



1 A bill to be entitled

2 An act relating to health; amending s. 17.41, F.S.;

3 providing for funds from the tobacco settlement to be

4 transferred to the Biomedical Research Trust Fund within

5 the Department of Health; amending s. 20.43, F.S.;

6 renaming certain divisions within the Department of

7 Health; establishing the Division of Disability

8 Determinations within the department; establishing the

9 Office of Minority Health within the department; amending

10 s. 154.01, F.S.; providing for environmental health

11 services to include investigations of elevated blood lead

12 levels; authorizing the expenditure of funds for such

13 investigations; creating s. 216.342, F.S.; authorizing the

14 expenditure of funds of the United States Trust Fund for

15 the operation of the Division of Disability

16 Determinations; amending s. 381.0011, F.S.; revising

17 duties of the Department of Health with respect to injury

18 prevention and control; amending s. 381.004, F.S.;

19 revising requirements for the release of HIV test results;

20 amending s. 381.0065, F.S., relating to onsite sewage

21 treatment and disposal systems; clarifying a definition;

22 deleting obsolete provisions; amending s. 381.0072, F.S.;

23 clarifying provisions governing the authority of the

24 Department of Health to adopt and enforce sanitation

25 rules; revising exemptions; creating s. 381.104, F.S.;

26 authorizing state agencies to establish employee health

27 and wellness programs; providing requirements for the

28 programs; requiring the use of an employee health and

29 wellness activity agreement form; requiring an evaluation

30 and improvement process for the program; requiring the



31 Department of Health to provide model program guidelines;
32 amending ss. 381.7353 and 381.7355, F.S.; including oral
33 health care in the Closing the Gap grant program; creating
34 s. 381.86, F.S.; creating the Review Council for Human
35 Subjects within the Department of Health; providing duties
36 and membership; providing for reimbursement for per diem
37 and travel expenses; requiring the department to charge
38 for costs incurred by the council for research oversight;
39 providing an exception; amending s. 381.89, F.S.; revising
40 the fees imposed for the licensure of tanning facilities;
41 amending s. 381.90, F.S.; revising the membership of the
42 Health Information Systems Council; revising the date for
43 submitting an annual plan; amending s. 383.14, F.S.;
44 clarifying provisions with respect to the screening of
45 newborns; amending s. 384.25, F.S.; revising requirements
46 for the reporting of sexually transmissible diseases;
47 requiring the Department of Health to adopt rules relating
48 to newborns or infants exposed to HIV; amending s.
49 385.204, F.S.; revising requirements for the purchase and
50 distribution of insulin by the Department of Health;
51 amending s. 391.021, F.S.; redefining the term "children
52 with special health care needs" for purposes of the
53 Children's Medical Services Act; amending s. 391.025,
54 F.S.; revising applicability and scope of the act;
55 amending s. 391.029, F.S.; revising requirements for
56 program eligibility; amending s. 391.055, F.S.; requiring
57 the referral to the Children's Medical Services network of
58 a newborn having a certain abnormal screening result;
59 creating s. 391.309, F.S.; establishing the Florida
60 Infants and Toddlers Early Intervention Program; providing



61 requirements for the Department of Health under the
62 program; requiring certain federal waivers; amending s.
63 393.064, F.S.; transferring to the Department of Health
64 authority for the supervision and management of the
65 Raymond C. Philips Research and Education Unit; amending
66 s. 394.4615, F.S.; limiting a patient's access to his or
67 her records where the patient's life or safety is
68 endangered; amending s. 394.9151, F.S.; authorizing the
69 Department of Children and Family Services to contract
70 with the Correctional Medical Authority to conduct surveys
71 of medical services and to provide medical quality
72 assurance and improvement assistance at secure confinement
73 and treatment facilities for certain persons; amending s.
74 395.3025, F.S.; clarifying access to patient records for
75 professional disciplinary purposes and for research
76 purposes; amending s. 395.404, F.S.; revising requirements
77 for reports to the Department of Health concerning certain
78 brain or spinal cord injuries; amending s. 395.7015, F.S.;
79 conforming cross references; amending s. 400.141, F.S.;
80 requiring copies of records to be provided to the
81 Department of Health upon subpoena; amending s. 400.145,
82 F.S.; requiring certification of copies of records
83 requested pursuant to subpoena or patient release;
84 amending s. 400.211, F.S.; reducing inservice training
85 hours for nursing assistants; creating s. 400.455, F.S.;
86 requiring a certified copy of subpoenaed records under
87 certain circumstances; amending s. 401.113, F.S.;
88 providing for the use of funds generated from interest on
89 certain grant moneys dispensed from the Emergency Medical
90 Services Trust Fund; amending s. 401.211, F.S.; providing



91 legislative intent with respect to a comprehensive
92 statewide injury prevention and control program; creating
93 s. 401.243, F.S.; providing duties of the Department of
94 Health in operating the program; amending s. 401.27, F.S.;
95 authorizing electronically submitted applications for
96 certification or recertification as an emergency medical
97 technician or a paramedic; removing a provision
98 authorizing a temporary certificate; revising requirements
99 for an insignia identifying such person; requiring
100 submission of information and fingerprints for a criminal
101 history check; requiring fees; providing additional
102 grounds for denial of certification or recertification;
103 providing for certain exemptions; amending s. 401.2701,
104 F.S.; requiring emergency medical services training
105 programs to advise students of certification and
106 regulatory requirements; amending s. 401.2715, F.S.;
107 requiring recognition, upon application, of entities
108 approved by the Continuing Education Coordinating Board
109 for Emergency Medical Services for recertification
110 training; amending s. 401.272, F.S.; providing that
111 paramedics may provide life support services in hospital
112 emergency departments under certain circumstances;
113 amending s. 404.056, F.S.; revising requirements for
114 mandatory testing of certain buildings and facilities for
115 radon; amending s. 409.814, F.S.; authorizing certain
116 children to participate in the Florida Healthy Kids
117 program or the Medikids program; amending s. 455.227,
118 F.S.; conforming a cross reference; amending s. 456.017,
119 F.S.; providing for electronic posting of examination
120 scores; amending s. 456.025, F.S.; deleting the



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121 requirement for the Department of Health to develop and
122 maintain a continuing education tracking system; amending
123 s. 456.0375, F.S.; providing exemption from registration
124 for community college and university clinics; providing
125 distinction between supervision of administrative services
126 and supervision of health care delivery services;
127 providing exemption from registration for clinical
128 facilities where training is provided by certain medical
129 schools; amending s. 456.039, F.S.; deleting a cross
130 reference; amending s. 456.049, F.S.; specifying amount of
131 final professional liability claims to be reported for
132 physicians and dentists; amending s. 456.063, F.S.;
133 providing professional regulatory boards, or the
134 Department of Health if there is no board, rulemaking
135 authority for reporting allegations of sexual misconduct;
136 amending s. 456.072, F.S.; clarifying grounds for
137 discipline for performing or attempting to perform health
138 care services on the wrong patient or that are otherwise
139 wrong or unnecessary or leaving a foreign body in the
140 patient; providing for discipline for prescribing,
141 administering, dispensing, or distributing certain
142 medications without a valid professional relationship;
143 providing for additional costs to be assessed as part of
144 any penalty or other form of discipline; requiring clear
145 and convincing evidence to revoke or suspend a license and
146 the greater weight of the evidence for other forms of
147 discipline; conforming a cross reference; amending s.
148 456.073, F.S.; extending the time within which the subject
149 of an investigation may submit a written response to the
150 information in the complaint or other documentation;



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151 requiring the Department of Health to give 45 days' notice
152 to the Division of Administrative Hearings when a hearing
153 is needed; requiring the division to charge its expenses
154 to the Medical Quality Assurance Trust Fund; providing for
155 certain fees and charges; amending s. 456.077, F.S.;
156 providing that citations for first offenses do not
157 constitute discipline; deleting the required period for
158 issuing a citation; amending s. 456.078, F.S.; requiring
159 designation of certain violations as appropriate for
160 mediation; excluding certain violations from mediation;
161 requiring successful mediation to include a statement of
162 whether or not the resolution constitutes discipline;
163 requiring payment for the administrative costs of
164 mediation; prohibiting mediation more than once involving
165 a breach of the standard of care for health care
166 professionals; providing rulemaking authority; amending s.
167 458.303, F.S.; conforming cross references; amending s.
168 458.311, F.S.; consolidating and revising provisions
169 relating to requirements for licensure of physicians;
170 amending s. 458.3124, F.S.; conforming a cross reference;
171 amending s. 458.315, F.S.; consolidating and revising
172 provisions relating to requirements for limited licensure
173 of physicians; amending s. 458.319, F.S.; deleting a cross
174 reference; amending s. 458.320, F.S.; conforming a cross
175 reference; creating s. 458.3215, F.S.; providing for
176 reactivation of a physician's license for clinical
177 research purposes; providing for fees and continuing
178 education; amending s. 458.331, F.S.; increasing the
179 threshold amount of claims against a physician that
180 represent repeated malpractice; revising a reporting



181 requirement to conform; reducing the time period for a
182 physician to respond to information contained in a
183 complaint or other documentation; amending ss. 458.345 and
184 458.347, F.S.; conforming cross references; amending s.
185 459.008, F.S.; deleting a cross reference; creating s.
186 459.0091, F.S.; providing for reactivation of an
187 osteopathic physician's license for clinical research
188 purposes; providing for fees and continuing education;
189 amending s. 459.015, F.S.; increasing the threshold amount
190 of claims against an osteopathic physician that represent
191 repeated malpractice; revising a reporting requirement to
192 conform; reducing the time period for an osteopathic
193 physician to respond to information contained in a
194 complaint or other documentation; amending s. 460.406,
195 F.S.; revising an accrediting agency for chiropractic
196 education; amending s. 460.413, F.S.; reducing the time
197 period for a chiropractic physician to respond to
198 information contained in a complaint or other
199 documentation; amending s. 461.013, F.S.; increasing the
200 threshold amount of claims against a podiatric physician
201 that represent repeated malpractice; revising a reporting
202 requirement to conform; reducing the time period for a
203 podiatric physician to respond to information contained in
204 a complaint or other documentation; amending s. 463.006,
205 F.S.; revising an accrediting agency for optometry
206 education; amending s. 464.0205, F.S.; conforming a cross
207 reference; amending s. 464.203, F.S.; clarifying
208 requirements for criminal history checks of certified
209 nursing assistants; reducing the hours of inservice
210 training required each year; providing for biennial



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211 renewal of certification, including fees; amending s.
212 464.204, F.S.; revising a ground for disciplinary action
213 for specificity and removal of the requirement of
214 intentionality; amending s. 465.016, F.S.; providing for
215 disciplinary action against a pharmacist for compounding,
216 dispensing, or distributing legend drugs not prescribed in
217 the course of a valid professional relationship; amending
218 s. 467.009, F.S.; revising an accrediting agency for
219 midwifery education and the licensing agency for midwives;
220 amending s. 467.013, F.S.; providing for inactive
221 licensure status for midwives pursuant to rule of the
222 Department of Health and deleting statutory provisions to
223 conform; amending s. 467.0135, F.S.; clarifying language
224 for licensure status and fees for midwives; amending s.
225 467.017, F.S.; requiring a midwife's emergency care plan
226 to be available upon request of the Department of Health;
227 amending s. 468.302, F.S.; authorizing a nuclear medicine
228 technologist to administer certain X radiation; excluding
229 such technologist from creating or modifying certain
230 tomography protocols and operating certain tomography
231 devices; amending s. 468.352, F.S.; revising definitions
232 applicable to regulation of respiratory therapy; amending
233 s. 468.355, F.S.; revising licensure requirements to
234 practice respiratory therapy; amending s. 468.368, F.S.;
235 revising requirements for exemptions from respiratory care
236 regulation; amending s. 468.509, F.S.; revising an
237 accrediting agency for education of dietitians and
238 nutritionists; amending s. 468.707, F.S.; revising an
239 accrediting agency for education of athletic trainers;
240 deleting a provision relating to a continuing education



