2507 physicians, including those employed by any government entity in
2508 community or public health, as defined by this chapter, those
2509 designated as medical directors under s. 641.495(11) who are
2510 practicing medicine, and those on the active teaching faculty of
2511 an accredited medical school. If it has been more than 3 years
2512 since active practice was conducted by the applicant, a licensed
2513 physician approved by the board shall supervise the applicant
2514 for a period of 6 months after he or she is granted a limited
2515 license for practice, unless the board determines that a shorter
2516 period of supervision will be sufficient to ensure that the
2517 applicant is qualified for licensure. Procedures for such
2518 supervision shall be established by the board.

2519 (c) Has submitted to the department a set of fingerprints
2520 on a form and under procedures by the department for the
2521 criminal history check of the applicant.

2522 (d) Has not committed any act or offense in this or any
2523 other jurisdiction which would constitute the basis for
2524 disciplining a physician pursuant to s. 458.331.

2525 (2) After approval of an application under this section, a
2526 limited license may not be issued until the applicant provides
2527 to the board an affidavit that there have been no substantial
2528 changes in his or her status since initial application.

2529 (3) The recipient of a limited license used for
2530 noncompensated practice shall only practice in the employ of
2531 programs or facilities that provide uncompensated health care
2532 services by volunteer licensed health care professionals to low-
2533 income persons whose family income does not exceed 120 percent



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2534 of the federal poverty level or to uninsured persons. These
2535 facilities shall include, but not be limited to, the department,
2536 community and migrant health centers funded under s. 330 of the
2537 Public Health Service Act, and volunteer health care provider
2538 programs contracted with the department to provide uncompensated
2539 care under the provisions of s. 766.1115.

2540 (4) The recipient of a limited license used for
2541 compensated practice shall only practice in the employ of
2542 certain programs and facilities that provide health care
2543 services and are located within federally designated primary
2544 care health professional shortage areas, unless otherwise
2545 approved by the Secretary of Health. These programs and
2546 facilities shall include, but not be limited to, the department,
2547 the Department of Corrections, county or municipal correctional
2548 facilities, the Department of Juvenile Justice, the Department
2549 of Children and Family Services, and those programs and
2550 facilities funded under s. 330 of the Public Health Service Act.

2551 (5) The recipient of a limited license shall, within 30
2552 days after accepting employment, notify the board of all
2553 approved institutions in which the licensee practices and all
2554 approved institutions in which the licensee's practice
2555 privileges have been denied. Evidence of noncompensated
2556 employment shall be required for the fee waiver under paragraph
2557 (1)(a).

2558 (6) Upon renewal, a limited licenseholder shall, in
2559 addition to complying with other applicable provisions of this
2560 chapter, document compliance with the restrictions prescribed in
2561 this section.

2562 (7) Any person holding an active or inactive license to
2563 practice medicine in the state may convert that license to a



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2564 limited license for the purpose of providing volunteer,
 2565 uncompensated care for low-income Floridians. The licensee must
 2566 submit a statement from the employing agency or institution
 2567 stating that he or she will not receive compensation for any
 2568 service involving the practice of medicine. All licensure fees,
 2569 including neurological injury compensation assessments, shall be
 2570 waived.

2571 (8) Nothing in this section limits in any way any policy
 2572 by the board otherwise authorized by law to grant licenses to
 2573 physicians duly licensed in other states under conditions less
 2574 restrictive than the requirements of this section.

2575 Notwithstanding any other provision of this section, the board
 2576 may refuse to authorize a physician otherwise qualified to
 2577 practice in the employ of any agency or institution otherwise
 2578 qualified if the agency or institution has caused or permitted
 2579 violations of the provisions of this chapter which it knew or
 2580 should have known were occurring.

2581 Section 55. Subsection (4) of section 458.319, Florida
 2582 Statutes, is amended to read:

2583 458.319 Renewal of license.--

2584 (4) ~~Notwithstanding the provisions of s. 456.033,~~ A
 2585 physician may complete continuing education on end-of-life care
 2586 and palliative care in lieu of continuing education in AIDS/HIV,
 2587 if that physician has completed the AIDS/HIV continuing
 2588 education in the immediately preceding biennium.

2589 Section 56. Paragraph (c) of subsection (5) of section
 2590 458.320, Florida Statutes, is amended to read:

2591 458.320 Financial responsibility.--

2592 (5) The requirements of subsections (1), (2), and (3)
 2593 shall not apply to:



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2594 (c) Any person holding a limited license pursuant to s.
 2595 458.315 ~~458.317~~ and practicing under the scope of such limited
 2596 license.

2597 Section 57. Section 458.3215, Florida Statutes, is created
 2598 to read:

2599 458.3215 Reactivation of license for clinical research
 2600 purposes.--

2601 (1) Any person who left the practice of medicine for
 2602 purposes of retirement and who, at the time of retirement, was
 2603 in good standing with the board may apply to the board to have
 2604 his or her license reactivated, without examination, for
 2605 purposes of seeing patients solely in a clinical research
 2606 setting. Such person may not have been out of the practice of
 2607 medicine for more than 10 years at the time of applying for
 2608 reactivation of a license under this section.

2609 (2) The board shall by rule set the reactivation fee, not
 2610 to exceed \$300, and develop criteria for reactivation of a
 2611 license under this section, including appropriate continuing
 2612 education requirements, not to exceed those prescribed in s.
 2613 458.321 for reactivation of a license.

2614 Section 58. Paragraph (t) of subsection (1) and
 2615 subsections (6) and (9) of section 458.331, Florida Statutes,
 2616 are amended to read:

2617 458.331 Grounds for disciplinary action; action by the
 2618 board and department.--

2619 (1) The following acts constitute grounds for denial of a
 2620 license or disciplinary action, as specified in s. 456.072(2):

2621 (t) Gross or repeated malpractice or the failure to
 2622 practice medicine with that level of care, skill, and treatment
 2623 which is recognized by a reasonably prudent similar physician as



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2624 being acceptable under similar conditions and circumstances. The
 2625 board shall give great weight to the provisions of s. 766.102
 2626 when enforcing this paragraph. As used in this paragraph,
 2627 "repeated malpractice" includes, but is not limited to, three or
 2628 more claims for medical malpractice within the previous 5-year
 2629 period resulting in indemnities being paid in excess of \$50,000
 2630 ~~\$25,000~~ each to the claimant in a judgment or settlement and
 2631 which incidents involved negligent conduct by the physician. As
 2632 used in this paragraph, "gross malpractice" or "the failure to
 2633 practice medicine with that level of care, skill, and treatment
 2634 which is recognized by a reasonably prudent similar physician as
 2635 being acceptable under similar conditions and circumstances,"
 2636 shall not be construed so as to require more than one instance,
 2637 event, or act. Nothing in this paragraph shall be construed to
 2638 require that a physician be incompetent to practice medicine in
 2639 order to be disciplined pursuant to this paragraph.

2640 (6) Upon the department's receipt from an insurer or self-
 2641 insurer of a report of a closed claim against a physician
 2642 pursuant to s. 627.912 or from a health care practitioner of a
 2643 report pursuant to s. 456.049, or upon the receipt from a
 2644 claimant of a presuit notice against a physician pursuant to s.
 2645 766.106, the department shall review each report and determine
 2646 whether it potentially involved conduct by a licensee that is
 2647 subject to disciplinary action, in which case the provisions of
 2648 s. 456.073 shall apply. However, if it is reported that a
 2649 physician has had three or more claims with indemnities
 2650 exceeding \$50,000 ~~\$25,000~~ each within the previous 5-year
 2651 period, the department shall investigate the occurrences upon
 2652 which the claims were based and determine if action by the
 2653 department against the physician is warranted.



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2654 (9) When an investigation of a physician is undertaken,
2655 the department shall promptly furnish to the physician or the
2656 physician's attorney a copy of the complaint or document which
2657 resulted in the initiation of the investigation. For purposes of
2658 this subsection, such documents include, but are not limited to:
2659 the pertinent portions of an annual report submitted to the
2660 department pursuant to s. 395.0197(6); a report of an adverse
2661 incident which is provided to the department pursuant to s.
2662 395.0197; a report of peer review disciplinary action submitted
2663 to the department pursuant to s. 395.0193(4) or s. 458.337,
2664 providing that the investigations, proceedings, and records
2665 relating to such peer review disciplinary action shall continue
2666 to retain their privileged status even as to the licensee who is
2667 the subject of the investigation, as provided by ss. 395.0193(8)
2668 and 458.337(3); a report of a closed claim submitted pursuant to
2669 s. 627.912; a presuit notice submitted pursuant to s.
2670 766.106(2); and a petition brought under the Florida Birth-
2671 Related Neurological Injury Compensation Plan, pursuant to s.
2672 766.305(2). The physician may submit a written response to the
2673 information contained in the complaint or document which
2674 resulted in the initiation of the investigation within 30 ~~45~~
2675 days after service to the physician of the complaint or
2676 document. The physician's written response shall be considered
2677 by the probable cause panel.

2678 Section 59. Paragraph (c) of subsection (1) of section
2679 458.345, Florida Statutes, is amended to read:

2680 458.345 Registration of resident physicians, interns, and
2681 fellows; list of hospital employees; prescribing of medicinal
2682 drugs; penalty.--



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2683 (1) Any person desiring to practice as a resident
 2684 physician, assistant resident physician, house physician,
 2685 intern, or fellow in fellowship training which leads to
 2686 subspecialty board certification in this state, or any person
 2687 desiring to practice as a resident physician, assistant resident
 2688 physician, house physician, intern, or fellow in fellowship
 2689 training in a teaching hospital in this state as defined in s.
 2690 408.07(44) or s. 395.805(2), who does not hold a valid, active
 2691 license issued under this chapter shall apply to the department
 2692 to be registered and shall remit a fee not to exceed \$300 as set
 2693 by the board. The department shall register any applicant the
 2694 board certifies has met the following requirements:

2695 (c) Is a graduate of a medical school or college as
 2696 specified in s. 458.311(3)~~(1)(f)~~.