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241 course on HIV/AIDS for initial licensure as an athletic
242 trainer; amending ss. 486.031 and 486.102, F.S.; revising
243 an accrediting agency for education of physical therapists
244 and physical therapist assistants; amending s. 489.553,
245 F.S.; revising registration requirements for master septic
246 tank contractors; amending s. 489.554, F.S.; revising
247 registration renewal requirements for such contractors;
248 providing for inactive status and reactivation of
249 registration; amending ss. 490.005 and 491.005, F.S.;
250 revising an accrediting agency for education of
251 psychologists and psychotherapists; revising requirements
252 for licensure as a clinical social worker; amending s.
253 491.0145, F.S.; prohibiting the licensure of a certified
254 master social worker if not licensed before a certain
255 date; creating s. 491.0146, F.S.; providing a saving
256 clause for a certified master social worker licensed from
257 a certain date; amending s. 491.0147, F.S.; providing
258 exemption from liability for disclosure of confidential
259 information under certain circumstances; amending s.
260 499.003, F.S.; redefining the term "compressed medical
261 gas" for purposes of the Florida Drug and Cosmetic Act;
262 amending s. 499.007, F.S.; revising requirements for
263 labeling medicinal drugs; amending s. 499.01, F.S.;
264 authorizing the department to issue a prescription drug
265 manufacturer permit to a nuclear pharmacy that is a health
266 care entity; amending s. 499.0121, F.S.; providing
267 requirements for retaining inventories and records;
268 transferring and renumbering s. 501.122, F.S., relating to
269 the control of nonionizing radiations; amending s.
270 627.912, F.S.; requiring insurers to report to the



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271 Department of Health final claims in certain amounts for
272 physicians, osteopathic physicians, podiatric physicians,
273 and dentists; amending s. 766.101, F.S.; including certain
274 university committees as medical review committees;
275 amending s. 766.314, F.S.; exempting children born in
276 certain family practice teaching hospitals from fee
277 assessments used to finance the Florida Birth-Related
278 Neurological Injury Compensation Plan; conforming a cross
279 reference; amending s. 784.081, F.S.; providing for the
280 reclassification of the offense of assault or battery if
281 committed on an employee of the Department of Health or
282 upon a direct service contract provider of the department;
283 amending s. 817.567, F.S.; revising an accrediting agency
284 for institutions awarding academic degrees and titles;
285 creating s. 945.6038, F.S.; authorizing the Correctional
286 Medical Authority to contract with other agencies to
287 provide medical quality improvement services; amending s.
288 1009.992, F.S.; revising the definition of the term
289 "institution" to update a reference to an accrediting
290 agency; amending s. 1012.46, F.S.; revising provisions
291 relating to athletic trainers in school districts;
292 removing a legislative goal; clarifying a cross reference;
293 providing for payments by the Department of Health and the
294 Division of Administrative Hearings with respect to
295 billings for hearings; requiring a joint audit of hearings
296 and billings of the Division of Administrative Hearings;
297 requiring a report to the Legislature on billing practices
298 of the Division of Administrative Hearings; requiring the
299 Department of Health, in consultation with specified
300 educational institutions, to conduct a study with respect



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301 to using skills of foreign-trained physicians to practice
302 as physician assistants in this state and to report the
303 results and recommendations to the Governor and
304 Legislature; repealing s. 381.0098(9), F.S., relating to
305 obsolete transition provisions concerning biomedical
306 waste; repealing s. 381.85, F.S., relating to biomedical
307 and social research; repealing s. 385.103(2)(f), F.S.,
308 relating to rulemaking authority of the department with
309 respect to the operation of community intervention
310 programs; repealing s. 385.205, F.S., relating to programs
311 in kidney disease control; repealing s. 385.209, F.S.,
312 relating to dissemination of information on cholesterol
313 health risks; repealing s. 445.033(7), F.S., relating to
314 an exemption from biomedical and social research
315 requirements for evaluations of TANF-funded programs
316 conducted by Workforce Florida, Inc.; repealing s.
317 456.031, F.S., relating to a requirement for instruction
318 on domestic violence; repealing s. 456.033, F.S., relating
319 to requirement for instruction on HIV and AIDS for certain
320 licensees; repealing s. 456.034, F.S., relating to
321 requirement for instruction on HIV and AIDS for athletic
322 trainers and massage therapists; repealing s. 458.313,
323 F.S., relating to physician licensure by endorsement;
324 repealing s. 458.316, F.S., relating to public health
325 certificates; repealing s. 458.3165, F.S., relating to
326 public psychiatry certificates; repealing s. 458.317,
327 F.S., relating to limited licenses for physicians;
328 repealing s. 468.356, F.S., relating to approval of
329 educational programs for respiratory therapy licensure;
330 repealing s. 468.357, F.S., relating to respiratory



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331 therapy licensure by examination; repealing s. 468.711(3),
 332 F.S., relating to a continuing education course on
 333 HIV/AIDS for athletic trainers seeking relicensure;
 334 providing an effective date.

335
 336 Be It Enacted by the Legislature of the State of Florida:

337
 338 Section 1. Subsection (5) of section 17.41, Florida
 339 Statutes, is amended to read:

340 17.41 Department of Banking and Finance Tobacco Settlement
 341 Clearing Trust Fund.--

342 (5) The department shall disburse funds, by nonoperating
 343 transfer, from the Tobacco Settlement Clearing Trust Fund to the
 344 tobacco settlement trust funds of the various agencies or the
 345 Biomedical Research Trust Fund within the Department of Health,
 346 as appropriate, in amounts equal to the annual appropriations
 347 made from those agencies' trust funds in the General
 348 Appropriations Act.

349 Section 2. Paragraphs (f) and (j) of subsection (3) of
 350 section 20.43, Florida Statutes, are amended, paragraph (k) is
 351 added to said subsection, subsections (4) through (8) are
 352 renumbered as subsections (5) through (9), respectively, and a
 353 new subsection (4) is added to said section, to read:

354 20.43 Department of Health.--There is created a Department
 355 of Health.

356 (3) The following divisions of the Department of Health
 357 are established:

358 (f) Division of Emergency Medical Operations Services ~~and~~
 359 ~~Community Health Resources.~~

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



361 (k) Division of Disability Determinations.

362 (4) There is established within the Department of Health
 363 the Office of Minority Health.

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

366 154.01 County health department delivery system.--

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

370 (a) "Environmental health services" are those services
 371 which are organized and operated to protect the health of the
 372 general public by monitoring and regulating activities in the
 373 environment which may contribute to the occurrence or
 374 transmission of disease. Environmental health services shall be
 375 supported by available federal, state, and local funds and shall
 376 include those services mandated on a state or federal level.
 377 Examples of environmental health services include, but are not
 378 limited to, food hygiene, investigations of elevated blood lead
 379 levels, safe drinking water supply, sewage and solid waste
 380 disposal, swimming pools, group care facilities, migrant labor
 381 camps, toxic material control, radiological health, occupational
 382 health, and entomology.

383 (3) The Department of Health shall enter into contracts
 384 with the several counties for the purposes of this part. All
 385 contracts shall be negotiated and approved by the appropriate
 386 local governing bodies and the appropriate district
 387 administrators on behalf of the department. In accordance with
 388 federal guidelines, the state may utilize federal funds for
 389 county health department services. A standard contract format
 390 shall be developed and used by the department in contract



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391 negotiations. The contract shall include the three levels of
 392 county health department services outlined in subsection (2)
 393 above and shall contain a section which stipulates, for the
 394 contract year:

395 (a) All revenue sources, including federal, state, and
 396 local general revenue, fees, and other cash contributions, which
 397 shall be used by the county health department for county health
 398 department services.~~;~~

399 (b) The types of services to be provided in each level of
 400 service. Each participating county may expend funds for
 401 federally mandated certification or recertification fees related
 402 to investigations of elevated blood lead levels as provided
 403 under paragraph (2)(a).~~;~~

404 (c) The estimated number of clients, where applicable, who
 405 will be served, by type of service.~~;~~

406 (d) The estimated number of services, where applicable,
 407 that will be provided, by type of service.~~;~~

408 (e) The estimated number of staff positions (full-time
 409 equivalent positions) who will work in each type of service
 410 area.~~;~~ ~~and~~

411 (f) The estimated expenditures for each type of service
 412 and for each level of service.

413

414 The contract shall also provide for financial and service
 415 reporting for each type of service according to standard service
 416 and reporting procedures established by the department.

417 Section 4. Section 216.342, Florida Statutes, is created
 418 to read:

419 216.342 Disbursement of funds of the United States Trust
 420 Fund.--Funds of the United States Trust Fund may be expended by



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421 the Department of Health in accordance with the budget and plans
 422 agreed upon by the Social Security Administration and the
 423 Department of Health for the operation of the Division of
 424 Disability Determinations. The limitations on appropriations
 425 provided in s. 216.262(1) do not apply to the United States
 426 Trust Fund.

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

429 381.0011 Duties and powers of the Department of
 430 Health.--It is the duty of the Department of Health to:

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

434 Section 6. Paragraph (d) of subsection (3) of section
 435 381.004, Florida Statutes, is amended to read:

436 381.004 HIV testing.--

437 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
 438 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

439 (d) No test result shall be determined as positive, and no
 440 positive test result shall be revealed to any person, without
 441 corroborating or confirmatory tests being conducted except in
 442 the following situations:

443 1. Preliminary test results may be released to licensed
 444 physicians or the medical or nonmedical personnel subject to the
 445 significant exposure for purposes of subparagraphs (h)10., 11.,
 446 and 12.

447 2. Preliminary test results may be released to health care
 448 providers and to the person tested when decisions about medical
 449 care or treatment of, or recommendation to, the person tested
 450 and, in the case of an intrapartum or postpartum woman, when



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451 care, treatment, or recommendations regarding her newborn,
452 cannot await the results of confirmatory testing. Positive
453 preliminary HIV test results shall not be characterized to the
454 patient as a diagnosis of HIV infection. Justification for the
455 use of preliminary test results must be documented in the
456 medical record by the health care provider who ordered the test.
457 ~~This subparagraph does not authorize the release of preliminary~~
458 ~~test results for the purpose of routine identification of HIV-~~
459 ~~infected individuals or when HIV testing is incidental to the~~
460 ~~preliminary diagnosis or care of a patient. Corroborating or~~
461 ~~confirmatory testing must be conducted as followup to a positive~~
462 ~~preliminary test.~~

463 3. Positive rapid test results are considered preliminary
464 and may be released in accordance with the manufacturer's
465 instructions as approved by the United States Food and Drug
466 Administration. Positive rapid test results require confirmatory
467 testing for diagnosis and reporting of HIV infection.

468
469 Results shall be communicated to the patient according to
470 statute regardless of the outcome. Except as provided in this
471 section, test results are confidential and exempt from the
472 provisions of s. 119.07(1).

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

476 381.0065 Onsite sewage treatment and disposal systems;
477 regulation.--

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



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480 (k) "Permanent nontidal surface water body" means a
481 perennial stream, a perennial river, an intermittent stream, a
482 perennial lake, a submerged marsh or swamp, a submerged wooded
483 marsh or swamp, a spring, or a seep, as identified on the most
484 recent quadrangle map, 7.5 minute series (topographic), produced
485 by the United States Geological Survey, or products derived from
486 that series. "Permanent nontidal surface water body" shall also
487 mean an artificial surface water body that does not have an
488 impermeable bottom and side and that is designed to hold, or
489 does hold, visible standing water for at least 180 days of the
490 year. However, a nontidal surface water body that is drained,
491 either naturally or artificially, where the intent or the result
492 is that such drainage be temporary, shall be considered a
493 permanent nontidal surface water body. A nontidal surface water
494 body that is drained of all visible surface water, where the
495 lawful intent or the result of such drainage is that such
496 drainage will be permanent, shall not be considered a permanent
497 nontidal surface water body. The boundary of a permanent
498 nontidal surface water body shall be the mean annual flood line.

499 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person may
500 not construct, repair, modify, abandon, or operate an onsite
501 sewage treatment and disposal system without first obtaining a
502 permit approved by the department. The department may issue
503 permits to carry out this section, but shall not make the
504 issuance of such permits contingent upon prior approval by the
505 Department of Environmental Protection. A construction permit is
506 valid for 18 months from the issuance date and may be extended
507 by the department for one 90-day period under rules adopted by
508 the department. A repair permit is valid for 90 days from the
509 date of issuance. An operating permit must be obtained prior to



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510 the use of any aerobic treatment unit or if the establishment
511 generates commercial waste. Buildings or establishments that use
512 an aerobic treatment unit or generate commercial waste shall be
513 inspected by the department at least annually to assure
514 compliance with the terms of the operating permit. The operating
515 permit for a commercial wastewater system is valid for 1 year
516 from the date of issuance and must be renewed annually. The
517 operating permit for an aerobic treatment unit is valid for 2
518 years from the date of issuance and must be renewed every 2
519 years. If all information pertaining to the siting, location,
520 and installation conditions or repair of an onsite sewage
521 treatment and disposal system remains the same, a construction
522 or repair permit for the onsite sewage treatment and disposal
523 system may be transferred to another person, if the transferee
524 files, within 60 days after the transfer of ownership, an
525 amended application providing all corrected information and
526 proof of ownership of the property. There is no fee associated
527 with the processing of this supplemental information. A person
528 may not contract to construct, modify, alter, repair, service,
529 abandon, or maintain any portion of an onsite sewage treatment
530 and disposal system without being registered under part III of
531 chapter 489. A property owner who personally performs
532 construction, maintenance, or repairs to a system serving his or
533 her own owner-occupied single-family residence is exempt from
534 registration requirements for performing such construction,
535 maintenance, or repairs on that residence, but is subject to all
536 permitting requirements. A municipality or political subdivision
537 of the state may not issue a building or plumbing permit for any
538 building that requires the use of an onsite sewage treatment and
539 disposal system unless the owner or builder has received a



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540 construction permit for such system from the department. A
541 building or structure may not be occupied and a municipality,
542 political subdivision, or any state or federal agency may not
543 authorize occupancy until the department approves the final
544 installation of the onsite sewage treatment and disposal system.
545 A municipality or political subdivision of the state may not
546 approve any change in occupancy or tenancy of a building that
547 uses an onsite sewage treatment and disposal system until the
548 department has reviewed the use of the system with the proposed
549 change, approved the change, and amended the operating permit.

550 (j) An onsite sewage treatment and disposal system for a
551 single-family residence that is designed by a professional
552 engineer registered in the state and certified by such engineer
553 as complying with performance criteria adopted by the department
554 must be approved by the department subject to the following:

555 1. The performance criteria applicable to engineer-
556 designed systems must be limited to those necessary to ensure
557 that such systems do not adversely affect the public health or
558 significantly degrade the groundwater or surface water. Such
559 performance criteria shall include consideration of the quality
560 of system effluent, the proposed total sewage flow per acre,
561 wastewater treatment capabilities of the natural or replaced
562 soil, water quality classification of the potential surface-
563 water-receiving body, and the structural and maintenance
564 viability of the system for the treatment of domestic
565 wastewater. However, performance criteria shall address only
566 the performance of a system and not a system's design.

567 2. The technical review and advisory panel shall assist
568 the department in the development of performance criteria
569 applicable to engineer-designed systems. ~~Workshops on the~~



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570 ~~development of the rules delineating such criteria shall~~
571 ~~commence not later than September 1, 1996, and the department~~
572 ~~shall advertise such rules for public hearing no later than~~
573 ~~October 1, 1997.~~

574 3. A person electing to utilize an engineer-designed
575 system shall, upon completion of the system design, submit such
576 design, certified by a registered professional engineer, to the
577 county health department. The county health department may
578 utilize an outside consultant to review the engineer-designed
579 system, with the actual cost of such review to be borne by the
580 applicant. Within 5 working days after receiving an engineer-
581 designed system permit application, the county health department
582 shall request additional information if the application is not
583 complete. Within 15 working days after receiving a complete
584 application for an engineer-designed system, the county health
585 department either shall issue the permit or, if it determines
586 that the system does not comply with the performance criteria,
587 shall notify the applicant of that determination and refer the
588 application to the department for a determination as to whether
589 the system should be approved, disapproved, or approved with
590 modification. The department engineer's determination shall
591 prevail over the action of the county health department. The
592 applicant shall be notified in writing of the department's
593 determination and of the applicant's rights to pursue a variance
594 or seek review under the provisions of chapter 120.

595 4. The owner of an engineer-designed performance-based
596 system must maintain a current maintenance service agreement
597 with a maintenance entity permitted by the department. The
598 maintenance entity shall obtain a biennial system operating
599 permit from the department for each system under service



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600 contract. The department shall inspect the system at least
601 annually, or on such periodic basis as the fee collected
602 permits, and may collect system-effluent samples if appropriate
603 to determine compliance with the performance criteria. The fee
604 for the biennial operating permit shall be collected beginning
605 with the second year of system operation. The maintenance entity
606 shall inspect each system at least twice each year and shall
607 report quarterly to the department on the number of systems
608 inspected and serviced.

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

613 Section 8. Paragraph (a) of subsection (2) of section
614 381.0072, Florida Statutes, is amended to read:

615 381.0072 Food service protection.--It shall be the duty of
616 the Department of Health to adopt and enforce sanitation rules
617 consistent with law to ensure the protection of the public from
618 food-borne illness. These rules shall provide the standards and
619 requirements for the storage, preparation, serving, or display
620 of food in food service establishments as defined in this
621 section and which are not permitted or licensed under chapter
622 500 or chapter 509.

623 (2) DUTIES.--

624 (a) The department shall adopt rules, including
625 definitions of terms which are consistent with law prescribing
626 minimum sanitation standards and manager certification
627 requirements as prescribed in s. 509.039, and which shall be
628 enforced in food service establishments as defined in this
629 section. The sanitation standards must address the construction,



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630 operation, and maintenance of the establishment; lighting,
631 ventilation, laundry rooms, lockers, use and storage of toxic
632 materials and cleaning compounds, and first-aid supplies; plan
633 review; design, construction, installation, location,
634 maintenance, sanitation, and storage of food equipment and
635 utensils; employee training, health, hygiene, and work
636 practices; food supplies, preparation, storage, transportation,
637 and service, including access to the areas where food is stored
638 or prepared; and sanitary facilities and controls, including
639 water supply and sewage disposal; plumbing and toilet
640 facilities; garbage and refuse collection, storage, and
641 disposal; and vermin control. Public and private schools if the
642 food service is operated by school employees, hospitals licensed
643 under chapter 395, nursing homes licensed under part II of
644 chapter 400, child care facilities as defined in s. 402.301, ~~and~~
645 residential facilities colocated with a nursing home or hospital
646 if all food is prepared in a central kitchen that complies with
647 nursing or hospital regulations, and bars and lounges shall be
648 exempt from the rules developed for manager certification. The
649 department shall administer a comprehensive inspection,
650 monitoring, and sampling program to ensure such standards are
651 maintained. With respect to food service establishments
652 permitted or licensed under chapter 500 or chapter 509, the
653 department shall assist the Division of Hotels and Restaurants
654 of the Department of Business and Professional Regulation and
655 the Department of Agriculture and Consumer Services with
656 rulemaking by providing technical information.

657 Section 9. Section 381.104, Florida Statutes, is created
658 to read:

659 381.104 Employee health and wellness program.--



660 (1) Each state agency may allocate, from existing
661 resources, the necessary funding and facilities for the
662 development and maintenance of an employee health and wellness
663 program and may seek additional funding from other sources to
664 support the program for the benefit of the agency's employees.

665 (2) Each state agency may dedicate resources to develop
666 and coordinate an employee health and wellness program or
667 arrange to cooperate with other agencies in their geographic
668 proximity for program coordination, including providers of state
669 employee benefits.

670 (3) Each state agency may establish an employee health and
671 wellness coordinator and an advisory committee to guide the
672 development of an operational plan, including the collection of
673 data, to plan events and activities, and to oversee program
674 evaluation and the allocation of funds.

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

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

685 (6) Each state agency participating in the program must
686 use an employee health and wellness activity agreement form,
687 which must be completed and signed by the employee, signed by
688 the employee's immediate supervisor, and kept in the employee's
689 personnel file prior to participating in any activity. This form



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690 shall be developed by the Department of Health. It is the
691 responsibility of the employee to complete the form, including
692 the time of the workday the health and wellness activity will be
693 observed and on which days of the week, obtain the signature of
694 his or her supervisor, and submit the form to the personnel
695 office. The employee must submit a revised employee health and
696 wellness activity agreement form prior to any change in the
697 employee's activities.

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

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

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

705 (a) Enter into an agreement or contract with other state
706 agencies, including a state-supported college or university, or
707 with a local or federal department, institution, commission,
708 agency, or private enterprise to present, collaborate, or
709 participate jointly in health or wellness education or activity
710 programs.

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

716 (c) Review and offer recommendations on environmental and
717 social support policies that pertain to improving the health of
718 employees.



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719 (d) Link the employee health and wellness program to
 720 programs such as the employee assistance program and other
 721 related programs to help employees balance work and family.

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

724 (10) Each agency that develops and implements an employee
 725 health and wellness program shall include and document an
 726 evaluation and improvement process to help enhance the program's
 727 efficiency and effectiveness over time.

728 (11) The Department of Health shall provide model program
 729 guidelines for the employee health and wellness program and
 730 shall provide ongoing technical assistance to other state
 731 agencies to assist in developing the agency's employee health
 732 and wellness program.

733 Section 10. Paragraph (e) of subsection (2) of section
 734 381.7353, Florida Statutes, is amended to read:

735 381.7353 Reducing Racial and Ethnic Health Disparities:
 736 Closing the Gap grant program; administration; department
 737 duties.--

738 (2) The department shall:

739 (e) Coordinate with existing community-based programs,
 740 such as chronic disease community intervention programs, cancer
 741 prevention and control programs, diabetes control programs, oral
 742 health care programs, the Healthy Start program, the Florida
 743 KidCare Program, the HIV/AIDS program, immunization programs,
 744 and other related programs at the state and local levels, to
 745 avoid duplication of effort and promote consistency.

746 Section 11. Paragraph (a) of subsection (2) of section
 747 381.7355, Florida Statutes, is amended to read:

748 381.7355 Project requirements; review criteria.--



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749 (2) A proposal must include each of the following
750 elements:

751 (a) The purpose and objectives of the proposal, including
752 identification of the particular racial or ethnic disparity the
753 project will address. The proposal must address one or more of
754 the following priority areas:

755 1. Decreasing racial and ethnic disparities in maternal
756 and infant mortality rates.

757 2. Decreasing racial and ethnic disparities in morbidity
758 and mortality rates relating to cancer.

759 3. Decreasing racial and ethnic disparities in morbidity
760 and mortality rates relating to HIV/AIDS.

761 4. Decreasing racial and ethnic disparities in morbidity
762 and mortality rates relating to cardiovascular disease.

763 5. Decreasing racial and ethnic disparities in morbidity
764 and mortality rates relating to diabetes.

765 6. Increasing adult and child immunization rates in
766 certain racial and ethnic populations.

767 7. Decreasing racial and ethnic disparities in oral health
768 care.