2697 Section 60. Paragraph (b) of subsection (7) of section
 2698 458.347, Florida Statutes, is amended to read:

2699 458.347 Physician assistants.--

2700 (7) PHYSICIAN ASSISTANT LICENSURE.--

2701 (b)1. Notwithstanding subparagraph (a)2. and sub-
 2702 subparagraph (a)3.a., the department shall examine each
 2703 applicant who the Board of Medicine certifies:

2704 a. Has completed the application form and remitted a
 2705 nonrefundable application fee not to exceed \$500 and an
 2706 examination fee not to exceed \$300, plus the actual cost to the
 2707 department to provide the examination. The examination fee is
 2708 refundable if the applicant is found to be ineligible to take
 2709 the examination. The department shall not require the applicant
 2710 to pass a separate practical component of the examination. For
 2711 examinations given after July 1, 1998, competencies measured
 2712 through practical examinations shall be incorporated into the



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2713 written examination through a multiple-choice format. The
2714 department shall translate the examination into the native
2715 language of any applicant who requests and agrees to pay all
2716 costs of such translation, provided that the translation request
2717 is filed with the board office no later than 9 months before the
2718 scheduled examination and the applicant remits translation fees
2719 as specified by the department no later than 6 months before the
2720 scheduled examination, and provided that the applicant
2721 demonstrates to the department the ability to communicate orally
2722 in basic English. If the applicant is unable to pay translation
2723 costs, the applicant may take the next available examination in
2724 English if the applicant submits a request in writing by the
2725 application deadline and if the applicant is otherwise eligible
2726 under this section. To demonstrate the ability to communicate
2727 orally in basic English, a passing score or grade is required,
2728 as determined by the department or organization that developed
2729 it, on the test for spoken English (TSE) by the Educational
2730 Testing Service (ETS), the test of English as a foreign language
2731 (TOEFL) by ETS, a high school or college level English course,
2732 or the English examination for citizenship, Immigration and
2733 Naturalization Service. A notarized copy of an Educational
2734 Commission for Foreign Medical Graduates (ECFMG) certificate may
2735 also be used to demonstrate the ability to communicate in basic
2736 English; and

2737 b.(I) Is an unlicensed physician who graduated from a
2738 foreign medical school listed with the World Health Organization
2739 who has not previously taken and failed the examination of the
2740 National Commission on Certification of Physician Assistants and
2741 who has been certified by the Board of Medicine as having met
2742 the requirements for licensure as a medical doctor by



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2743 examination as set forth in s. 458.311(2)-(7)~~(1), (3), (4), and~~
2744 ~~(5)~~, with the exception that the applicant is not required to
2745 have completed an approved residency of at least 1 year and the
2746 applicant is not required to have passed the licensing
2747 examination specified under s. 458.311 or hold a valid, active
2748 certificate issued by the Educational Commission for Foreign
2749 Medical Graduates; was eligible and made initial application for
2750 certification as a physician assistant in this state between
2751 July 1, 1990, and June 30, 1991; and was a resident of this
2752 state on July 1, 1990, or was licensed or certified in any state
2753 in the United States as a physician assistant on July 1, 1990;
2754 or

2755 (II) Completed all coursework requirements of the Master
2756 of Medical Science Physician Assistant Program offered through
2757 the Florida College of Physician's Assistants prior to its
2758 closure in August of 1996. Prior to taking the examination, such
2759 applicant must successfully complete any clinical rotations that
2760 were not completed under such program prior to its termination
2761 and any additional clinical rotations with an appropriate
2762 physician assistant preceptor, not to exceed 6 months, that are
2763 determined necessary by the council. The boards shall determine,
2764 based on recommendations from the council, the facilities under
2765 which such incomplete or additional clinical rotations may be
2766 completed and shall also determine what constitutes successful
2767 completion thereof, provided such requirements are comparable to
2768 those established by accredited physician assistant programs.
2769 This sub-sub-subparagraph is repealed July 1, 2001.

2770 2. The department may grant temporary licensure to an
2771 applicant who meets the requirements of subparagraph 1. Between
2772 meetings of the council, the department may grant temporary



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2773 licensure to practice based on the completion of all temporary
2774 licensure requirements. All such administratively issued
2775 licenses shall be reviewed and acted on at the next regular
2776 meeting of the council. A temporary license expires 30 days
2777 after receipt and notice of scores to the licenseholder from the
2778 first available examination specified in subparagraph 1.
2779 following licensure by the department. An applicant who fails
2780 the proficiency examination is no longer temporarily licensed,
2781 but may apply for a one-time extension of temporary licensure
2782 after reapplying for the next available examination. Extended
2783 licensure shall expire upon failure of the licenseholder to sit
2784 for the next available examination or upon receipt and notice of
2785 scores to the licenseholder from such examination.

2786 3. Notwithstanding any other provision of law, the
2787 examination specified pursuant to subparagraph 1. shall be
2788 administered by the department only five times. Applicants
2789 certified by the board for examination shall receive at least 6
2790 months' notice of eligibility prior to the administration of the
2791 initial examination. Subsequent examinations shall be
2792 administered at 1-year intervals following the reporting of the
2793 scores of the first and subsequent examinations. For the
2794 purposes of this paragraph, the department may develop, contract
2795 for the development of, purchase, or approve an examination that
2796 adequately measures an applicant's ability to practice with
2797 reasonable skill and safety. The minimum passing score on the
2798 examination shall be established by the department, with the
2799 advice of the board. Those applicants failing to pass that
2800 examination or any subsequent examination shall receive notice
2801 of the administration of the next examination with the notice of
2802 scores following such examination. Any applicant who passes the



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2803 examination and meets the requirements of this section shall be
 2804 licensed as a physician assistant with all rights defined
 2805 thereby.

2806 Section 61. Subsection (5) of section 459.008, Florida
 2807 Statutes, is amended to read:

2808 459.008 Renewal of licenses and certificates.--

2809 (5) ~~Notwithstanding the provisions of s. 456.033,~~ An
 2810 osteopathic physician may complete continuing education on end-
 2811 of-life and palliative care in lieu of continuing education in
 2812 AIDS/HIV, if that physician has completed the AIDS/HIV
 2813 continuing education in the immediately preceding biennium.

2814 Section 62. Section 459.0091, Florida Statutes, is created
 2815 to read:

2816 459.0091 Reactivation of license for clinical research
 2817 purposes.--

2818 (1) Any person who left the practice of osteopathic
 2819 medicine for purposes of retirement and who, at the time of
 2820 retirement, was in good standing with the board may apply to the
 2821 board to have his or her license reactivated, without
 2822 examination, for purposes of seeing patients solely in a
 2823 clinical research setting. Such person may not have been out of
 2824 the practice of medicine for more than 10 years at the time of
 2825 applying for reactivation of a license under this section.

2826 (2) The board shall by rule set the reactivation fee, not
 2827 to exceed \$300, and develop criteria for reactivation of a
 2828 license under this section, including appropriate continuing
 2829 education requirements, not to exceed those prescribed in s.
 2830 459.009 for reactivation of a license.



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2831 Section 63. Paragraph (x) of subsection (1) and
 2832 subsections (6) and (9) of section 459.015, Florida Statutes,
 2833 are amended to read:

2834 459.015 Grounds for disciplinary action; action by the
 2835 board and department.--

2836 (1) The following acts constitute grounds for denial of a
 2837 license or disciplinary action, as specified in s. 456.072(2):

2838 (x) Gross or repeated malpractice or the failure to
 2839 practice osteopathic medicine with that level of care, skill,
 2840 and treatment which is recognized by a reasonably prudent
 2841 similar osteopathic physician as being acceptable under similar
 2842 conditions and circumstances. The board shall give great weight
 2843 to the provisions of s. 766.102 when enforcing this paragraph.
 2844 As used in this paragraph, "repeated malpractice" includes, but
 2845 is not limited to, three or more claims for medical malpractice
 2846 within the previous 5-year period resulting in indemnities being
 2847 paid in excess of \$50,000 ~~\$25,000~~ each to the claimant in a
 2848 judgment or settlement and which incidents involved negligent
 2849 conduct by the osteopathic physician. As used in this paragraph,
 2850 "gross malpractice" or "the failure to practice osteopathic
 2851 medicine with that level of care, skill, and treatment which is
 2852 recognized by a reasonably prudent similar osteopathic physician
 2853 as being acceptable under similar conditions and circumstances"
 2854 shall not be construed so as to require more than one instance,
 2855 event, or act. Nothing in this paragraph shall be construed to
 2856 require that an osteopathic physician be incompetent to practice
 2857 osteopathic medicine in order to be disciplined pursuant to this
 2858 paragraph. A recommended order by an administrative law judge or
 2859 a final order of the board finding a violation under this
 2860 paragraph shall specify whether the licensee was found to have



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2861 committed "gross malpractice," "repeated malpractice," or
 2862 "failure to practice osteopathic medicine with that level of
 2863 care, skill, and treatment which is recognized as being
 2864 acceptable under similar conditions and circumstances," or any
 2865 combination thereof, and any publication by the board shall so
 2866 specify.

2867 (6) Upon the department's receipt from an insurer or self-
 2868 insurer of a report of a closed claim against an osteopathic
 2869 physician pursuant to s. 627.912 or from a health care
 2870 practitioner of a report pursuant to s. 456.049, or upon the
 2871 receipt from a claimant of a presuit notice against an
 2872 osteopathic physician pursuant to s. 766.106, the department
 2873 shall review each report and determine whether it potentially
 2874 involved conduct by a licensee that is subject to disciplinary
 2875 action, in which case the provisions of s. 456.073 shall apply.
 2876 However, if it is reported that an osteopathic physician has had
 2877 three or more claims with indemnities exceeding \$50,000 ~~\$25,000~~
 2878 each within the previous 5-year period, the department shall
 2879 investigate the occurrences upon which the claims were based and
 2880 determine if action by the department against the osteopathic
 2881 physician is warranted.

2882 (9) When an investigation of an osteopathic physician is
 2883 undertaken, the department shall promptly furnish to the
 2884 osteopathic physician or his or her attorney a copy of the
 2885 complaint or document which resulted in the initiation of the
 2886 investigation. For purposes of this subsection, such documents
 2887 include, but are not limited to: the pertinent portions of an
 2888 annual report submitted to the department pursuant to s.
 2889 395.0197(6); a report of an adverse incident which is provided
 2890 to the department pursuant to s. 395.0197; a report of peer



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2891 review disciplinary action submitted to the department pursuant
 2892 to s. 395.0193(4) or s. 459.016, provided that the
 2893 investigations, proceedings, and records relating to such peer
 2894 review disciplinary action shall continue to retain their
 2895 privileged status even as to the licensee who is the subject of
 2896 the investigation, as provided by ss. 395.0193(8) and
 2897 459.016(3); a report of a closed claim submitted pursuant to s.
 2898 627.912; a presuit notice submitted pursuant to s. 766.106(2);
 2899 and a petition brought under the Florida Birth-Related
 2900 Neurological Injury Compensation Plan, pursuant to s.
 2901 766.305(2). The osteopathic physician may submit a written
 2902 response to the information contained in the complaint or
 2903 document which resulted in the initiation of the investigation
 2904 within 30 ~~45~~ days after service to the osteopathic physician of
 2905 the complaint or document. The osteopathic physician's written
 2906 response shall be considered by the probable cause panel.

2907 Section 64. Paragraph (d) of subsection (1) of section
 2908 460.406, Florida Statutes, is amended to read:

2909 460.406 Licensure by examination.--

2910 (1) Any person desiring to be licensed as a chiropractic
 2911 physician shall apply to the department to take the licensure
 2912 examination. There shall be an application fee set by the board
 2913 not to exceed \$100 which shall be nonrefundable. There shall
 2914 also be an examination fee not to exceed \$500 plus the actual
 2915 per applicant cost to the department for purchase of portions of
 2916 the examination from the National Board of Chiropractic
 2917 Examiners or a similar national organization, which may be
 2918 refundable if the applicant is found ineligible to take the
 2919 examination. The department shall examine each applicant who
 2920 the board certifies has:



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2921 (d)1. For an applicant who has matriculated in a
 2922 chiropractic college prior to July 2, 1990, completed at least 2
 2923 years of residence college work, consisting of a minimum of one-
 2924 half the work acceptable for a bachelor's degree granted on the
 2925 basis of a 4-year period of study, in a college or university
 2926 accredited by an accrediting agency recognized and approved by
 2927 the United States Department of Education. However, prior to
 2928 being certified by the board to sit for the examination, each
 2929 applicant who has matriculated in a chiropractic college after
 2930 July 1, 1990, shall have been granted a bachelor's degree, based
 2931 upon 4 academic years of study, by a college or university
 2932 accredited by a regional accrediting agency which is a member of
 2933 the Council for Higher Education Accreditation or the United
 2934 States Department of Education Commission on Recognition of
 2935 Postsecondary Accreditation.

2936 2. Effective July 1, 2000, completed, prior to
 2937 matriculation in a chiropractic college, at least 3 years of
 2938 residence college work, consisting of a minimum of 90 semester
 2939 hours leading to a bachelor's degree in a liberal arts college
 2940 or university accredited by an accrediting agency recognized and
 2941 approved by the United States Department of Education. However,
 2942 prior to being certified by the board to sit for the
 2943 examination, each applicant who has matriculated in a
 2944 chiropractic college after July 1, 2000, shall have been granted
 2945 a bachelor's degree from an institution holding accreditation
 2946 for that degree from a regional accrediting agency which is
 2947 recognized by the United States Department of Education. The
 2948 applicant's chiropractic degree must consist of credits earned
 2949 in the chiropractic program and may not include academic credit
 2950 for courses from the bachelor's degree.



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2951 Section 65. Subsection (5) of section 460.413, Florida
 2952 Statutes, is amended to read:

2953 460.413 Grounds for disciplinary action; action by board
 2954 or department.--

2955 (5) When an investigation of a chiropractic physician is
 2956 undertaken, the department shall promptly furnish to the
 2957 chiropractic physician or her or his attorney a copy of the
 2958 complaint or document which resulted in the initiation of the
 2959 investigation. The chiropractic physician may submit a written
 2960 response to the information contained in such complaint or
 2961 document within 30 45 days after service to the chiropractic
 2962 physician of the complaint or document. The chiropractic
 2963 physician's written response shall be considered by the probable
 2964 cause panel.

2965 Section 66. Paragraph (s) of subsection (1), paragraph (a)
 2966 of subsection (5), and subsection (6) of section 461.013,
 2967 Florida Statutes, are amended to read:

2968 461.013 Grounds for disciplinary action; action by the
 2969 board; investigations by department.--

2970 (1) The following acts constitute grounds for denial of a
 2971 license or disciplinary action, as specified in s. 456.072(2):

2972 (s) Gross or repeated malpractice or the failure to
 2973 practice podiatric medicine at a level of care, skill, and
 2974 treatment which is recognized by a reasonably prudent podiatric
 2975 physician as being acceptable under similar conditions and
 2976 circumstances. The board shall give great weight to the
 2977 standards for malpractice in s. 766.102 in interpreting this
 2978 section. As used in this paragraph, "repeated malpractice"
 2979 includes, but is not limited to, three or more claims for
 2980 medical malpractice within the previous 5-year period resulting



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2981 in indemnities being paid in excess of \$50,000 ~~\$10,000~~ each to
2982 the claimant in a judgment or settlement and which incidents
2983 involved negligent conduct by the podiatric physicians. As used
2984 in this paragraph, "gross malpractice" or "the failure to
2985 practice podiatric medicine with the level of care, skill, and
2986 treatment which is recognized by a reasonably prudent similar
2987 podiatric physician as being acceptable under similar conditions
2988 and circumstances" shall not be construed so as to require more
2989 than one instance, event, or act.

2990 (5)(a) Upon the department's receipt from an insurer or
2991 self-insurer of a report of a closed claim against a podiatric
2992 physician pursuant to s. 627.912, or upon the receipt from a
2993 claimant of a presuit notice against a podiatric physician
2994 pursuant to s. 766.106, the department shall review each report
2995 and determine whether it potentially involved conduct by a
2996 licensee that is subject to disciplinary action, in which case
2997 the provisions of s. 456.073 shall apply. However, if it is
2998 reported that a podiatric physician has had three or more claims
2999 with indemnities exceeding \$50,000 ~~\$25,000~~ each within the
3000 previous 5-year period, the department shall investigate the
3001 occurrences upon which the claims were based and determine if
3002 action by the department against the podiatric physician is
3003 warranted.

3004 (6) When an investigation of a podiatric physician is
3005 undertaken, the department shall promptly furnish to the
3006 podiatric physician or her or his attorney a copy of the
3007 complaint or document which resulted in the initiation of the
3008 investigation. The podiatric physician may submit a written
3009 response to the information contained in such complaint or
3010 document within 30 ~~45~~ days after service to the podiatric



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3011 physician of the complaint or document. The podiatric
 3012 physician's written response shall be considered by the probable
 3013 cause panel.

3014 Section 67. Paragraph (b) of subsection (1) of section
 3015 463.006, Florida Statutes, is amended to read:

3016 463.006 Licensure and certification by examination.--

3017 (1) Any person desiring to be a licensed practitioner
 3018 pursuant to this chapter shall apply to the department to take
 3019 the licensure and certification examinations. The department
 3020 shall examine each applicant who the board determines has:

3021 (b) Submitted proof satisfactory to the department that
 3022 she or he:

- 3023 1. Is at least 18 years of age.
- 3024 2. Has graduated from an accredited school or college of
 3025 optometry approved by rule of the board.
- 3026 3. Is of good moral character.
- 3027 4. Has successfully completed at least 110 hours of
 3028 transcript-quality coursework and clinical training in general
 3029 and ocular pharmacology as determined by the board, at an
 3030 institution that:

3031 a. Has facilities for both didactic and clinical
 3032 instructions in pharmacology. ~~and~~

3033 b. Is accredited by a regional or professional accrediting
 3034 organization that is recognized and approved by the Council for
 3035 Higher Education Commission on Recognition of Postsecondary
 3036 Accreditation or the United States Department of Education.

3037 5. Has completed at least 1 year of supervised experience
 3038 in differential diagnosis of eye disease or disorders as part of
 3039 the optometric training or in a clinical setting as part of the
 3040 optometric experience.



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3041 Section 68. Paragraph (a) of subsection (4) of section
 3042 464.0205, Florida Statutes, is amended to read:

3043 464.0205 Retired volunteer nurse certificate.--

3044 (4) A retired volunteer nurse receiving certification from
 3045 the board shall:

3046 (a) Work under the direct supervision of the director of a
 3047 county health department, a physician working under a limited
 3048 license issued pursuant to s. 458.315 ~~458.317~~ or s. 459.0075, a
 3049 physician licensed under chapter 458 or chapter 459, an advanced
 3050 registered nurse practitioner certified under s. 464.012, or a
 3051 registered nurse licensed under s. 464.008 or s. 464.009.

3052 Section 69. Subsections (1), (5), and (7) of section
 3053 464.203, Florida Statutes, are amended, and subsection (8) is
 3054 added to said section, to read:

3055 464.203 Certified nursing assistants; certification
 3056 requirement.--

3057 (1) The board shall issue a certificate to practice as a
 3058 certified nursing assistant to any person who demonstrates a
 3059 minimum competency to read and write and successfully passes the
 3060 required statewide criminal history check through the Department
 3061 of Law Enforcement or, if the applicant has not maintained
 3062 continuous residency within the state for the 5 years
 3063 immediately preceding the date of application, a federal
 3064 criminal history check through the Federal Bureau of
 3065 Investigation Level I or Level II screening pursuant to s.
 3066 400.215 and meets one of the following requirements:

3067 (a) Has successfully completed an approved training
 3068 program and achieved a minimum score, established by rule of the
 3069 board, on the nursing assistant competency examination, which
 3070 consists of a written portion and skills-demonstration portion



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3071 approved by the board and administered at a site and by
 3072 personnel approved by the department.

3073 (b) Has achieved a minimum score, established by rule of
 3074 the board, on the nursing assistant competency examination,
 3075 which consists of a written portion and skills-demonstration
 3076 portion, approved by the board and administered at a site and by
 3077 personnel approved by the department and:

- 3078 1. Has a high school diploma, or its equivalent; or
- 3079 2. Is at least 18 years of age.

3080 (c) Is currently certified in another state; is listed on
 3081 that state's certified nursing assistant registry; and has not
 3082 been found to have committed abuse, neglect, or exploitation in
 3083 that state.

3084 (d) Has completed the curriculum developed under the
 3085 Enterprise Florida Jobs and Education Partnership Grant and
 3086 achieved a minimum score, established by rule of the board, on
 3087 the nursing assistant competency examination, which consists of
 3088 a written portion and skills-demonstration portion, approved by
 3089 the board and administered at a site and by personnel approved
 3090 by the department.

3091 (5) Certification as a nursing assistant, in accordance
 3092 with this part, may be renewed ~~continues in effect~~ until such
 3093 time as the nursing assistant allows a period of 24 consecutive
 3094 months to pass during which period the nursing assistant fails
 3095 to perform any nursing-related services for monetary
 3096 compensation. When a nursing assistant fails to perform any
 3097 nursing-related services for monetary compensation for a period
 3098 of 24 consecutive months, the nursing assistant must complete a
 3099 new training and competency evaluation program or a new
 3100 competency evaluation program.



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3101 (7) A certified nursing assistant shall complete 12 ~~18~~
3102 hours of inservice training during each calendar year. The
3103 certified nursing assistant shall be responsible for maintaining
3104 documentation demonstrating compliance with these provisions.
3105 The Council on Certified Nursing Assistants, in accordance with
3106 s. 464.2085(2)(b), shall propose rules to implement this
3107 subsection.

3108 (8) The department shall renew a certificate upon receipt
3109 of the renewal application and a fee not to exceed \$50
3110 biennially. The department shall adopt rules establishing a
3111 procedure for the biennial renewal of certificates. Any
3112 certificate not renewed by July 1, 2005, shall be void.

3113 Section 70. Paragraph (b) of subsection (1) of section
3114 464.204, Florida Statutes, is amended to read:

3115 464.204 Denial, suspension, or revocation of
3116 certification; disciplinary actions.--

3117 (1) The following acts constitute grounds for which the
3118 board may impose disciplinary sanctions as specified in
3119 subsection (2):

3120 (b) ~~Intentionally~~ Violating any provision of parts I and
3121 II of this chapter, chapter 456, or the rules adopted by the
3122 board.

3123 Section 71. Paragraph (i) of subsection (1) of section
3124 465.016, Florida Statutes, is amended to read:

3125 465.016 Disciplinary actions.--

3126 (1) The following acts constitute grounds for denial of a
3127 license or disciplinary action, as specified in s. 456.072(2):

3128 (i) Compounding, dispensing, or distributing a legend
3129 drug, including any controlled substance, other than in the
3130 course of the professional practice of pharmacy. For purposes of



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3131 this paragraph, it shall be legally presumed that the
 3132 compounding, dispensing, or distributing of legend drugs in
 3133 excessive or inappropriate quantities is not in the best
 3134 interests of the patient and is not in the course of the
 3135 professional practice of pharmacy. A quantity of legend drug
 3136 which the licensee knows or reasonably should know was not
 3137 prescribed in the course of a valid professional relationship is
 3138 presumed to be an excessive or inappropriate quantity. A medical
 3139 questionnaire completed by Internet, telephone, electronic
 3140 transfer, or mail does not establish a valid professional
 3141 relationship.

3142 Section 72. Subsection (8) of section 467.009, Florida
 3143 Statutes, is amended to read:

3144 467.009 Midwifery programs; education and training
 3145 requirements.--

3146 (8) Nonpublic educational institutions that conduct
 3147 approved midwifery programs shall be accredited by an
 3148 accrediting agency recognized and approved by the Council for
 3149 Higher Education Accreditation or the United States Department
 3150 of Education ~~a member of the Commission on Recognition of~~
 3151 ~~Postsecondary Accreditation~~ and shall be licensed by the
 3152 Commission for Independent State Board of Nonpublic Career
 3153 Education.