769 Section 12. Section 381.86, Florida Statutes, is created
770 to read:

771 381.86 Review Council for Human Subjects.--

772 (1) The Review Council for Human Subjects is created
773 within the Department of Health to comply with federal
774 requirements under 45 C.F.R. part 46 and 21 C.F.R. parts 50 and
775 56 for an institutional review board to review all biomedical
776 and behavioral research on human subjects which is funded by the
777 department or supported by the department in any manner,



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778 including the permitting of access to department data or
779 department resources.

780 (2) Consistent with federal requirements, the Secretary of
781 Health shall determine and appoint the membership on the council
782 and designate the chair.

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

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

788 (5) The department shall charge for costs incurred by the
789 council for research oversight according to a fee schedule,
790 except that fees shall be waived for any student who is a
791 candidate for a degree at a university located in this state.
792 The fee schedule shall provide for fees for initial review,
793 amendments, and continuing review. The department shall adopt
794 rules necessary to comply with federal requirements and this
795 section. Such rules shall also prescribe procedures for
796 requesting council review.

797 (6) Fees collected pursuant to this section shall be
798 deposited into the department's Administrative Trust Fund and
799 used solely for the purpose of administering the program
800 authorized by this section.

801 Section 13. Paragraphs (b) and (c) of subsection (3) of
802 section 381.89, Florida Statutes, are amended to read:

803 381.89 Regulation of tanning facilities.--

804 (3)

805 (b) The department shall establish procedures for the
806 issuance and annual renewal of licenses and shall establish
807 annual license and renewal fees and late payment fees in an



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808 amount necessary to cover the expenses of administering this
 809 section. Annual license and renewal fees may not ~~shall~~ be ~~not~~
 810 ~~less than \$125 nor~~ more than \$250 per tanning device and a
 811 maximum total fee per individual tanning facility may be set by
 812 rule. ~~Effective October 1, 1991, the fee amount shall be the~~
 813 ~~minimum fee proscribed in this paragraph and such fee amount~~
 814 ~~shall remain in effect until the effective date of a fee~~
 815 ~~schedule adopted by the department.~~

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

820 Section 14. Subsection (3) and paragraph (a) of subsection
 821 (7) of section 381.90, Florida Statutes, are amended to read:

822 381.90 Health Information Systems Council; legislative
 823 intent; creation, appointment, duties.--

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

826 (a) The Secretary of ~~the Department of Health.~~;

827 (b) The Executive Director ~~secretary~~ of the Department of
 828 Veterans' Affairs. ~~Business and Professional Regulation;~~

829 (c) The Secretary of ~~the Department of Children and Family~~
 830 Services.;

831 (d) The Secretary of Health Care Administration.;

832 (e) The Secretary of ~~the Department of Corrections.~~;

833 (f) The Attorney General.;

834 (g) The Executive Director of the Correctional Medical
 835 Authority.;



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836 (h) Two members representing county health departments,
 837 one from a small county and one from a large county, appointed
 838 by the Governor. ;

839 (i) A representative from the Florida Association of
 840 Counties. ;

841 (j) The Chief Financial Officer. ~~State Treasurer and~~
 842 ~~Insurance Commissioner;~~

843 (k) A representative from the Florida Healthy Kids
 844 Corporation. ;

845 (l) A representative from a school of public health chosen
 846 by the Commissioner of Education. ~~Board of Regents;~~

847 (m) The Commissioner of Education. ;

848 (n) The Secretary of ~~the Department of~~ Elderly Affairs. ;
 849 ~~and~~

850 (o) The Secretary of ~~the Department of~~ Juvenile Justice.

851

852 Representatives of the Federal Government may serve without
 853 voting rights.

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

856 (a) By June ~~March~~ 1 of each year, to develop and approve a
 857 strategic plan pursuant to the requirements set forth in s.
 858 186.022(9). Copies of the plan shall be transmitted
 859 electronically or in writing to the Executive Office of the
 860 Governor, the Speaker of the House of Representatives, and the
 861 President of the Senate.

862 Section 15. Subsections (1) and (2), paragraphs (f) and
 863 (g) of subsection (3), and subsection (5) of section 383.14,
 864 Florida Statutes, are amended to read:



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865 383.14 Screening for metabolic disorders, other hereditary
866 and congenital disorders, and environmental risk factors.--

867 (1) SCREENING REQUIREMENTS.--To help ensure access to the
868 maternal and child health care system, the Department of Health
869 shall promote the screening of all newborns ~~infants~~ born in
870 Florida for phenylketonuria and other metabolic, hereditary, and
871 congenital disorders known to result in significant impairment
872 of health or intellect, as screening programs accepted by
873 current medical practice become available and practical in the
874 judgment of the department. The department shall also promote
875 the identification and screening of all newborns ~~infants~~ born in
876 this state and their families for environmental risk factors
877 such as low income, poor education, maternal and family stress,
878 emotional instability, substance abuse, and other high-risk
879 conditions associated with increased risk of infant mortality
880 and morbidity to provide early intervention, remediation, and
881 prevention services, including, but not limited to, parent
882 support and training programs, home visitation, and case
883 management. Identification, perinatal screening, and
884 intervention efforts shall begin prior to and immediately
885 following the birth of the child by the attending health care
886 provider. Such efforts shall be conducted in hospitals,
887 perinatal centers, county health departments, school health
888 programs that provide prenatal care, and birthing centers, and
889 reported to the Office of Vital Statistics.

890 (a) Prenatal screening.--The department shall develop a
891 multilevel screening process that includes a risk assessment
892 instrument to identify women at risk for a preterm birth or
893 other high-risk condition. The primary health care provider
894 shall complete the risk assessment instrument and report the



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895 results to the Office of Vital Statistics so that the woman may
896 immediately be notified and referred to appropriate health,
897 education, and social services.

898 (b) Postnatal screening.--A risk factor analysis using the
899 department's designated risk assessment instrument shall also be
900 conducted as part of the medical screening process upon the
901 birth of a child and submitted to the department's Office of
902 Vital Statistics for recording and other purposes provided for
903 in this chapter. The department's screening process for risk
904 assessment shall include a scoring mechanism and procedures that
905 establish thresholds for notification, further assessment,
906 referral, and eligibility for services by professionals or
907 paraprofessionals consistent with the level of risk. Procedures
908 for developing and using the screening instrument, notification,
909 referral, and care coordination services, reporting
910 requirements, management information, and maintenance of a
911 computer-driven registry in the Office of Vital Statistics which
912 ensures privacy safeguards must be consistent with the
913 provisions and plans established under chapter 411, Pub. L. No.
914 99-457, and this chapter. Procedures established for reporting
915 information and maintaining a confidential registry must include
916 a mechanism for a centralized information depository at the
917 state and county levels. The department shall coordinate with
918 existing risk assessment systems and information registries.
919 The department must ensure, to the maximum extent possible, that
920 the screening information registry is integrated with the
921 department's automated data systems, including the Florida On-
922 line Recipient Integrated Data Access (FLORIDA) system. Tests
923 and screenings must be performed by the State Public Health
924 Laboratory, in coordination with Children's Medical Services, at



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925 such times and in such manner as is prescribed by the department
926 after consultation with the Genetics and Newborn Infant
927 Screening Advisory Council and the State Coordinating Council
928 for School Readiness Programs.

929 (2) RULES.--After consultation with the Genetics and
930 Newborn Infant Screening Advisory Council, the department shall
931 adopt and enforce rules requiring that every newborn infant born
932 in this state shall, prior to becoming 2 weeks of age, be
933 subjected to a test for phenylketonuria and, at the appropriate
934 age, be tested for such other metabolic diseases and hereditary
935 or congenital disorders as the department may deem necessary
936 from time to time. After consultation with the State
937 Coordinating Council for School Readiness Programs, the
938 department shall also adopt and enforce rules requiring every
939 newborn infant born in this state to be screened for
940 environmental risk factors that place children and their
941 families at risk for increased morbidity, mortality, and other
942 negative outcomes. The department shall adopt such additional
943 rules as are found necessary for the administration of this
944 section, including rules providing definitions of terms, rules
945 relating to the methods used and time or times for testing as
946 accepted medical practice indicates, rules relating to charging
947 and collecting fees for screenings authorized by this section,
948 and rules requiring mandatory reporting of the results of tests
949 and screenings for these conditions to the department.

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

953 (f) Promote the availability of genetic studies and
954 counseling in order that the parents, siblings, and affected



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955 newborns ~~infants~~ may benefit from available knowledge of the
956 condition.

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

959 1. A fee of \$20 will be charged for each live birth, as
960 recorded by the Office of Vital Statistics, occurring in a
961 hospital licensed under part I of chapter 395 or a birth center
962 licensed under s. 383.305, up to 3,000 live births per licensed
963 hospital per year or over 60 births per birth center per year.
964 The department shall calculate the annual assessment for each
965 hospital and birth center, and this assessment must be paid in
966 equal amounts quarterly. Quarterly, the department shall
967 generate and mail to each hospital and birth center a statement
968 of the amount due.

969 2. As part of the department's legislative budget request
970 prepared pursuant to chapter 216, the department shall submit a
971 certification by the department's inspector general, or the
972 director of auditing within the inspector general's office, of
973 the annual costs of the uniform testing and reporting procedures
974 of the newborn ~~infant~~ screening program. In certifying the
975 annual costs, the department's inspector general or the director
976 of auditing within the inspector general's office shall
977 calculate the direct costs of the uniform testing and reporting
978 procedures, including applicable administrative costs.
979 Administrative costs shall be limited to those department costs
980 which are reasonably and directly associated with the
981 administration of the uniform testing and reporting procedures
982 of the newborn ~~infant~~ screening program.

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984 All provisions of this subsection must be coordinated with the
 985 provisions and plans established under this chapter, chapter
 986 411, and Pub. L. No. 99-457.

987 (5) ADVISORY COUNCIL.--There is established a Genetics and
 988 Newborn Infant Screening Advisory Council made up of 12 members
 989 appointed by the Secretary of Health. The council shall be
 990 composed of two consumer members, three practicing
 991 pediatricians, at least one of whom must be a pediatric
 992 hematologist, one representative from each of the four medical
 993 schools in the state, the Secretary of Health or his or her
 994 designee, one representative from the Department of Health
 995 representing Children's Medical Services, and one representative
 996 from the Developmental Disabilities Program Office of the
 997 Department of Children and Family Services. All appointments
 998 shall be for a term of 4 years. The chairperson of the council
 999 shall be elected from the membership of the council and shall
 1000 serve for a period of 2 years. The council shall meet at least
 1001 semiannually or upon the call of the chairperson. The council
 1002 may establish ad hoc or temporary technical advisory groups to
 1003 assist the council with specific topics which come before the
 1004 council. Council members shall serve without pay. Pursuant to
 1005 the provisions of s. 112.061, the council members are entitled
 1006 to be reimbursed for per diem and travel expenses. It is the
 1007 purpose of the council to advise the department about:

1008 (a) Conditions for which testing should be included under
 1009 the screening program and the genetics program.;

1010 (b) Procedures for collection and transmission of
 1011 specimens and recording of results.;~~and~~

1012 (c) Methods whereby screening programs and genetics
 1013 services for children now provided or proposed to be offered in



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1014 the state may be more effectively evaluated, coordinated, and
 1015 consolidated.

1016 Section 16. Section 384.25, Florida Statutes, is amended
 1017 to read:

1018 384.25 Reporting required.--

1019 (1) Each person who makes a diagnosis of or treats a
 1020 person with a sexually transmissible disease and each laboratory
 1021 that performs a test for a sexually transmissible disease which
 1022 concludes with a positive result shall report such facts as may
 1023 be required by the department by rule, within a time period as
 1024 specified by rule of the department, but in no case to exceed 2
 1025 weeks.