3154 Section 73. Section 467.013, Florida Statutes, is amended
 3155 to read:

3156 467.013 Inactive status.--A licensee may request that his
 3157 or her license be placed in an inactive status by making
 3158 application to the department pursuant to department rule and
 3159 paying a fee.



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3160 ~~(1) An inactive license may be renewed for one additional~~
3161 ~~biennium upon application to the department and payment of the~~
3162 ~~applicable biennium renewal fee. The department shall establish~~
3163 ~~by rule procedures and fees for applying to place a license on~~
3164 ~~inactive status, renewing an inactive license, and reactivating~~
3165 ~~an inactive license. The fee for any of these procedures may not~~
3166 ~~exceed the biennial renewal fee established by the department.~~

3167 ~~(2) Any license that is not renewed by the end of the~~
3168 ~~biennium established by the department automatically reverts to~~
3169 ~~involuntary inactive status unless the licensee has applied for~~
3170 ~~voluntary inactive status. Such license may be reactivated only~~
3171 ~~if the licensee meets the requirements for reactivating the~~
3172 ~~license established by department rule.~~

3173 ~~(3) A midwife who desires to reactivate an inactive~~
3174 ~~license shall apply to the department, complete the reactivation~~
3175 ~~application, remit the applicable fees, and submit proof of~~
3176 ~~compliance with the requirements for continuing education~~
3177 ~~established by department rule.~~

3178 ~~(4) Each licensed midwife whose license has been placed on~~
3179 ~~inactive status for more than 1 year must complete continuing~~
3180 ~~education hours as a condition of reactivating the inactive~~
3181 ~~license.~~

3182 ~~(5) The licensee shall submit to the department evidence~~
3183 ~~of participation in 10 hours of continuing education, approved~~
3184 ~~by the department and clinically related to the practice of~~
3185 ~~midwifery, for each year of the biennium in which the license~~
3186 ~~was inactive. This requirement is in addition to submitting~~
3187 ~~evidence of completing the continuing education required for the~~
3188 ~~most recent biennium in which the licensee held an active~~
3189 ~~license.~~



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3190 Section 74. Section 467.0135, Florida Statutes, is amended
 3191 to read:

3192 467.0135 Fees.--The department shall establish fees for
 3193 application, ~~examination,~~ initial licensure, renewal of active
 3194 status licensure, licensure by endorsement, inactive status,
 3195 delinquent status, and reactivation of an inactive status
 3196 license. The appropriate fee must be paid at the time of
 3197 application and is payable to the Department of Health, in
 3198 accordance with rules adopted by the department. A fee is
 3199 nonrefundable, unless otherwise provided by rule. A fee may not
 3200 exceed:

3201 ~~(1) Five hundred dollars for examination.~~

3202 (1)~~(2)~~ Five hundred dollars for initial licensure.

3203 (2)~~(3)~~ Five hundred dollars for renewal of an active
 3204 status license licensure.

3205 (3)~~(4)~~ Two hundred dollars for application, ~~which fee is~~
 3206 ~~nonrefundable.~~

3207 (4)~~(5)~~ Five hundred dollars for renewal ~~reactivation~~ of an
 3208 inactive status license.

3209 (5)~~(6)~~ Five hundred dollars for licensure by endorsement.

3210
 3211 A fee for inactive status, reactivation of an inactive status
 3212 license, or delinquency may not exceed the fee established by
 3213 the department for biennial renewal of an active status license.
 3214 All fees collected under this section shall be deposited in the
 3215 Medical Quality Assurance Trust Fund.

3216 Section 75. Subsection (1) of section 467.017, Florida
 3217 Statutes, is amended to read:

3218 467.017 Emergency care plan; immunity.--



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3219 (1) Every licensed midwife shall develop a written plan
 3220 for the appropriate delivery of emergency care. A copy of the
 3221 plan shall accompany any application for license issuance and
 3222 must be made available upon request of the department ~~or~~
 3223 ~~renewal~~. The plan shall address the following:

3224 (a) Consultation with other health care providers.

3225 (b) Emergency transfer.

3226 (c) Access to neonatal intensive care units and
 3227 obstetrical units or other patient care areas.

3228 Section 76. Paragraph (g) of subsection (3) of section
 3229 468.302, Florida Statutes, is amended to read:

3230 468.302 Use of radiation; identification of certified
 3231 persons; limitations; exceptions.--

3232 (3)

3233 (g)1. A person holding a certificate as a nuclear medicine
 3234 technologist may only:

3235 a. Conduct in vivo and in vitro measurements of
 3236 radioactivity and administer radiopharmaceuticals to human
 3237 beings for diagnostic and therapeutic purposes.

3238 b. Administer X radiation from a combination nuclear
 3239 medicine-computed tomography device if that radiation is
 3240 administered as an integral part of a nuclear medicine procedure
 3241 that uses an automated computed tomography protocol for the
 3242 purposes of attenuation correction and anatomical localization
 3243 and the person has received device-specific training on the
 3244 combination device.

3245 2. ~~However,~~ The authority of a nuclear medicine
 3246 technologist under this paragraph excludes:

3247 a. Radioimmunoassay and other clinical laboratory testing
 3248 regulated pursuant to chapter 483.



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3249 b. Creating or modifying automated computed tomography
 3250 protocols.

3251 c. Any other operation of a computed tomography device,
 3252 especially for the purposes of stand-alone diagnostic imaging
 3253 which is regulated pursuant to the general radiographic scope in
 3254 this part.

3255 Section 77. Section 468.352, Florida Statutes, is amended
 3256 to read:

3257 (Substantial rewording of section. See
 3258 s. 468.352, F.S., for present text.)

3259 468.352 Definitions.--As used in this part, the term:

3260 (1) "Board" means the Board of Respiratory Care.

3261 (2) "Certified respiratory therapist" means any person
 3262 licensed under this part who is certified by the National Board
 3263 for Respiratory Care, or its successor, who is employed to
 3264 deliver respiratory care services under the order of a physician
 3265 licensed pursuant to chapter 458 or chapter 459 in accordance
 3266 with protocols established by a hospital or other health care
 3267 provider or the board and who functions in situations of
 3268 unsupervised contact requiring individual judgment.

3269 (3) "Critical care" means care given to a patient in any
 3270 setting involving a life-threatening emergency.

3271 (4) "Department" means the Department of Health.

3272 (5) "Direct supervision" means practicing under the
 3273 direction of a licensed, registered, or certified respiratory
 3274 therapist who is physically on the premises and readily
 3275 available, as defined by the board.

3276 (6) "Physician supervision" means supervision and control
 3277 by a physician licensed under chapter 458 or chapter 459 who
 3278 assumes the legal liability for the services rendered by the



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3279 personnel employed in his or her office. Except in the case of
3280 an emergency, physician supervision requires the easy
3281 availability of the physician within the office or the physical
3282 presence of the physician for consultation and direction of the
3283 actions of the persons who deliver respiratory care services.

3284 (7) "Practice of respiratory care" or "respiratory
3285 therapy" means the allied health specialty associated with the
3286 cardiopulmonary system that is practiced under the orders of a
3287 physician licensed under chapter 458 or chapter 459 and in
3288 accordance with protocols, policies, and procedures established
3289 by a hospital or other health care provider or the board,
3290 including the assessment, diagnostic evaluation, treatment,
3291 management, control, rehabilitation, education, and care of
3292 patients in all health care settings.

3293 (8) "Registered respiratory therapist" means any person
3294 licensed under this part who is registered by the National Board
3295 for Respiratory Care, or its successor, who is employed to
3296 deliver respiratory care services under the order of a physician
3297 licensed under chapter 458 or chapter 459 in accordance with
3298 protocols established by a hospital or other health care
3299 provider or the board, and who functions in situations of
3300 unsupervised contact requiring individual judgment.

3301 (9) "Respiratory care practitioner" means any person
3302 licensed under this part who is employed to deliver respiratory
3303 care services under direct supervision pursuant to the order of
3304 a physician licensed under chapter 458 or chapter 459.

3305 (10) "Respiratory care services" includes:

3306 (a) Evaluation and disease management.

3307 (b) Diagnostic and therapeutic use of respiratory
3308 equipment, devices, or medical gas.



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3309 (c) Administration of drugs, as duly ordered or prescribed
3310 by a physician licensed under chapter 458 or chapter 459 and in
3311 accordance with protocols, policies, and procedures established
3312 by a hospital, another health care provider, or the board.

3313 (d) Initiation, management, and maintenance of equipment
3314 to assist and support ventilation and respiration.

3315 (e) Diagnostic procedures, research, and therapeutic
3316 treatment and procedures, including measurement of ventilatory
3317 volumes, pressures, and flows; specimen collection and analysis
3318 of blood for gas transport and acid/base determinations;
3319 pulmonary-function testing; and other related physiological
3320 monitoring of cardiopulmonary systems.

3321 (f) Cardiopulmonary rehabilitation.

3322 (g) Cardiopulmonary resuscitation, advanced cardiac life
3323 support, neonatal resuscitation, and pediatric advanced life
3324 support, or equivalent functions.

3325 (h) Insertion and maintenance of artificial airways and
3326 intravascular catheters.

3327 (i) Performing sleep disorder studies.

3328 (j) Education of patients, families, the public, or other
3329 health care providers, including disease process and management
3330 programs and smoking prevention and cessation programs.

3331 (k) Initiation and management of hyperbaric oxygen.

3332 Section 78. Section 468.355, Florida Statutes, is amended
3333 to read:

3334 (Substantial rewording of section. See
3335 s. 468.355, F.S., for present text.)

3336 468.355 Licensure requirements.--To be eligible for
3337 licensure by the board, an applicant must be an active certified
3338 respiratory therapist or an active registered respiratory



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3339 therapist credentialed by the National Board for Respiratory
3340 Care or its successor.

3341 Section 79. Section 468.368, Florida Statutes, is amended
3342 to read:

3343 (Substantial rewording of section. See
3344 s. 468.368, F.S., for present text.)

3345 468.368 Exemptions.--This part may not be construed to
3346 prevent or restrict the practice, services, or activities of:

3347 (1) Any person licensed in this state by any other
3348 provision of law when engaging in the profession or occupation
3349 for which he or she is licensed.

3350 (2) Any legally qualified person in the state or another
3351 state or territory who is employed by the United States
3352 Government or any agency thereof while such person is
3353 discharging his or her official duties.

3354 (3) A friend or family member who is providing respiratory
3355 care services to an ill person and who does not represent
3356 himself or herself as a respiratory care practitioner or
3357 respiratory therapist.

3358 (4) An individual providing respiratory care services in
3359 an emergency who does not represent himself or herself as a
3360 respiratory care practitioner or respiratory therapist.

3361 (5) Any individual employed to deliver, assemble, set up,
3362 or test equipment for use in a home, upon the order of a
3363 physician licensed pursuant to chapter 458 or chapter 459. This
3364 subsection does not, however, authorize the practice of
3365 respiratory care without a license.

3366 (6) Any individual performing polysomnography under
3367 medical direction, as related to the diagnosis and evaluation of
3368 treatment for sleep disorders.