1026 (a)(2) The department shall adopt rules specifying the
 1027 information required in and a minimum time period for reporting
 1028 a sexually transmissible disease. In adopting such rules, the
 1029 department shall consider the need for information, protections
 1030 for the privacy and confidentiality of the patient, and the
 1031 practical ability of persons and laboratories to report in a
 1032 reasonable fashion. To ensure the confidentiality of persons
 1033 infected with the human immunodeficiency virus (HIV), reporting
 1034 of HIV infection and acquired immune deficiency syndrome (AIDS)
 1035 must be conducted using a system ~~the HIV/AIDS Reporting System~~
 1036 ~~(HARS)~~ developed by the Centers for Disease Control and
 1037 Prevention of the United States Public Health Service or an
 1038 equivalent system.

1039 (b)(3) The department shall require reporting of ~~physician~~
 1040 ~~diagnosed~~ cases of AIDS and HIV infection consistent with based
 1041 ~~upon diagnostic criteria~~ for surveillance-case definition for
 1042 HIV/AIDS reporting from the Centers for Disease Control and
 1043 Prevention.



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1044 ~~(c)(4)~~ The department shall ~~may~~ require physician and
1045 laboratory reporting of HIV infection. ~~However, only reports of~~
1046 ~~HIV infection identified on or after the effective date of the~~
1047 ~~rule developed by the department pursuant to this subsection~~
1048 ~~shall be accepted.~~ The Reporting may not affect or relate to
1049 anonymous HIV testing programs conducted pursuant to s.
1050 381.004(4) ~~or to university-based medical research protocols as~~
1051 ~~determined by the department.~~

1052 ~~(2)(5)~~ After notification of the test subject ~~under~~
1053 ~~subsection (4)~~, the department may, with the consent of the test
1054 subject, notify school superintendents of students and school
1055 personnel whose HIV tests are positive.

1056 (3) The department shall adopt rules requiring each
1057 physician and laboratory to report any newborn or infant up to
1058 18 months of age who has been exposed to HIV. The rules may
1059 include the method and time period for reporting, information to
1060 be included in the report, requirements for enforcement, and
1061 followup activities by the department.

1062 ~~(4)(6)~~ The department shall by February 1 of each year
1063 submit to the Legislature an annual report relating to all
1064 information obtained pursuant to this section.

1065 ~~(5)(7)~~ Each person who violates the provisions of this
1066 section or the rules adopted hereunder may be fined by the
1067 department up to \$500 for each offense. The department shall
1068 report each violation of this section to the regulatory agency
1069 responsible for licensing each health care professional and each
1070 laboratory to which these provisions apply.

1071 Section 17. Subsection (1) of section 385.204, Florida
1072 Statutes, is amended to read:



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1073 385.204 Insulin; purchase, distribution; penalty for
 1074 fraudulent application for and obtaining of insulin.--

1075 (1) The Department of Health, to the extent funds are
 1076 available, shall purchase and distribute insulin through its
 1077 agents or other appropriate agent of the state or Federal
 1078 Government in any county or municipality in the state to any
 1079 bona fide resident of this state suffering from diabetes ~~or a~~
 1080 ~~kindred disease~~ requiring insulin in its treatment who makes
 1081 application for insulin and furnishes proof of his or her
 1082 financial inability to purchase in accordance with the rules
 1083 adopted ~~promulgated~~ by the department concerning the
 1084 distribution of insulin.

1085 Section 18. Subsection (2) of section 391.021, Florida
 1086 Statutes, is amended to read:

1087 391.021 Definitions.--When used in this act, unless the
 1088 context clearly indicates otherwise:

1089 (2) "Children with special health care needs" means those
 1090 children under the age of 21 years who have, or are at increased
 1091 risk for, chronic physical, developmental, behavioral, or
 1092 emotional conditions and who also require health care and
 1093 related services of a type or amount beyond that which is
 1094 generally required by children ~~whose serious or chronic physical~~
 1095 ~~or developmental conditions require extensive preventive and~~
 1096 ~~maintenance care beyond that required by typically healthy~~
 1097 ~~children. Health care utilization by these children exceeds the~~
 1098 ~~statistically expected usage of the normal child adjusted for~~
 1099 ~~chronological age. These children often need complex care~~
 1100 ~~requiring multiple providers, rehabilitation services, and~~
 1101 ~~specialized equipment in a number of different settings.~~



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1102 Section 19. Section 391.025, Florida Statutes, is amended
 1103 to read:

1104 391.025 Applicability and scope.--

1105 ~~(1) This act applies to health services provided to~~
 1106 ~~eligible individuals who are:~~

1107 ~~(a) Enrolled in the Medicaid program;~~

1108 ~~(b) Enrolled in the Florida Kidcare program; and~~

1109 ~~(c) Uninsured or underinsured, provided that they meet the~~
 1110 ~~financial eligibility requirements established in this act, and~~
 1111 ~~to the extent that resources are appropriated for their care.~~

1112 (1)(2) The Children's Medical Services program consists of
 1113 the following components:

1114 (a) The newborn ~~infant metabolic~~ screening program
 1115 established in s. 383.14.

1116 (b) The regional perinatal intensive care centers program
 1117 established in ss. 383.15-383.21.

1118 (c) A federal or state program authorized by the
 1119 Legislature.

1120 (d) The developmental evaluation and intervention program,
 1121 including the Florida Infants and Toddlers Early Intervention
 1122 Program.

1123 (e) The Children's Medical Services network.

1124 (2)(3) The Children's Medical Services program shall not
 1125 be deemed an insurer and is not subject to the licensing
 1126 requirements of the Florida Insurance Code or the rules of the
 1127 Department of Insurance, when providing services to children who
 1128 receive Medicaid benefits, other Medicaid-eligible children with
 1129 special health care needs, and children participating in the
 1130 Florida Kidcare program.



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1131 Section 20. Section 391.029, Florida Statutes, is amended
 1132 to read:

1133 391.029 Program eligibility.--

1134 (1) The department shall establish the medical criteria to
 1135 determine if an applicant for the Children's Medical Services
 1136 program is an eligible individual.

1137 (2) The following individuals are financially eligible to
 1138 receive services through ~~for~~ the program:

1139 (a) A high-risk pregnant female who is eligible for
 1140 Medicaid.

1141 (b) Children ~~A child~~ with special health care needs from
 1142 birth to ~~age~~ 21 years of age who are ~~is~~ eligible for Medicaid.

1143 (c) Children ~~A child~~ with special health care needs from
 1144 birth to ~~age~~ 19 years of age who are ~~is~~ eligible for a program
 1145 under Title XXI of the Social Security Act.

1146 (3) Subject to the availability of funds, the following
 1147 individuals may receive services through the program:

1148 (a)~~(d)~~ Children ~~A child~~ with special health care needs
 1149 from birth to ~~age~~ 21 years of age whose family income is above
 1150 financial eligibility requirements under Title XXI of the Social
 1151 Security Act and whose projected annual cost of care adjusts the
 1152 family income to Medicaid financial criteria. In cases where
 1153 the family income is adjusted based on a projected annual cost
 1154 of care, the family shall participate financially in the cost of
 1155 care based on criteria established by the department.

1156 (b)~~(e)~~ Children ~~A child~~ with special health care needs
 1157 from birth to 21 years of age, as provided ~~defined~~ in Title V of
 1158 the Social Security Act ~~relating to children with special health~~
 1159 ~~care needs.~~

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1161 ~~The department may continue to serve certain children with~~
1162 ~~special health care needs who are 21 years of age or older and~~
1163 ~~who were receiving services from the program prior to April 1,~~
1164 ~~1998. Such children may be served by the department until July~~
1165 ~~1, 2000.~~

1166 (4)~~(3)~~ The department shall determine the financial and
1167 medical eligibility of children for the program. The department
1168 shall also determine the financial ability of the parents, or
1169 persons or other agencies having legal custody over such
1170 individuals, to pay the costs of health services under the
1171 program. The department may pay reasonable travel expenses
1172 related to the determination of eligibility for or the provision
1173 of health services.

1174 (5)~~(4)~~ Any child who has been provided with surgical or
1175 medical care or treatment under this act prior to being adopted
1176 shall continue to be eligible to be provided with such care or
1177 treatment after his or her adoption, regardless of the financial
1178 ability of the persons adopting the child.

1179 Section 21. Subsection (4) is added to section 391.055,
1180 Florida Statutes, to read:

1181 391.055 Service delivery systems.--

1182 (4) If a newborn has a presumptively abnormal screening
1183 result for metabolic or other hereditary and congenital
1184 disorders which is identified through the newborn screening
1185 program pursuant to s. 383.14, the newborn shall be referred to
1186 the Children's Medical Services network for confirmatory
1187 testing, medical management, or medical referral.

1188 Section 22. Section 391.309, Florida Statutes, is created
1189 to read:



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1190 391.309 Florida Infants and Toddlers Early Intervention
 1191 Program.--The Department of Health may implement and administer
 1192 Part C of the federal Individuals with Disabilities Education
 1193 Act (IDEA), which shall be known as the Florida Infants and
 1194 Toddlers Early Intervention Program.

1195 (1) The department, jointly with the Department of
 1196 Education, shall annually prepare a grant application to the
 1197 United States Department of Education for funding early
 1198 intervention services for infants and toddlers with
 1199 disabilities, ages birth through 36 months, and their families
 1200 pursuant to Part C of the federal Individuals with Disabilities
 1201 Education Act.

1202 (2) The department shall ensure that no early intervention
 1203 provider participating in the program provides both core and
 1204 required services without a waiver from the Deputy Secretary for
 1205 Children's Medical Services, or his or her designee, as
 1206 expressed in the contract between the department and the
 1207 provider. For purposes of this section, core services are
 1208 limited to child find and referral services, family support
 1209 planning, service coordination, and multidisciplinary
 1210 evaluation.

1211 Section 23. Subsection (5) of section 393.064, Florida
 1212 Statutes, is amended to read:

1213 393.064 Prevention.--

1214 (5) The Department of Health ~~Children and Family Services~~
 1215 shall have the authority, within available resources, to
 1216 contract for the supervision and management of the Raymond C.
 1217 Philips Research and Education Unit, and such contract shall
 1218 include specific program objectives.



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1219 Section 24. Subsection (10) of section 394.4615, Florida
 1220 Statutes, is amended to read:

1221 394.4615 Clinical records; confidentiality.--

1222 (10) Patients shall have reasonable access to their
 1223 clinical records, unless such access is determined by the
 1224 patient's physician to be a danger to the patient's life or
 1225 safety ~~harmful to the patient~~. If the patient's right to inspect
 1226 his or her clinical record is restricted by the facility,
 1227 written notice of such restriction shall be given to the patient
 1228 and the patient's guardian, guardian advocate, attorney, and
 1229 representative. In addition, the restriction shall be recorded
 1230 in the clinical record, together with the reasons for it. The
 1231 restriction of a patient's right to inspect his or her clinical
 1232 record shall expire after 7 days but may be renewed, after
 1233 review, for subsequent 7-day periods.

1234 Section 25. Section 394.9151, Florida Statutes, is amended
 1235 to read:

1236 394.9151 Contract authority.--The Department of Children
 1237 and Family Services may contract with a private entity or state
 1238 agency for use of and operation of facilities to comply with the
 1239 requirements of this act. ~~The department of Children and Family~~
 1240 ~~Services~~ may also contract with the Correctional Privatization
 1241 Commission as defined in chapter 957 to issue a request for
 1242 proposals and monitor contract compliance for these services.
 1243 The department may enter an agreement or may contract with the
 1244 Correctional Medical Authority as defined in chapter 945 to
 1245 conduct surveys of medical services and to provide medical
 1246 quality assurance and improvement assistance at secure
 1247 confinement and treatment facilities for persons confined under
 1248 this part.



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1249 Section 26. Paragraphs (a) and (e) of subsection (4) and
1250 paragraph (b) of subsection (7) of section 395.3025, Florida
1251 Statutes, are amended, and a new paragraph (1) is added to
1252 subsection (4) of said section, to read:

1253 395.3025 Patient and personnel records; copies;
1254 examination.--

1255 (4) Patient records are confidential and must not be
1256 disclosed without the consent of the person to whom they
1257 pertain, but appropriate disclosure may be made without such
1258 consent to:

1259 (a) ~~Licensed~~ Facility personnel and all other licensed
1260 health care practitioners attending physicians for use in
1261 connection with the treatment of the patient.

1262 (e) The Department of Health ~~agency~~ upon subpoena issued
1263 pursuant to s. 456.071, but the records obtained thereby must be
1264 used solely for the purpose of the department ~~agency~~ and the
1265 appropriate professional board in its investigation,
1266 prosecution, and appeal of disciplinary proceedings. The
1267 administrator or records custodian in a facility licensed under
1268 this chapter shall certify that a true and complete copy of the
1269 records requested pursuant to a subpoena or patient release have
1270 been provided to the department or otherwise identify those
1271 documents that have not been provided. If the department ~~agency~~
1272 requests copies of the records, the facility shall charge no
1273 more than its actual copying costs, including reasonable staff
1274 time. The records must be sealed and must not be available to
1275 the public pursuant to s. 119.07(1) or any other statute
1276 providing access to records, nor may they be available to the
1277 public as part of the record of investigation for and
1278 prosecution in disciplinary proceedings made available to the



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1279 public by the department ~~agency~~ or the appropriate regulatory
 1280 board. However, the department ~~agency~~ must make available, upon
 1281 written request by a practitioner against whom probable cause
 1282 has been found, any such records that form the basis of the
 1283 determination of probable cause.

1284 (1) Researchers or facility personnel for research
 1285 purposes, provided that the researchers or facility personnel
 1286 demonstrate compliance with the requirements of 45 C.F.R. s.
 1287 164.512(i).

1288 (7)

1289 (b) Absent a specific written release or authorization
 1290 permitting utilization of patient information for ~~solicitation~~
 1291 ~~or~~ marketing the sale of goods or services, any use of such ~~that~~
 1292 information for that purpose ~~those purposes~~ is prohibited. For
 1293 purposes of this paragraph, the term "marketing" is defined as
 1294 set forth in 45 C.F.R. s. 164.501.

1295 Section 27. Subsection (2) of section 395.404, Florida
 1296 Statutes, is amended to read:

1297 395.404 Review of trauma registry data; confidentiality
 1298 and limited release.--

1299 (2) Notwithstanding the provisions of s. 381.74, each
 1300 trauma center and acute care hospital shall submit severe
 1301 disability and head-injury registry data to the department as
 1302 provided by rule. Each trauma center and acute care hospital
 1303 shall continue to provide initial notification of any person who
 1304 has a moderate-to-severe brain or spinal cord injury ~~persons who~~
 1305 ~~have severe disabilities and head injuries~~ to the brain and
 1306 spinal cord injury central registry of the Department of Health
 1307 within timeframes provided in s. 381.74 ~~chapter 413~~. Such
 1308 initial notification shall be made in the manner prescribed by



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1309 the Department of Health for the purpose of providing timely
 1310 ~~vocational~~ rehabilitation and transitional services to an
 1311 individual who sustains traumatic moderate-to-severe brain or
 1312 spinal cord injury to enable such individual to return to his or
 1313 her community ~~services to the severely disabled or head-injured~~
 1314 ~~person.~~

1315 Section 28. Paragraph (b) of subsection (2) of section
 1316 395.7015, Florida Statutes, is amended to read:

1317 395.7015 Annual assessment on health care entities.--

1318 (2) There is imposed an annual assessment against certain
 1319 health care entities as described in this section:

1320 (b) For the purpose of this section, "health care
 1321 entities" include the following:

1322 1. Ambulatory surgical centers and mobile surgical
 1323 facilities licensed under s. 395.003. This subsection shall only
 1324 apply to mobile surgical facilities operating under contracts
 1325 entered into on or after July 1, 1998.

1326 2. Clinical laboratories licensed under s. 483.091,
 1327 excluding any hospital laboratory defined under s. 483.041(6),
 1328 any clinical laboratory operated by the state or a political
 1329 subdivision of the state, any clinical laboratory which
 1330 qualifies as an exempt organization under s. 501(c)(3) of the
 1331 Internal Revenue Code of 1986, as amended, and which receives 70
 1332 percent or more of its gross revenues from services to charity
 1333 patients or Medicaid patients, and any blood, plasma, or tissue
 1334 bank procuring, storing, or distributing blood, plasma, or
 1335 tissue either for future manufacture or research or distributed
 1336 on a nonprofit basis, and further excluding any clinical
 1337 laboratory which is wholly owned and operated by 6 or fewer
 1338 physicians who are licensed pursuant to chapter 458 or chapter



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1339 459 and who practice in the same group practice, and at which no
 1340 clinical laboratory work is performed for patients referred by
 1341 any health care provider who is not a member of the same group.

1342 3. Diagnostic-imaging centers that are freestanding
 1343 outpatient facilities that provide specialized services for the
 1344 identification or determination of a disease through examination
 1345 and also provide sophisticated radiological services, and in
 1346 which services are rendered by a physician licensed by the Board
 1347 of Medicine under s. 458.311, ~~s. 458.313~~, or s. 458.315 ~~458.317~~,
 1348 or by an osteopathic physician licensed by the Board of
 1349 Osteopathic Medicine under s. 459.006, s. 459.007, or s.
 1350 459.0075. For purposes of this paragraph, "sophisticated
 1351 radiological services" means the following: magnetic resonance
 1352 imaging; nuclear medicine; angiography; arteriography; computed
 1353 tomography; positron emission tomography; digital vascular
 1354 imaging; bronchography; lymphangiography; splenography;
 1355 ultrasound, excluding ultrasound providers that are part of a
 1356 private physician's office practice or when ultrasound is
 1357 provided by two or more physicians licensed under chapter 458 or
 1358 chapter 459 who are members of the same professional association
 1359 and who practice in the same medical specialties; and such other
 1360 sophisticated radiological services, excluding mammography, as
 1361 adopted in rule by the board.

1362 Section 29. Subsection (10) of section 400.141, Florida
 1363 Statutes, is amended to read:

1364 400.141 Administration and management of nursing home
 1365 facilities.--Every licensed facility shall comply with all
 1366 applicable standards and rules of the agency and shall:

1367 (10) Keep full records of resident admissions and
 1368 discharges; medical and general health status, including medical



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1369 records, personal and social history, and identity and address
 1370 of next of kin or other persons who may have responsibility for
 1371 the affairs of the residents; and individual resident care plans
 1372 including, but not limited to, prescribed services, service
 1373 frequency and duration, and service goals. The records shall be
 1374 open to inspection by the agency. A certified complete copy of
 1375 the records shall be provided to the Department of Health upon
 1376 subpoena issued pursuant to ss. 456.057 and 456.071. The
 1377 provisions of chapter 456 shall apply to the records obtained
 1378 pursuant to this section.

1379 Section 30. Subsection (3) is added to section 400.145,
 1380 Florida Statutes, to read:

1381 400.145 Records of care and treatment of resident; copies
 1382 to be furnished.--

1383 (3) The administrator or records custodian in a facility
 1384 licensed under this chapter shall certify that a true and
 1385 complete copy of the records requested pursuant to a subpoena or
 1386 patient release have been provided to the department or
 1387 otherwise identify those documents that have not been provided.

1388 Section 31. Paragraph (a) of subsection (4) of section
 1389 400.211, Florida Statutes, is amended to read:

1390 400.211 Persons employed as nursing assistants;
 1391 certification requirement.--

1392 (4) When employed by a nursing home facility for a 12-
 1393 month period or longer, a nursing assistant, to maintain
 1394 certification, shall submit to a performance review every 12
 1395 months and must receive regular inservice education based on the
 1396 outcome of such reviews. The inservice training must:



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1397 (a) Be sufficient to ensure the continuing competence of
 1398 nursing assistants, must be at least 12 ~~18~~ hours per year, and
 1399 may include hours accrued under s. 464.203 (7) ~~(8)~~;

1400
 1401 Costs associated with this training may not be reimbursed from
 1402 additional Medicaid funding through interim rate adjustments.

1403 Section 32. Section 400.455, Florida Statutes, is created
 1404 to read:

1405 400.455 Certified copy of subpoenaed records.--Upon a
 1406 subpoena issued by the Department of Health pursuant to s.
 1407 456.057 or s. 456.071, a certified complete copy of the
 1408 requested records shall be provided. The provisions of chapter
 1409 456 shall apply to the records obtained pursuant to this
 1410 section.

1411 Section 33. Subsection (2) of section 401.113, Florida
 1412 Statutes, is amended to read:

1413 401.113 Department; powers and duties.--

1414 (2)(a) The department shall annually dispense funds
 1415 contained in the Emergency Medical Services Trust Fund as
 1416 follows:

1417 1.(a) Forty-five percent of such moneys must be divided
 1418 among the counties according to the proportion of the combined
 1419 amount deposited in the trust fund from the county. These funds
 1420 may not be used to match grant funds as identified in
 1421 subparagraph 2. paragraph(b). An individual board of county
 1422 commissioners may distribute these funds to emergency medical
 1423 service organizations within the county, as it deems
 1424 appropriate.

1425 2.(b) Forty percent of such moneys must be used by the
 1426 department for making matching grants to local agencies,



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1427 municipalities, and emergency medical services organizations for
 1428 the purpose of conducting research, increasing existing levels
 1429 of emergency medical services, evaluation, community education,
 1430 injury prevention programs, and training in cardiopulmonary
 1431 resuscitation and other lifesaving and first aid techniques.

1432 a.1- At least 90 percent of these moneys must be made
 1433 available on a cash matching basis. A grant made under this
 1434 sub-subparagraph ~~subparagraph~~ must be contingent upon the
 1435 recipient providing a cash sum equal to 25 percent of the total
 1436 department-approved grant amount.

1437 b.2- No more than 10 percent of these moneys must be made
 1438 available to rural emergency medical services, and
 1439 notwithstanding the restrictions specified in subsection (1),
 1440 these moneys may be used for improvement, expansion, or
 1441 continuation of services provided. A grant made under this sub-
 1442 subparagraph ~~subparagraph~~ must be contingent upon the recipient
 1443 providing a cash sum equal to no more than 10 percent of the
 1444 total department-approved grant amount.

1445
 1446 The department shall develop procedures and standards for grant
 1447 disbursement under this subparagraph ~~paragraph~~ based on the need
 1448 for emergency medical services, the requirements of the
 1449 population to be served, and the objectives of the state
 1450 emergency medical services plan.

1451 3.(e) Fifteen percent of such moneys must be used by the
 1452 department for capital equipment outlay, personnel, community
 1453 education, evaluation, and other costs associated with the
 1454 administration of this chapter. Any moneys not annually used for
 1455 this purpose must be used for making additional rural grant
 1456 funds available.



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1457 (b) Notwithstanding any other provision of law to the
1458 contrary, any interest generated from grant funds may be
1459 expended by the grantee on the budget items approved by the
1460 department. Grantees receiving funds that require a match may
1461 not expend interest funds until all match requirements have been
1462 satisfied. Such grantees shall return to the department any
1463 interest and grant funds not expended at the conclusion of the
1464 grant period. All such returned funds shall be used by the
1465 department for additional matching grant awards.