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3369 (7) Any individual certified or registered as a pulmonary
 3370 function technologist who is credentialed by the National Board
 3371 for Respiratory Care or its successor for performing
 3372 cardiopulmonary diagnostic studies.

3373 (8) Any student who is enrolled in an accredited
 3374 respiratory care program approved by the board while performing
 3375 respiratory care as an integral part of a required course.

3376 (9) The delivery of incidental respiratory care to
 3377 noninstitutionalized persons by surrogate family members who do
 3378 not represent themselves as registered or certified respiratory
 3379 care therapists.

3380 (10) Any individual credentialed by the Underseas
 3381 Hyperbaric Society in hyperbaric medicine, or its equivalent as
 3382 determined by the board, while performing related duties. This
 3383 subsection does not, however, authorize the practice of
 3384 respiratory care without a license.

3385 Section 80. Subsection (2) of section 468.509, Florida
 3386 Statutes, is amended to read:

3387 468.509 Dietitian/nutritionist; requirements for
 3388 licensure.--

3389 (2) The agency shall examine any applicant who the board
 3390 certifies has completed the application form and remitted the
 3391 application and examination fees specified in s. 468.508 and
 3392 who:

3393 (a)1. Possesses a baccalaureate or postbaccalaureate
 3394 degree with a major course of study in human nutrition, food and
 3395 nutrition, dietetics, or food management, or an equivalent major
 3396 course of study, from a school or program accredited, at the
 3397 time of the applicant's graduation, by the appropriate
 3398 accrediting agency recognized by the Council for Higher



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3399 Education Accreditation or Commission on Recognition of
 3400 Postsecondary Accreditation and the United States Department of
 3401 Education; and

3402 2. Has completed a preprofessional experience component of
 3403 not less than 900 hours or has education or experience
 3404 determined to be equivalent by the board; or

3405 (b)1. Has an academic degree, from a foreign country, that
 3406 has been validated by an accrediting agency approved by the
 3407 United States Department of Education as equivalent to the
 3408 baccalaureate or postbaccalaureate degree conferred by a
 3409 regionally accredited college or university in the United
 3410 States;

3411 2. Has completed a major course of study in human
 3412 nutrition, food and nutrition, dietetics, or food management;
 3413 and

3414 3. Has completed a preprofessional experience component of
 3415 not less than 900 hours or has education or experience
 3416 determined to be equivalent by the board.

3417 Section 81. Section 468.707, Florida Statutes, is amended
 3418 to read:

3419 468.707 Licensure by examination; requirements.--

3420 ~~(1)~~ Any person desiring to be licensed as an athletic
 3421 trainer shall apply to the department on a form approved by the
 3422 department.

3423 (1)(a) The department shall license each applicant who:

3424 (a)1- Has completed the application form and remitted the
 3425 required fees.

3426 (b)2- Is at least 21 years of age.

3427 (c)3- Has obtained a baccalaureate degree from a college
 3428 or university accredited by an accrediting agency recognized and



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3429 approved by the United States Department of Education or the
 3430 Council for Higher Education ~~Commission on Recognition of~~
 3431 ~~Postsecondary~~ Accreditation, or approved by the board.

3432 (d)4. Has completed coursework from a college or
 3433 university accredited by an accrediting agency recognized and
 3434 approved by the United States Department of Education or the
 3435 Council for Higher Education ~~Commission on Recognition of~~
 3436 ~~Postsecondary~~ Accreditation, or approved by the board, in each
 3437 of the following areas, as provided by rule: health, human
 3438 anatomy, kinesiology/biomechanics, human physiology, physiology
 3439 of exercise, basic athletic training, and advanced athletic
 3440 training.

3441 (e)5. Has current certification in standard first aid and
 3442 cardiovascular pulmonary resuscitation from the American Red
 3443 Cross or an equivalent certification as determined by the board.

3444 (f)6. Has, within 2 of the preceding 5 years, attained a
 3445 minimum of 800 hours of athletic training experience under the
 3446 direct supervision of a licensed athletic trainer or an athletic
 3447 trainer certified by the National Athletic Trainers' Association
 3448 or a comparable national athletic standards organization.

3449 (g)7. Has passed an examination administered or approved
 3450 by the board.

3451 (2)(b) The department shall also license each applicant
 3452 who:

3453 (a)1. Has completed the application form and remitted the
 3454 required fees no later than October 1, 1996.

3455 (b)2. Is at least 21 years of age.

3456 (c)3. Has current certification in standard first aid and
 3457 cardiovascular pulmonary resuscitation from the American Red
 3458 Cross or an equivalent certification as determined by the board.



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3459 ~~(d)1.4.a.~~ Has practiced athletic training for at least 3
3460 of the 5 years preceding application; or

3461 ~~2.b.~~ Is currently certified by the National Athletic
3462 Trainers' Association or a comparable national athletic
3463 standards organization.

3464 ~~(2) Pursuant to the requirements of s. 456.034, each~~
3465 ~~applicant shall complete a continuing education course on human~~
3466 ~~immunodeficiency virus and acquired immune deficiency syndrome~~
3467 ~~as part of initial licensure.~~

3468 Section 82. Section 486.031, Florida Statutes, is amended
3469 to read:

3470 486.031 Physical therapist; licensing requirements.--To be
3471 eligible for licensing as a physical therapist, an applicant
3472 must:

3473 (1) Be at least 18 years old.+

3474 (2) Be of good moral character.; ~~and~~

3475 (3)(a) Have been graduated from a school of physical
3476 therapy which has been approved for the educational preparation
3477 of physical therapists by the appropriate accrediting agency
3478 recognized by the Council for Higher Education Commission on
3479 ~~Recognition of Postsecondary~~ Accreditation or the United States
3480 Department of Education at the time of her or his graduation and
3481 have passed, to the satisfaction of the board, the American
3482 Registry Examination prior to 1971 or a national examination
3483 approved by the board to determine her or his fitness for
3484 practice as a physical therapist as hereinafter provided;

3485 (b) Have received a diploma from a program in physical
3486 therapy in a foreign country and have educational credentials
3487 deemed equivalent to those required for the educational
3488 preparation of physical therapists in this country, as



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3489 recognized by the appropriate agency as identified by the board,
 3490 and have passed to the satisfaction of the board an examination
 3491 to determine her or his fitness for practice as a physical
 3492 therapist as hereinafter provided; or

3493 (c) Be entitled to licensure without examination as
 3494 provided in s. 486.081.

3495 Section 83. Section 486.102, Florida Statutes, is amended
 3496 to read:

3497 486.102 Physical therapist assistant; licensing
 3498 requirements.--To be eligible for licensing by the board as a
 3499 physical therapist assistant, an applicant must:

3500 (1) Be at least 18 years old.;

3501 (2) Be of good moral character.; ~~and~~

3502 (3)(a) Have been graduated from a school giving a course
 3503 of not less than 2 years for physical therapist assistants,
 3504 which has been approved for the educational preparation of
 3505 physical therapist assistants by the appropriate accrediting
 3506 agency recognized by the Council for Higher Education Commission
 3507 ~~on Recognition of Postsecondary~~ Accreditation or the United
 3508 States Department of Education at the time of her or his
 3509 graduation and have passed to the satisfaction of the board an
 3510 examination to determine her or his fitness for practice as a
 3511 physical therapist assistant as hereinafter provided;

3512 (b) Have been graduated from a school giving a course for
 3513 physical therapist assistants in a foreign country and have
 3514 educational credentials deemed equivalent to those required for
 3515 the educational preparation of physical therapist assistants in
 3516 this country, as recognized by the appropriate agency as
 3517 identified by the board, and passed to the satisfaction of the
 3518 board an examination to determine her or his fitness for



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3519 practice as a physical therapist assistant as hereinafter
3520 provided; or

3521 (c) Be entitled to licensure without examination as
3522 provided in s. 486.107.

3523 Section 84. Paragraph (a) of subsection (5) of section
3524 489.553, Florida Statutes, is amended to read:

3525 489.553 Administration of part; registration
3526 qualifications; examination.--

3527 (5) To be eligible for registration by the department as a
3528 master septic tank contractor, the applicant must:

3529 (a) Have been a registered septic tank contractor in
3530 Florida for at least 3 years or a plumbing contractor certified
3531 under part I of this chapter who has provided septic tank
3532 contracting services for at least 3 years. The 3 years must
3533 immediately precede the date of application and may not be
3534 interrupted by any probation, suspension, or revocation imposed
3535 by the licensing agency.

3536 Section 85. Section 489.554, Florida Statutes, is amended
3537 to read:

3538 489.554 Registration renewal.--

3539 (1) The department shall prescribe by rule the method for
3540 approval of continuing education courses, ~~and for~~ renewal of
3541 annual registration, inactive status for late filing of a
3542 renewal application, allowing a contractor to hold his or her
3543 registration in inactive status for a specified period, and
3544 reactivating a license.

3545 (2) At a minimum, annual renewal shall include continuing
3546 education requirements of not less than 6 classroom hours
3547 annually for septic tank contractors and not less than 12
3548 classroom hours annually for master septic tank contractors. The



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3549 12 classroom hours of continuing education required for master
3550 septic tank contractors may include the 6 classroom hours
3551 required for septic tank contractors, but at a minimum must
3552 include 6 classroom hours of approved master septic tank
3553 contractor coursework.

3554 (3) A certificate of registration shall become inactive if
3555 a renewal application is not filed in a timely manner. A
3556 certificate that has become inactive may be reactivated under
3557 this section by application to the department. A registered
3558 contractor may apply to the department for voluntary inactive
3559 status at any time during the period of registration.

3560 (4) A master septic tank contractor may elect to revert to
3561 registered septic tank contractor status at any time during the
3562 period of registration. The department shall prescribe by rule
3563 the method for a master septic tank contractor whose
3564 registration has reverted to registered septic tank contractor
3565 status to apply for master septic tank contractor status.

3566 (5) The department shall deny an application for renewal
3567 if there is any outstanding administrative penalty against the
3568 applicant which is final agency action and all judicial reviews
3569 are exhausted.

3570 Section 86. Paragraph (b) of subsection (2) of section
3571 490.005, Florida Statutes, is amended to read:

3572 490.005 Licensure by examination.--

3573 (2) Any person desiring to be licensed as a school
3574 psychologist shall apply to the department to take the licensure
3575 examination. The department shall license each applicant who
3576 the department certifies has:

3577 (b) Submitted satisfactory proof to the department that
3578 the applicant:



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3579 1. Has received a doctorate, specialist, or equivalent
3580 degree from a program primarily psychological in nature and has
3581 completed 60 semester hours or 90 quarter hours of graduate
3582 study, in areas related to school psychology as defined by rule
3583 of the department, from a college or university which at the
3584 time the applicant was enrolled and graduated was accredited by
3585 an accrediting agency recognized and approved by the Council for
3586 Higher Education Accreditation or the United States Department
3587 of Education Commission on Recognition of Postsecondary
3588 Accreditation or from an institution which is publicly
3589 recognized as a member in good standing with the Association of
3590 Universities and Colleges of Canada.

3591 2. Has had a minimum of 3 years of experience in school
3592 psychology, 2 years of which must be supervised by an individual
3593 who is a licensed school psychologist or who has otherwise
3594 qualified as a school psychologist supervisor, by education and
3595 experience, as set forth by rule of the department. A doctoral
3596 internship may be applied toward the supervision requirement.