1466 Section 34. Section 401.211, Florida Statutes, is amended
1467 to read:

1468 401.211 Legislative intent.--The Legislature recognizes
1469 that the systematic provision of emergency medical services
1470 saves lives and reduces disability associated with illness and
1471 injury. In addition, that system of care must be equally capable
1472 of assessing, treating, and transporting children, adults, and
1473 frail elderly persons. Further, it is the intent of the
1474 Legislature to encourage the development and maintenance of
1475 emergency medical services because such services are essential
1476 to the health and well-being of all citizens of the state. The
1477 Legislature also recognizes that the establishment of a
1478 comprehensive statewide injury prevention and control program
1479 supports state and community health systems by further enhancing
1480 the total delivery system of emergency medical services and
1481 reduces injuries for all persons. The purpose of this part is to
1482 protect and enhance the public health, welfare, and safety
1483 through the establishment of an emergency medical services state
1484 plan, an advisory council, a comprehensive statewide injury
1485 prevention and control program, minimum standards for emergency
1486 medical services personnel, vehicles, services and medical



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1487 direction, and the establishment of a statewide inspection
 1488 program created to monitor the quality of patient care delivered
 1489 by each licensed service and appropriately certified personnel.

1490 Section 35. Section 401.243, Florida Statutes, is created
 1491 to read:

1492 401.243 Injury prevention and control.--The injury
 1493 prevention and control program is responsible for the statewide
 1494 coordination and expansion of injury prevention and control
 1495 activities. The duties of the department may include, but are
 1496 not limited to, data collection, surveillance, education, and
 1497 the promotion of interventions. The department may:

1498 (1) Assist county health departments and community and
 1499 other state agencies by serving as a focal point for injury
 1500 prevention expertise and guidance.

1501 (2) Seek, receive, and expend any funds received through
 1502 appropriations, grants, donations, or contributions from public
 1503 or private sources for program purposes.

1504 (3) Adopt rules related to the activities of the program,
 1505 including, but not limited to, those needed for implementation
 1506 of injury prevention and control activities, data collection,
 1507 surveillance, education, promotion of interventions, and
 1508 assistance to other entities.

1509 (4) Develop, and revise as necessary, a comprehensive
 1510 state plan for injury prevention and control.

1511 Section 36. Subsections (3), (4), (5), and (13) of section
 1512 401.27, Florida Statutes, are amended, and subsection (14) is
 1513 added to said section, to read:

1514 401.27 Personnel; standards and certification.--

1515 (3) Any person who desires to be certified or recertified
 1516 as an emergency medical technician or paramedic must apply to



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1517 the department under oath on forms provided by the department
1518 which shall contain such information as the department
1519 reasonably requires, which may include affirmative evidence of
1520 ability to comply with applicable laws and rules. The department
1521 may accept electronically submitted applications. If an
1522 application is submitted electronically, the department may
1523 require supplemental materials, including an original signature
1524 of the applicant and documentation verifying eligibility for
1525 certification to be submitted in a nonelectronic format. The
1526 department shall determine whether the applicant meets the
1527 requirements specified in this section and in rules of the
1528 department and shall issue a certificate to any person who meets
1529 such requirements.

1530 (4) An applicant for certification or recertification as
1531 an emergency medical technician or paramedic must:

1532 (a) Have completed an appropriate training course as
1533 follows:

1534 1. For an emergency medical technician, an emergency
1535 medical technician training course equivalent to the most recent
1536 emergency medical technician basic training course of the United
1537 States Department of Transportation as approved by the
1538 department. †

1539 2. For a paramedic, a paramedic training program
1540 equivalent to the most recent paramedic course of the United
1541 States Department of Transportation as approved by the
1542 department. †

1543 (b) Certify ~~under oath~~ that he or she is not addicted to
1544 alcohol or any controlled substance. †



1545 (c) Certify ~~under oath~~ that he or she is free from any
 1546 physical or mental defect or disease that might impair the
 1547 applicant's ability to perform his or her duties. +

1548 (d) Within 1 year after course completion have passed an
 1549 examination developed or required by the department. +

1550 (e)1. For an emergency medical technician, hold either a
 1551 current American Heart Association cardiopulmonary resuscitation
 1552 course card or an American Red Cross cardiopulmonary
 1553 resuscitation course card or its equivalent as defined by
 1554 department rule. +

1555 2. For a paramedic, hold a certificate of successful
 1556 course completion in advanced cardiac life support from the
 1557 American Heart Association or its equivalent as defined by
 1558 department rule. +

1559 (f) Submit the certification fee and the nonrefundable
 1560 examination fee prescribed in s. 401.34, which examination fee
 1561 will be required for each examination administered to an
 1562 applicant. + ~~and~~

1563 (g) Submit a completed application to the department,
 1564 which application documents compliance with paragraphs (a), (b),
 1565 (c), (e), (f), (g), and, if applicable, (d). The application
 1566 must be submitted so as to be received by the department at
 1567 least 30 calendar days before the next regularly scheduled
 1568 examination for which the applicant desires to be scheduled.

1569 (5) The certification examination must be offered monthly.
 1570 The department shall issue an examination admission notice to
 1571 the applicant advising him or her of the time and place of the
 1572 examination for which he or she is scheduled. ~~Individuals~~
 1573 ~~achieving a passing score on the certification examination may~~
 1574 ~~be issued a temporary certificate with their examination grade~~



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1575 ~~report. The department must issue an original certification~~
1576 ~~within 45 days after the examination.~~ Examination questions and
1577 answers are not subject to discovery but may be introduced into
1578 evidence and considered only in camera in any administrative
1579 proceeding under chapter 120. If an administrative hearing is
1580 held, the department shall provide challenged examination
1581 questions and answers to the administrative law judge. The
1582 department shall establish by rule the procedure by which an
1583 applicant, and the applicant's attorney, may review examination
1584 questions and answers in accordance with s. 119.07(3)(a).

1585 ~~(13) The department shall adopt a standard state insignia~~
1586 ~~for emergency medical technicians and paramedics. The department~~
1587 ~~shall establish by rule the requirements to display the state~~
1588 ~~emergency medical technician and paramedic insignia. The rules~~
1589 ~~may not require a person to wear the standard insignia but must~~
1590 ~~require that~~ If a person wears any insignia that identifies the
1591 person as a certified emergency medical technician or paramedic
1592 in this state, the insignia must ~~be the standard state insignia~~
1593 ~~adopted under this section. The insignia must~~ denote the
1594 individual's level of certification at which he or she is
1595 functioning.

1596 (14)(a) An applicant for initial certification under this
1597 section must submit information and a set of fingerprints to the
1598 department on a form and under procedures specified by the
1599 department, along with payment in an amount equal to the costs
1600 incurred by the department for a statewide and a national
1601 criminal history check of the applicant.

1602 (b) An applicant for renewal of certification who has not
1603 previously submitted a set of fingerprints to the department
1604 must submit information required to perform a statewide and a



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1605 national criminal history check and a set of fingerprints to the
1606 department as a condition of the initial renewal of his or her
1607 certificate after the effective date of this section. The
1608 applicant must submit the fingerprints on a form and under
1609 procedures specified by the department, along with payment in an
1610 amount equal to the costs incurred by the department. For
1611 subsequent renewals, the department shall, by rule, adopt an
1612 application form that includes a sworn oath or affirmation
1613 attesting to the existence of any criminal convictions,
1614 regardless of plea or adjudication, which have occurred since
1615 the previous certification. If there has been a criminal
1616 conviction, the provisions of this subsection shall apply. The
1617 department shall notify current certificateholders of their
1618 requirement to undergo a criminal history check sufficiently in
1619 advance of the 2004 biennial expiration for the
1620 certificateholder to provide the required information prior to
1621 submission of the renewal certification application. Eligibility
1622 for renewal may not be denied by the department for the first
1623 renewal application subsequent to enactment of this subsection
1624 for delays created in obtaining the criminal history from the
1625 Department of Law Enforcement, the Federal Bureau of
1626 Investigation, or the Division of State Fire Marshal if the
1627 applicant has submitted the required criminal history screening
1628 information or affidavit and fees with the renewal certification
1629 application.

1630 (c) Pursuant to the requirements of s. 120.60,
1631 applications for certification must be processed within 90 days
1632 after receipt of a completed application. Applications for
1633 certification shall not be complete until the criminal history
1634 information and certified copies of all court documents for



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1635 those applications with prior criminal convictions, pursuant to
1636 this section, have been received by the department.

1637 (d) The department shall submit the fingerprints and
1638 information required for a statewide criminal history check to
1639 the Department of Law Enforcement for such check, and the
1640 Department of Law Enforcement shall forward the fingerprints and
1641 information to the Federal Bureau of Investigation for a
1642 national criminal history check of the applicant.

1643 (e) If an applicant has undergone a criminal history check
1644 as a condition of employment or certification as a firefighter
1645 under s. 633.34, the Division of State Fire Marshal of the
1646 Department of Financial Services shall provide the criminal
1647 history information regarding the applicant seeking
1648 certification or renewal of certification under this section to
1649 the department. Any applicant for initial certification or
1650 renewal of certification who has already submitted a set of
1651 fingerprints and information to the Division of State Fire
1652 Marshal of the Department of Financial Services for the criminal
1653 history check required for employment and certification of
1654 firefighters under s. 633.34 within 2 years prior to application
1655 under this section is not required to provide to the department
1656 a subsequent set of fingerprints or other duplicate information
1657 required for a criminal history check if the applicant submits
1658 an affidavit in a form prescribed by the department attesting
1659 that he or she has been a state resident for the previous 2
1660 years.

1661 (f) Notwithstanding the grounds for certification denial
1662 outlined in s. 401.411, an applicant must not have:

1663 1. Been found guilty of, regardless of plea or
1664 adjudication, any offense prohibited under any of the following



1665 provisions of the Florida Statutes or under any similar statute
 1666 of another jurisdiction:

1667 a. Section 415.111, relating to abuse, neglect, or
 1668 exploitation of a vulnerable adult.

1669 b. Section 782.04, relating to murder.

1670 c. Section 782.07, relating to manslaughter, aggravated
 1671 manslaughter of an elderly person or disabled adult, aggravated
 1672 manslaughter of a child, or aggravated manslaughter of an
 1673 officer, a firefighter, an emergency medical technician, or a
 1674 paramedic.

1675 d. Section 782.071, relating to vehicular homicide.

1676 e. Section 782.09, relating to killing of an unborn child
 1677 by injury to the mother.

1678 f. Section 784.011, relating to assault, if the victim of
 1679 the offense was a minor.

1680 g. Section 784.021, relating to aggravated assault.

1681 h. Section 784.03, relating to battery, if the victim of
 1682 the offense was a minor.

1683 i. Section 784.045, relating to aggravated battery.

1684 j. Section 787.01, relating to kidnapping.

1685 k. Section 787.02, relating to false imprisonment.

1686 l. Section 794.011, relating to sexual battery.

1687 m. Former s. 794.041, relating to prohibited acts of
 1688 persons in familial or custodial authority.

1689 n. Chapter 796, relating to prostitution.

1690 o. Section 798.02, relating to lewd and lascivious
 1691 behavior.

1692 p. Chapter 800, relating to lewdness and indecent
 1693 exposure.

1694 q. Section 806.01, relating to arson.



1695 r. Chapter 812, relating to theft, robbery, and related
 1696 crimes, if the offense was a felony.

1697 s. Section 817.563, relating to fraudulent sale of
 1698 controlled substances, only if the offense was a felony.

1699 t. Section 825.102, relating to abuse, aggravated abuse,
 1700 or neglect of an elderly person or disabled adult.

1701 u. Section 825.1025, relating to lewd or lascivious
 1702 offenses committed upon or in the presence of an elderly person
 1703 or disabled person.

1704 v. Section 825.103, relating to exploitation of an elderly
 1705 person or disabled adult, if the offense was a felony.

1706 w. Section 826.04, relating to incest.

1707 x. Section 827.03, relating to child abuse, aggravated
 1708 child abuse, or neglect of a child.

1709 y. Section 827.04, relating to contributing to the
 1710 delinquency or dependency of a child.

1711 z. Former s. 827.05, relating to negligent treatment of
 1712 children.