3597 3. Has passed an examination provided by the department.

3598 Section 87. Paragraph (d) of subsection (1), paragraph (b)
3599 of subsection (3), and paragraph (b) of subsection (4) of
3600 section 491.005, Florida Statutes, are amended, and paragraph
3601 (f) is added to subsection (1) of said section, to read:

3602 491.005 Licensure by examination.--

3603 (1) CLINICAL SOCIAL WORK.--Upon verification of
3604 documentation and payment of a fee not to exceed \$200, as set by
3605 board rule, plus the actual per applicant cost to the department
3606 for purchase of the examination from the American Association of
3607 State Social Worker's Boards or a similar national organization,



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3608 the department shall issue a license as a clinical social worker
3609 to an applicant who the board certifies:

3610 (d) Has passed a theory and practice examination approved
3611 ~~provided by the board department~~ for this purpose, which shall
3612 only be taken following completion of the clinical experience
3613 requirement.

3614 (f) Has satisfied all coursework requirements in this
3615 section by successfully completing the required course as a
3616 student or by teaching the required graduate course as an
3617 instructor or professor in an accredited institution.

3618 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification of
3619 documentation and payment of a fee not to exceed \$200, as set by
3620 board rule, plus the actual cost to the department for the
3621 purchase of the examination from the Association of Marital and
3622 Family Therapy Regulatory Board, or similar national
3623 organization, the department shall issue a license as a marriage
3624 and family therapist to an applicant who the board certifies:

3625 (b)1. Has a minimum of a master's degree with major
3626 emphasis in marriage and family therapy, or a closely related
3627 field, and has completed all of the following requirements:

3628 a. Thirty-six semester hours or 48 quarter hours of
3629 graduate coursework, which must include a minimum of 3 semester
3630 hours or 4 quarter hours of graduate-level course credits in
3631 each of the following nine areas: dynamics of marriage and
3632 family systems; marriage therapy and counseling theory and
3633 techniques; family therapy and counseling theory and techniques;
3634 individual human development theories throughout the life cycle;
3635 personality theory or general counseling theory and techniques;
3636 psychopathology; human sexuality theory and counseling
3637 techniques; psychosocial theory; and substance abuse theory and



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3638 counseling techniques. Courses in research, evaluation,
3639 appraisal, assessment, or testing theories and procedures;
3640 thesis or dissertation work; or practicums, internships, or
3641 fieldwork may not be applied toward this requirement.

3642 b. A minimum of one graduate-level course of 3 semester
3643 hours or 4 quarter hours in legal, ethical, and professional
3644 standards issues in the practice of marriage and family therapy
3645 or a course determined by the board to be equivalent.

3646 c. A minimum of one graduate-level course of 3 semester
3647 hours or 4 quarter hours in diagnosis, appraisal, assessment,
3648 and testing for individual or interpersonal disorder or
3649 dysfunction; and a minimum of one 3-semester-hour or 4-quarter-
3650 hour graduate-level course in behavioral research which focuses
3651 on the interpretation and application of research data as it
3652 applies to clinical practice. Credit for thesis or dissertation
3653 work, practicums, internships, or fieldwork may not be applied
3654 toward this requirement.

3655 d. A minimum of one supervised clinical practicum,
3656 internship, or field experience in a marriage and family
3657 counseling setting, during which the student provided 180 direct
3658 client contact hours of marriage and family therapy services
3659 under the supervision of an individual who met the requirements
3660 for supervision under paragraph (c). This requirement may be met
3661 by a supervised practice experience which took place outside the
3662 academic arena, but which is certified as equivalent to a
3663 graduate-level practicum or internship program which required a
3664 minimum of 180 direct client contact hours of marriage and
3665 family therapy services currently offered within an academic
3666 program of a college or university accredited by an accrediting
3667 agency approved by the United States Department of Education, or



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3668 an institution which is publicly recognized as a member in good
3669 standing with the Association of Universities and Colleges of
3670 Canada or a training institution accredited by the Commission on
3671 Accreditation for Marriage and Family Therapy Education
3672 recognized by the United States Department of Education.
3673 Certification shall be required from an official of such
3674 college, university, or training institution.

3675 2. If the course title which appears on the applicant's
3676 transcript does not clearly identify the content of the
3677 coursework, the applicant shall be required to provide
3678 additional documentation, including, but not limited to, a
3679 syllabus or catalog description published for the course.

3680
3681 The required master's degree must have been received in an
3682 institution of higher education which at the time the applicant
3683 graduated was: fully accredited by a regional accrediting body
3684 recognized by the Council for Higher Education Accreditation or
3685 the United States Department of Education Commission on
3686 Recognition of Postsecondary Accreditation; publicly recognized
3687 as a member in good standing with the Association of
3688 Universities and Colleges of Canada; or an institution of higher
3689 education located outside the United States and Canada, which at
3690 the time the applicant was enrolled and at the time the
3691 applicant graduated maintained a standard of training
3692 substantially equivalent to the standards of training of those
3693 institutions in the United States which are accredited by a
3694 regional accrediting body recognized by the Council for Higher
3695 Education Accreditation or the United States Department of
3696 Education Commission on Recognition of Postsecondary
3697 Accreditation. Such foreign education and training must have



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3698 been received in an institution or program of higher education
3699 officially recognized by the government of the country in which
3700 it is located as an institution or program to train students to
3701 practice as professional marriage and family therapists or
3702 psychotherapists. The burden of establishing that the
3703 requirements of this provision have been met shall be upon the
3704 applicant, and the board shall require documentation, such as,
3705 but not limited to, an evaluation by a foreign equivalency
3706 determination service, as evidence that the applicant's graduate
3707 degree program and education were equivalent to an accredited
3708 program in this country. An applicant with a master's degree
3709 from a program which did not emphasize marriage and family
3710 therapy may complete the coursework requirement in a training
3711 institution fully accredited by the Commission on Accreditation
3712 for Marriage and Family Therapy Education recognized by the
3713 United States Department of Education.

3714 (4) MENTAL HEALTH COUNSELING.--Upon verification of
3715 documentation and payment of a fee not to exceed \$200, as set by
3716 board rule, plus the actual per applicant cost to the department
3717 for purchase of the examination from the Professional
3718 Examination Service for the National Academy of Certified
3719 Clinical Mental Health Counselors or a similar national
3720 organization, the department shall issue a license as a mental
3721 health counselor to an applicant who the board certifies:

3722 (b)1. Has a minimum of an earned master's degree from a
3723 mental health counseling program accredited by the Council for
3724 the Accreditation of Counseling and Related Educational Programs
3725 that consists of at least 60 semester hours or 80 quarter hours
3726 of clinical and didactic instruction, including a course in
3727 human sexuality and a course in substance abuse. If the master's



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3728 degree is earned from a program related to the practice of
3729 mental health counseling that is not accredited by the Council
3730 for the Accreditation of Counseling and Related Educational
3731 Programs, then the coursework and practicum, internship, or
3732 fieldwork must consist of at least 60 semester hours or 80
3733 quarter hours and meet the following requirements:

3734 a. Thirty-three semester hours or 44 quarter hours of
3735 graduate coursework, which must include a minimum of 3 semester
3736 hours or 4 quarter hours of graduate-level coursework in each of
3737 the following 11 content areas: counseling theories and
3738 practice; human growth and development; diagnosis and treatment
3739 of psychopathology; human sexuality; group theories and
3740 practice; individual evaluation and assessment; career and
3741 lifestyle assessment; research and program evaluation; social
3742 and cultural foundations; counseling in community settings; and
3743 substance abuse. Courses in research, thesis or dissertation
3744 work, practicums, internships, or fieldwork may not be applied
3745 toward this requirement.

3746 b. A minimum of 3 semester hours or 4 quarter hours of
3747 graduate-level coursework in legal, ethical, and professional
3748 standards issues in the practice of mental health counseling,
3749 which includes goals, objectives, and practices of professional
3750 counseling organizations, codes of ethics, legal considerations,
3751 standards of preparation, certifications and licensing, and the
3752 role identity and professional obligations of mental health
3753 counselors. Courses in research, thesis or dissertation work,
3754 practicums, internships, or fieldwork may not be applied toward
3755 this requirement.

3756 c. The equivalent, as determined by the board, of at least
3757 1,000 hours of university-sponsored supervised clinical



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3758 practicum, internship, or field experience as required in the
 3759 accrediting standards of the Council for Accreditation of
 3760 Counseling and Related Educational Programs for mental health
 3761 counseling programs. This experience may not be used to satisfy
 3762 the post-master's clinical experience requirement.

3763 2. If the course title which appears on the applicant's
 3764 transcript does not clearly identify the content of the
 3765 coursework, the applicant shall be required to provide
 3766 additional documentation, including, but not limited to, a
 3767 syllabus or catalog description published for the course.

3768
 3769 Education and training in mental health counseling must have
 3770 been received in an institution of higher education which at the
 3771 time the applicant graduated was: fully accredited by a regional
 3772 accrediting body recognized by the Council for Higher Education
 3773 Accreditation or the United States Department of Education
 3774 ~~Commission on Recognition of Postsecondary Accreditation;~~
 3775 publicly recognized as a member in good standing with the
 3776 Association of Universities and Colleges of Canada; or an
 3777 institution of higher education located outside the United
 3778 States and Canada, which at the time the applicant was enrolled
 3779 and at the time the applicant graduated maintained a standard of
 3780 training substantially equivalent to the standards of training
 3781 of those institutions in the United States which are accredited
 3782 by a regional accrediting body recognized by the Council for
 3783 Higher Education Accreditation or the United States Department
 3784 of Education ~~Commission on Recognition of Postsecondary~~
 3785 ~~Accreditation~~. Such foreign education and training must have
 3786 been received in an institution or program of higher education
 3787 officially recognized by the government of the country in which



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3788 it is located as an institution or program to train students to
 3789 practice as mental health counselors. The burden of establishing
 3790 that the requirements of this provision have been met shall be
 3791 upon the applicant, and the board shall require documentation,
 3792 such as, but not limited to, an evaluation by a foreign
 3793 equivalency determination service, as evidence that the
 3794 applicant's graduate degree program and education were
 3795 equivalent to an accredited program in this country.

3796 Section 88. Section 491.0145, Florida Statutes, is amended
 3797 to read:

3798 491.0145 Certified master social worker.--The department
 3799 may not adopt any rules that would cause any person who was not
 3800 licensed as a certified master social worker in accordance with
 3801 this chapter on January 1, 1990, to become licensed. The
 3802 department may certify an applicant for a designation as a
 3803 certified master social worker upon the following conditions:

3804 (1) The applicant completes an application to be provided
 3805 by the department and pays a nonrefundable fee not to exceed
 3806 \$250 to be established by rule of the department. The completed
 3807 application must be received by the department at least 60 days
 3808 before the date of the examination in order for the applicant to
 3809 qualify to take the scheduled exam.

3810 (2) The applicant submits proof satisfactory to the
 3811 department that the applicant has received a doctoral degree in
 3812 social work, or a master's degree with a major emphasis or
 3813 specialty in clinical practice or administration, including, but
 3814 not limited to, agency administration and supervision, program
 3815 planning and evaluation, staff development, research, community
 3816 organization, community services, social planning, and human
 3817 service advocacy. Doctoral degrees must have been received from



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3818 a graduate school of social work which at the time the applicant
3819 was enrolled and graduated was accredited by an accrediting
3820 agency approved by the United States Department of Education.
3821 Master's degrees must have been received from a graduate school
3822 of social work which at the time the applicant was enrolled and
3823 graduated was accredited by the Council on Social Work Education
3824 or the Canadian Association of Schools of Social Work or by one
3825 that meets comparable standards.

3826 (3) The applicant has had at least 3 years' experience, as
3827 defined by rule, including, but not limited to, clinical
3828 services or administrative activities as defined in subsection
3829 (2), 2 years of which must be at the post-master's level under
3830 the supervision of a person who meets the education and
3831 experience requirements for certification as a certified master
3832 social worker, as defined by rule, or licensure as a clinical
3833 social worker under this chapter. A doctoral internship may be
3834 applied toward the supervision requirement.

3835 (4) Any person who holds a master's degree in social work
3836 from institutions outside the United States may apply to the
3837 department for certification if the academic training in social
3838 work has been evaluated as equivalent to a degree from a school
3839 accredited by the Council on Social Work Education. Any such
3840 person shall submit a copy of the academic training from the
3841 Foreign Equivalency Determination Service of the Council on
3842 Social Work Education.

3843 (5) The applicant has passed an examination required by
3844 the department for this purpose. The nonrefundable fee for such
3845 examination may not exceed \$250 as set by department rule.



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3846 (6) Nothing in this chapter shall be construed to
3847 authorize a certified master social worker to provide clinical
3848 social work services.

3849 Section 89. Section 491.0146, Florida Statutes, is created
3850 to read:

3851 491.0146 Saving clause.--All licenses to practice as a
3852 certified master social worker issued pursuant to this chapter
3853 and valid on October 1, 2002, shall remain in full force and
3854 effect.

3855 Section 90. Subsection (3) of section 491.0147, Florida
3856 Statutes, is amended to read:

3857 491.0147 Confidentiality and privileged
3858 communications.--Any communication between any person licensed
3859 or certified under this chapter and her or his patient or client
3860 shall be confidential. This secrecy may be waived under the
3861 following conditions:

3862 (3)(a) When there is a clear and immediate probability of
3863 physical harm to the patient or client, to other individuals, or
3864 to society and the person licensed or certified under this
3865 chapter communicates the information only to the potential
3866 victim, appropriate family member, or law enforcement or other
3867 appropriate authorities.

3868 (b) There shall be no civil or criminal liability arising
3869 from the disclosure of otherwise confidential communications by
3870 a person licensed or certified under this chapter when the
3871 disclosure is made pursuant to paragraph (a).

3872 Section 91. Subsection (6) of section 499.003, Florida
3873 Statutes, is amended to read:

3874 499.003 Definitions of terms used in ss. 499.001-
3875 499.081.--As used in ss. 499.001-499.081, the term:



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3876 (6) "Compressed medical gas" means any liquefied or
 3877 vaporized gas that is classified as a prescription drug or
 3878 medical device, whether it is alone or in combination with other
 3879 gases.

3880 Section 92. Subsection (2) of section 499.007, Florida
 3881 Statutes, is amended to read:

3882 499.007 Misbranded drug or device.--A drug or device is
 3883 misbranded:

3884 (2) Unless, if in package form, it bears a label
 3885 containing:

3886 (a) The name and place of business of the manufacturer or
 3887 distributor; ~~in addition, for a medicinal drug, as defined in s.~~
 3888 ~~499.003, the label must contain the name and place of business~~
 3889 ~~of the manufacturer~~ of the finished dosage form of the drug.

3890 For the purpose of this paragraph, the finished dosage form of a
 3891 medicinal drug is that form of the drug which is, or is intended
 3892 to be, dispensed or administered to the patient and requires no
 3893 further manufacturing or processing other than packaging,
 3894 reconstitution, and labeling. ~~;~~ ~~and~~

3895 (b) An accurate statement of the quantity of the contents
 3896 in terms of weight, measure, or numerical count; however, under
 3897 this section, reasonable variations are permitted, and the
 3898 department shall establish by rule exemptions for small
 3899 packages.

3900
 3901 A drug dispensed by filling or refilling a written or oral
 3902 prescription of a practitioner licensed by law to prescribe such
 3903 drug is exempt from the requirements of this section, except
 3904 subsections (1), (8), (10), and (11) and the packaging
 3905 requirements of subsections (6) and (7), if the drug bears a



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3906 label that contains the name and address of the dispenser or
 3907 seller, the prescription number and the date the prescription
 3908 was written or filled, the name of the prescriber and the name
 3909 of the patient, and the directions for use and cautionary
 3910 statements. This exemption does not apply to any drug dispensed
 3911 in the course of the conduct of a business of dispensing drugs
 3912 pursuant to diagnosis by mail or to any drug dispensed in
 3913 violation of subsection (12). The department may, by rule,
 3914 exempt drugs subject to ss. 499.062-499.064 from subsection (12)
 3915 if compliance with that subsection is not necessary to protect
 3916 the public health, safety, and welfare.

3917 Section 93. Paragraph (e) of subsection (1) of section
 3918 499.01, Florida Statutes, is amended to read:

3919 499.01 Permits; applications; renewal; general
 3920 requirements.--

3921 (1) Any person that is required under ss. 499.001-499.081
 3922 to have a permit must apply to the department on forms furnished
 3923 by the department.

3924 (e) The department may not issue a permit for a
 3925 prescription drug manufacturer, prescription drug wholesaler, or
 3926 retail pharmacy wholesaler ~~may not be issued~~ to the address of a
 3927 health care entity, except as provided in this paragraph. The
 3928 department may issue a prescription drug manufacturer permit to
 3929 an applicant at the same address as a licensed nuclear pharmacy
 3930 that is a health care entity for the purpose of manufacturing
 3931 prescription drugs used in positron emission tomography or other
 3932 radiopharmaceuticals, as listed in a rule adopted by the
 3933 department pursuant to this paragraph. The purpose of this
 3934 exemption is to ensure availability of state-of-the-art
 3935 pharmaceuticals that would pose a significant danger to the



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3936 public health if manufactured at a separate establishment
 3937 address other than the nuclear pharmacy from which the
 3938 prescription drugs are dispensed.

3939 Section 94. Paragraph (b) of subsection (6) of section
 3940 499.0121, Florida Statutes, is amended to read:

3941 499.0121 Storage and handling of prescription drugs;
 3942 recordkeeping.--The department shall adopt rules to implement
 3943 this section as necessary to protect the public health, safety,
 3944 and welfare. Such rules shall include, but not be limited to,
 3945 requirements for the storage and handling of prescription drugs
 3946 and for the establishment and maintenance of prescription drug
 3947 distribution records.

3948 (6) RECORDKEEPING.--The department shall adopt rules that
 3949 require keeping such records of prescription drugs as are
 3950 necessary for the protection of the public health.

3951 (b) Inventories and records must be made available for
 3952 inspection and photocopying by authorized federal, state, or
 3953 local officials for a period of 2 years following disposition of
 3954 the drugs or 3 years after the date the inventory or record was
 3955 created, whichever is longer.

3956
 3957 For the purposes of this subsection, the term "authorized
 3958 distributors of record" means those distributors with whom a
 3959 manufacturer has established an ongoing relationship to
 3960 distribute the manufacturer's products.

3961 Section 95. Section 501.122, Florida Statutes, is
 3962 transferred and renumbered as section 404.24, Florida Statutes.

3963 Section 96. Subsection (1) of section 627.912, Florida
 3964 Statutes, is amended to read:



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3965 627.912 Professional liability claims and actions; reports
3966 by insurers.--

3967 (1) Each self-insurer authorized under s. 627.357 and each
3968 insurer or joint underwriting association providing professional
3969 liability insurance to a practitioner of medicine licensed under
3970 chapter 458, to a practitioner of osteopathic medicine licensed
3971 under chapter 459, to a podiatric physician licensed under
3972 chapter 461, to a dentist licensed under chapter 466, to a
3973 hospital licensed under chapter 395, to a crisis stabilization
3974 unit licensed under part IV of chapter 394, to a health
3975 maintenance organization certificated under part I of chapter
3976 641, to clinics included in chapter 390, to an ambulatory
3977 surgical center as defined in s. 395.002, or to a member of The
3978 Florida Bar shall report in duplicate to the Department of
3979 Insurance any claim or action for damages for personal injuries
3980 claimed to have been caused by error, omission, or negligence in
3981 the performance of such insured's professional services or based
3982 on a claimed performance of professional services without
3983 consent, if the claim resulted in:

3984 (a) A final judgment in any amount.

3985 (b) A settlement in any amount.

3986
3987 Reports shall be filed with the department and, if the insured
3988 party is licensed under chapter 458, chapter 459, or chapter 461
3989 and the final judgment or settlement amount was \$50,000 or more,
3990 or if the insured party is licensed under chapter 466 and the
3991 final judgment or settlement amount was \$25,000 or more, ~~or~~
3992 ~~chapter 466,~~ with the Department of Health, no later than 30
3993 days following the occurrence of any event listed in paragraph
3994 (a) or paragraph (b). The Department of Health shall review each



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3995 report and determine whether any of the incidents that resulted
3996 in the claim potentially involved conduct by the licensee that
3997 is subject to disciplinary action, in which case the provisions
3998 of s. 456.073 shall apply. The Department of Health, as part of
3999 the annual report required by s. 456.026, shall publish annual
4000 statistics, without identifying licensees, on the reports it
4001 receives, including final action taken on such reports by the
4002 Department of Health or the appropriate regulatory board.

4003 Section 97. Paragraph (a) of subsection (1) of section
4004 766.101, Florida Statutes, is amended to read:

4005 766.101 Medical review committee, immunity from
4006 liability.--

4007 (1) As used in this section:

4008 (a) The term "medical review committee" or "committee"
4009 means:

4010 1.a. A committee of a hospital or ambulatory surgical
4011 center licensed under chapter 395 or a health maintenance
4012 organization certificated under part I of chapter 641,

4013 b. A committee of a physician-hospital organization, a
4014 provider-sponsored organization, or an integrated delivery
4015 system,

4016 c. A committee of a state or local professional society of
4017 health care providers,

4018 d. A committee of a medical staff of a licensed hospital
4019 or nursing home, provided the medical staff operates pursuant to
4020 written bylaws that have been approved by the governing board of
4021 the hospital or nursing home,

4022 e. A committee of the Department of Corrections or the
4023 Correctional Medical Authority as created under s. 945.602, or



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4024 employees, agents, or consultants of either the department or
4025 the authority or both,

4026 f. A committee of a professional service corporation
4027 formed under chapter 621 or a corporation organized under
4028 chapter 607 or chapter 617, which is formed and operated for the
4029 practice of medicine as defined in s. 458.305(3), and which has
4030 at least 25 health care providers who routinely provide health
4031 care services directly to patients,

4032 g. A committee of a mental health treatment facility
4033 licensed under chapter 394 or a community mental health center
4034 as defined in s. 394.907, provided the quality assurance program
4035 operates pursuant to the guidelines which have been approved by
4036 the governing board of the agency,

4037 h. A committee of a substance abuse treatment and
4038 education prevention program licensed under chapter 397 provided
4039 the quality assurance program operates pursuant to the
4040 guidelines which have been approved by the governing board of
4041 the agency,

4042 i. A peer review or utilization review committee organized
4043 under chapter 440,

4044 j. A committee of the Department of Health, a county
4045 health department, healthy start coalition, or certified rural
4046 health network, when reviewing quality of care, or employees of
4047 these entities when reviewing mortality records, ~~or~~

4048 k. A continuous quality improvement committee of a
4049 pharmacy licensed pursuant to chapter 465,

4050 l. A committee established by a university board of
4051 trustees, or



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4052 m. A committee comprised of faculty, residents, students,
4053 and administrators of an accredited college of medicine,
4054 nursing, or other health care discipline,

4055
4056 which committee is formed to evaluate and improve the quality of
4057 health care rendered by providers of health service or to
4058 determine that health services rendered were professionally
4059 indicated or were performed in compliance with the applicable
4060 standard of care or that the cost of health care rendered was
4061 considered reasonable by the providers of professional health
4062 services in the area; or

4063 2. A committee of an insurer, self-insurer, or joint
4064 underwriting association of medical malpractice insurance, or
4065 other persons conducting review under s. 766.106.

4066 Section 98. Paragraphs (a) and (b) of subsection (4) of
4067 section 766.314, Florida Statutes, are amended to read:

4068 766.314 Assessments; plan of operation.--

4069 (4) The following persons and entities shall pay into the
4070 association an initial assessment in accordance with the plan of
4071 operation:

4072 (a) On or before October 1, 1988, each hospital licensed
4073 under chapter 395 shall pay an initial assessment of \$50 per
4074 infant delivered in the hospital during the prior calendar year,
4075 as reported to the Agency for Health Care Administration;
4076 provided, however, that a hospital owned or operated by the
4077 state or a county, special taxing district, or other political
4078 subdivision of the state shall not be required to pay the
4079 initial assessment or any assessment required by subsection (5).
4080 The term "infant delivered" includes live births and not
4081 stillbirths, but the term does not include infants delivered by



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4082 employees or agents of the Board of Regents, ~~or~~ those born in a
4083 teaching hospital as defined in s. 408.07, or those born in a
4084 family practice teaching hospital designated pursuant to s.
4085 395.806 that had been deemed by the association as being exempt
4086 from assessments for fiscal years 1997-1998 through 2001-2002.
4087 The initial assessment and any assessment imposed pursuant to
4088 subsection (5) may not include any infant born to a charity
4089 patient (as defined by rule of the Agency for Health Care
4090 Administration) or born to a patient for whom the hospital
4091 receives Medicaid reimbursement, if the sum of the annual
4092 charges for charity patients plus the annual Medicaid
4093 contractals of the hospital exceeds 10 percent of the total
4094 annual gross operating revenues of the hospital. The hospital is
4095 responsible for documenting, to the satisfaction of the
4096 association, the exclusion of any birth from the computation of
4097 the assessment. Upon demonstration of financial need by a
4098 hospital, the association may provide for installment payments
4099 of assessments.

4100 (b)1. On or before October 15, 1988, all physicians
4101 licensed pursuant to chapter 458 or chapter 459 as of October 1,
4102 1988, other than participating physicians, shall be assessed an
4103 initial assessment of \$250, which must be paid no later than
4104 December 1, 1988.

4105 2. Any such physician who becomes licensed after September
4106 30, 1988, and before January 1, 1989, shall pay into the
4107 association an initial assessment of \$250 upon licensure.

4108 3. Any such physician who becomes licensed on or after
4109 January 1, 1989, shall pay an initial assessment equal to the
4110 most recent assessment made pursuant to this paragraph,
4111 paragraph (5)(a), or paragraph (7)(b).



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4112 4. However, if the physician is a physician specified in
 4113 this subparagraph, the assessment is not applicable:

4114 a. A resident physician, assistant resident physician, or
 4115 intern in an approved postgraduate training program, as defined
 4116 by the Board of Medicine or the Board of Osteopathic Medicine by
 4117 rule;

4118 b. A retired physician who has withdrawn from the practice
 4119 of medicine but who maintains an active license as evidenced by
 4120 an affidavit filed with the Department of Health. Prior to
 4121 reentering the practice of medicine in this state, a retired
 4122 physician as herein defined must notify the Board of Medicine or
 4123 the Board of Osteopathic Medicine and pay the appropriate
 4124 assessments pursuant to this section;

4125 c. A physician who holds a limited license pursuant to s.
 4126 458.315 ~~458.317~~ and who is not being compensated for medical
 4127 services;

4128 d. A physician who is employed full time by the United
 4129 States Department of Veterans Affairs and whose practice is
 4130 confined to United States Department of Veterans Affairs
 4131 hospitals; or

4132 e. A physician who is a member of the Armed Forces of the
 4133 United States and who meets the requirements of s. 456.024.

4134 f. A physician who is employed full time by the State of
 4135 Florida and whose practice is confined to state-owned
 4136 correctional institutions, a county health department, or state-
 4137 owned mental health or developmental services facilities, or who
 4138 is employed full time by the Department of Health.

4139 Section 99. Section 784.081, Florida Statutes, is amended
 4140 to read:



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4141 784.081 Assault or battery on specified officials or
 4142 employees; reclassification of offenses.--Whenever a person is
 4143 charged with committing an assault or aggravated assault or a
 4144 battery or aggravated battery upon any elected official or
 4145 employee of: a school district; a private school; the Florida
 4146 School for the Deaf and the Blind; a university developmental
 4147 research school; a state university or any other entity of the
 4148 state system of public education, as defined in s. 1000.04; an
 4149 employee or protective investigator of the Department of
 4150 Children and Family Services; ~~or~~ an employee of a lead
 4151 community-based provider and its direct service contract
 4152 providers; or an employee of the Department of Health or its
 4153 direct service contract providers, when the person committing
 4154 the offense knows or has reason to know the identity or position
 4155 or employment of the victim, the offense for which the person is
 4156 charged shall be reclassified as follows:

4157 (1) In the case of aggravated battery, from a felony of
 4158 the second degree to a felony of the first degree.

4159 (2) In the case of aggravated assault, from a felony of
 4160 the third degree to a felony of the second degree.

4161 (3) In the case of battery, from a misdemeanor of the
 4162 first degree to a felony of the third degree.

4163 (4) In the case of assault, from a misdemeanor of the
 4164 second degree to a misdemeanor of the first degree.

4165 Section 100. Paragraph (a) of subsection (1) of section
 4166 817.567, Florida Statutes, is amended to read:

4167 817.567 Making false claims of academic degree or title.--

4168 (1) No person in the state may claim, either orally or in
 4169 writing, to possess an academic degree, as defined in s.

4170 1005.02, or the title associated with said degree, unless the



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4171 person has, in fact, been awarded said degree from an
4172 institution that is:

4173 (a) Accredited by a regional or professional accrediting
4174 agency recognized by the United States Department of Education
4175 or the Council for Higher Education ~~Commission on Recognition of~~
4176 ~~Postsecondary~~ Accreditation;

4177 Section 101. Section 945.6038, Florida Statutes, is
4178 created to read:

4179 945.6038 Additional services.--The authority is authorized
4180 to enter into an agreement or contract with the Department of
4181 Children and Family Services, subject to the availability of
4182 funding, to conduct surveys of medical services and to provide
4183 medical quality assurance and improvement assistance at secure
4184 confinement and treatment facilities for persons confined under
4185 part V of chapter 394. The authority is authorized to enter into
4186 similar agreements with other state agencies, subject to the
4187 availability of funds. The authority may not enter any such
4188 agreement if it would impair the authority's ability to fulfill
4189 its obligations with regard to the Department of Corrections as
4190 set forth in this chapter.

4191 Section 102. Subsection (13) of section 1009.992, Florida
4192 Statutes, is amended to read:

4193 1009.992 Definitions.--As used in this act:

4194 (13) "Institution" means any college or university which,
4195 by virtue of law or charter, is accredited by and holds
4196 membership in the Council for Higher Education ~~Commission on~~
4197 ~~Recognition of Postsecondary~~ Accreditation; which grants
4198 baccalaureate or associate degrees; which is not a pervasively
4199 sectarian institution; and which does not discriminate in the



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4200 admission of students on the basis of race, color, religion,
4201 sex, or creed.

4202 Section 103. Section 1012.46, Florida Statutes, is amended
4203 to read:

4204 1012.46 Athletic trainers.--

4205 (1) School districts may establish and implement an
4206 athletic injuries prevention and treatment program. Central to
4207 this program should be the employment and availability of
4208 persons trained in the prevention and treatment of physical
4209 injuries which may occur during athletic activities. The program
4210 should reflect opportunities for progressive advancement and
4211 compensation in employment as provided in subsection (2) and
4212 meet certain other minimum standards developed by the Department
4213 of Education. ~~The goal of the Legislature is to have school~~
4214 ~~districts employ and have available a full-time teacher athletic~~
4215 ~~trainer in each high school in the state.~~

4216 (2) To the extent practicable, a school district program
4217 should include the following employment classification and
4218 advancement scheme:

4219 (a) First responder.--To qualify as a first responder, a
4220 person must possess a professional, temporary, part-time,
4221 adjunct, or substitute certificate pursuant to s. 1012.56, be
4222 certified in cardiopulmonary resuscitation, first aid, and have
4223 15 semester hours in courses such as care and prevention of
4224 athletic injuries, anatomy, physiology, nutrition, counseling,
4225 and other similar courses approved by the Commissioner of
4226 Education. This person may only administer first aid and similar
4227 care, and shall not hold himself or herself out to the school
4228 district or public as an athletic trainer pursuant to part XIII
4229 of chapter 468.



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4230 (b) ~~Teacher~~ Athletic trainer.--To qualify as an a teacher
4231 athletic trainer, a person must be licensed as required by part
4232 XIII of chapter 468 and may be utilized by the school district
4233 as ~~possess~~ a professional, temporary, part-time, adjunct, or
4234 substitute teacher certificate pursuant to s. 1012.35, s.
4235 1012.56, or s. 1012.57, and be licensed as required by part XIII
4236 of chapter 468.

4237 Section 104. (1) All payments made after July 1, 2003, by
4238 the Department of Health to the Division of Administrative
4239 Hearings which are based on a formula in effect prior to that
4240 date shall revert to the Department of Health. Effective July 1,
4241 2004, the Division of Administrative Hearings shall bill the
4242 Department of Health in accordance with s. 456.073(5), Florida
4243 Statutes.

4244 (2) The Office of Program Policy Analysis and Government
4245 Accountability and the Auditor General shall conduct a joint
4246 audit of all hearings and billings therefor conducted by the
4247 Division of Administrative Hearings for all state agencies and
4248 nonstate agencies and shall present a report to the President of
4249 the Senate and the Speaker of the House of Representatives on or
4250 before January 1, 2004, which contains findings and
4251 recommendations regarding the manner in which the division
4252 charges for its services. The report shall recommend alternative
4253 billing formulas.

4254 Section 105. Subsection (9) of section 381.0098, section
4255 381.85, paragraph (f) of subsection (2) of section 385.103,
4256 sections 385.205 and 385.209, subsection (7) of section 445.033,
4257 sections 456.031, 456.033, 456.034, 458.313, 458.316, 458.3165,
4258 458.317, 468.356, and 468.357, and subsection (3) of section
4259 468.711, Florida Statutes, are repealed.



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4260 Section 106. Except as otherwise provided herein, this act
4261 shall take effect July 1, 2003.