1713 aa. Section 827.071, relating to sexual performance by a
 1714 child.

1715 bb. Chapter 847, relating to obscenity.

1716 cc. Chapter 893, relating to drug abuse prevention and
 1717 control, only if the offense was a felony or if any other person
 1718 involved in the offense was a minor.

1719 2. Committed an act that constitutes domestic violence as
 1720 defined in s. 741.28.

1721 (g) The department may grant to any applicant who would
 1722 otherwise be denied certification or recertification under this
 1723 subsection an exemption from that denial for:



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1724 1. Felonies committed more than 3 years prior to the date
1725 of disqualification;

1726 2. Misdemeanors prohibited under any of the Florida
1727 Statutes cited in this subsection or under similar statutes of
1728 other jurisdictions;

1729 3. Offenses that were felonies when committed but are now
1730 misdemeanors;

1731 4. Findings of delinquency; or

1732 5. Commissions of acts of domestic violence as defined in
1733 s. 741.28.

1734 (h) For the department to grant an exemption to any
1735 applicant under this section, the applicant must demonstrate by
1736 clear and convincing evidence that the applicant should not be
1737 disqualified from certification or renewal of certification.
1738 Applicants seeking an exemption have the burden of setting forth
1739 sufficient evidence of rehabilitation, including, but not
1740 limited to, the circumstances surrounding the criminal incident
1741 for which an exemption is sought, the time period that has
1742 elapsed since the incident, the nature of the harm caused to the
1743 victim, and the history of the applicant since the incident, or
1744 any other evidence or circumstances indicating that the
1745 applicant will not present a danger if certification or renewal
1746 of certification is granted. To do so the applicant must request
1747 an exemption and submit the required information supporting that
1748 request at the time of application so that the department may
1749 make a determination in accordance with this section.

1750 (i) Denial of certification or renewal of certification
1751 under paragraph (f) may not be removed from, nor may an
1752 exemption be granted to, any applicant who is found guilty of,
1753 regardless of plea or adjudication, any felony covered by



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1754 paragraph (f) solely by reason of any pardon, executive
1755 clemency, or restoration of civil rights.

1756 (j) If an applicant has undergone a criminal history check
1757 as a condition of employment or licensing under any Florida
1758 Statute within 2 years prior to application under this section,
1759 the applicant may submit a copy of the official Florida Criminal
1760 History Record or National Criminal History Record produced
1761 under that requirement in lieu of the fingerprint card required
1762 in paragraph (a) or paragraph (b). The department shall
1763 determine if the submission meets its requirements and, if not,
1764 the applicant shall be required to comply with the provisions of
1765 this subsection. The department is authorized to share criminal
1766 history information with local, state, and federal agencies for
1767 purposes of licensing or employment background checks.

1768 Section 37. Subsection (6) is added to section 401.2701,
1769 Florida Statutes, to read:

1770 401.2701 Emergency medical services training programs.--

1771 (6) Training programs approved by the department shall at
1772 initiation of an emergency medical technician or paramedic
1773 course advise students of the certification and regulatory
1774 requirements of this chapter, including, but not limited to, the
1775 criminal history screening requirement for initial and renewal
1776 certification under s. 401.27. The department shall prescribe,
1777 by rule, the required content of this component of the course.

1778 Section 38. Subsection (2) of section 401.2715, Florida
1779 Statutes, is amended to read:

1780 401.2715 Recertification training of emergency medical
1781 technicians and paramedics.--

1782 (2) Any individual, institution, school, corporation, or
1783 governmental entity may conduct emergency medical technician or



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1784 paramedic recertification training upon application to the
 1785 department and payment of a nonrefundable fee to be deposited
 1786 into the Emergency Medical Services Trust Fund. Institutions
 1787 conducting department-approved educational programs as provided
 1788 in this chapter and licensed ambulance services are exempt from
 1789 the application process and payment of fees. Upon application,
 1790 the department shall recognize any entity in this state that has
 1791 approval from the Continuing Education Coordinating Board for
 1792 Emergency Medical Services for courses in cardiopulmonary
 1793 resuscitation or advanced life support for equivalency. The
 1794 department shall adopt rules for the application and payment of
 1795 a fee not to exceed the actual cost of administering this
 1796 approval process.

1797 Section 39. Section 401.272, Florida Statutes, is amended
 1798 to read:

1799 401.272 Emergency medical services community health
 1800 care.--

1801 (1)(a) The purpose of this section is to encourage more
 1802 effective utilization of the skills of emergency medical
 1803 technicians and paramedics by enabling them to perform, in
 1804 partnership with local county health departments, specific
 1805 additional health care tasks that are consistent with the public
 1806 health and welfare.

1807 (b)(2) Notwithstanding any other provision of law to the
 1808 contrary:

1809 1.(a) Paramedics or emergency medical technicians may
 1810 perform health promotion and wellness activities and blood
 1811 pressure screenings in a nonemergency environment, within the
 1812 scope of their training, and under the direction of a medical
 1813 director. As used in this subparagraph ~~paragraph~~, the term



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1814 "health promotion and wellness" means the provision of public
 1815 health programs pertaining to the prevention of illness and
 1816 injury.

1817 2.~~(b)~~ Paramedics may administer immunizations in a
 1818 nonemergency environment, within the scope of their training,
 1819 and under the direction of a medical director. There must be a
 1820 written agreement between the paramedic's medical director and
 1821 the county health department located in each county in which the
 1822 paramedic administers immunizations. This agreement must
 1823 establish the protocols, policies, and procedures under which
 1824 the paramedic must operate.

1825 (c)~~(3)~~ Each medical director under whose direction a
 1826 paramedic administers immunizations must verify and document
 1827 that the paramedic has received sufficient training and
 1828 experience to administer immunizations. The verification must be
 1829 documented on forms developed by the department, and the
 1830 completed forms must be maintained at the service location of
 1831 the licensee and made available to the department upon request.

1832 (d)~~(4)~~ The department may adopt and enforce all rules
 1833 necessary to enforce the provisions relating to a paramedic's
 1834 administration of immunizations and the performance of health
 1835 promotion and wellness activities and blood pressure screenings
 1836 by a paramedic or emergency medical technician in a nonemergency
 1837 environment.

1838 (2) Notwithstanding any other provision of law to the
 1839 contrary, paramedics may provide basic life support and advanced
 1840 life support in a hospital emergency department. Such services
 1841 provided by paramedics must be under the direction of the
 1842 manager or nursing director of the emergency department. Where
 1843 the management and provision of emergency medical services is



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1844 contracted by the hospital, paramedics providing services in the
 1845 emergency department must be employees of the medical group
 1846 contracted to provide emergency medical services to the hospital
 1847 and the services provided by paramedics must be under the direct
 1848 supervision of a physician.

1849 Section 40. Subsection (4) of section 404.056, Florida
 1850 Statutes, is amended to read:

1851 404.056 Environmental radiation standards and projects;
 1852 certification of persons performing measurement or mitigation
 1853 services; mandatory testing; notification on real estate
 1854 documents; rules.--

1855 (4) MANDATORY TESTING.--All public and private school
 1856 buildings or school sites housing students in kindergarten
 1857 through grade 12; all state-owned, state-operated, state-
 1858 regulated, or state-licensed 24-hour care facilities; and all
 1859 state-licensed day care centers for children or minors which are
 1860 located in counties designated within the Department of
 1861 Community Affairs' Florida Radon Protection Map Categories as
 1862 "Intermediate" or "Elevated Radon Potential" shall be measured
 1863 to determine the level of indoor radon, using measurement
 1864 procedures established by the department. Initial measurements
 1865 Testing shall be performed ~~completed within the first year of~~
 1866 ~~construction~~ in 20 percent of the habitable first floor spaces
 1867 within any of the regulated buildings. Initial measurements
 1868 shall be completed and reported to the department within 1 ~~by~~
 1869 ~~July 1 of the year~~ after the date the building is opened for
 1870 occupancy or within 1 year after license approval for an entity
 1871 residing in an existing building. Followup testing must be
 1872 completed in 5 percent of the habitable first floor spaces
 1873 within any of the regulated buildings after the building has



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1874 been occupied for 5 years, and results must be reported to the
 1875 department by the first day ~~July 1~~ of the 6th ~~5th~~ year of
 1876 occupancy. After radon measurements have been made twice,
 1877 regulated buildings need not undergo further testing unless
 1878 significant structural changes occur. No funds collected
 1879 pursuant to s. 553.721 shall be used to carry out the provisions
 1880 of this subsection.

1881 Section 41. Subsection (5) of section 409.814, Florida
 1882 Statutes, is amended to read:

1883 409.814 Eligibility.--A child whose family income is equal
 1884 to or below 200 percent of the federal poverty level is eligible
 1885 for the Florida Kidcare program as provided in this section. In
 1886 determining the eligibility of such a child, an assets test is
 1887 not required. An applicant under 19 years of age who, based on a
 1888 complete application, appears to be eligible for the Medicaid
 1889 component of the Florida Kidcare program is presumed eligible
 1890 for coverage under Medicaid, subject to federal rules. A child
 1891 who has been deemed presumptively eligible for Medicaid shall
 1892 not be enrolled in a managed care plan until the child's full
 1893 eligibility determination for Medicaid has been completed. The
 1894 Florida Healthy Kids Corporation may, subject to compliance with
 1895 applicable requirements of the Agency for Health Care
 1896 Administration and the Department of Children and Family
 1897 Services, be designated as an entity to conduct presumptive
 1898 eligibility determinations. An applicant under 19 years of age
 1899 who, based on a complete application, appears to be eligible for
 1900 the Medikids, Florida Healthy Kids, or Children's Medical
 1901 Services network program component, who is screened as
 1902 ineligible for Medicaid and prior to the monthly verification of
 1903 the applicant's enrollment in Medicaid or of eligibility for



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1904 coverage under the state employee health benefit plan, may be
1905 enrolled in and begin receiving coverage from the appropriate
1906 program component on the first day of the month following the
1907 receipt of a completed application. For enrollment in the
1908 Children's Medical Services network, a complete application
1909 includes the medical or behavioral health screening. If, after
1910 verification, an individual is determined to be ineligible for
1911 coverage, he or she must be disenrolled from the respective
1912 Title XXI-funded Kidcare program component.

1913 (5) A child whose family income is above 200 percent of
1914 the federal poverty level or a child who is excluded under the
1915 provisions of subsection (4) may participate in the Florida
1916 Healthy Kids program or the Medikids program, ~~Kidcare program,~~
1917 ~~excluding the Medicaid program, but is~~ subject to the following
1918 provisions:

1919 (a) The family is not eligible for premium assistance
1920 payments and must pay the full cost of the premium, including
1921 any administrative costs.

1922 (b) The agency is authorized to place limits on enrollment
1923 in Medikids by these children in order to avoid adverse
1924 selection. The number of children participating in Medikids
1925 whose family income exceeds 200 percent of the federal poverty
1926 level must not exceed 10 percent of total enrollees in the
1927 Medikids program.

1928 (c) The board of directors of the Florida Healthy Kids
1929 Corporation is authorized to place limits on enrollment of these
1930 children in order to avoid adverse selection. In addition, the
1931 board is authorized to offer a reduced benefit package to these
1932 children in order to limit program costs for such families. The
1933 number of children participating in the Florida Healthy Kids



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1934 program whose family income exceeds 200 percent of the federal
 1935 poverty level must not exceed 10 percent of total enrollees in
 1936 the Florida Healthy Kids program.

1937 (d) Children described in this subsection are not counted
 1938 in the annual enrollment ceiling for the Florida Kidcare
 1939 program.

1940 Section 42. Paragraph (d) of subsection (1) of section
 1941 455.227, Florida Statutes, is amended to read:

1942 455.227 Grounds for discipline; penalties; enforcement.--

1943 (1) The following acts shall constitute grounds for which
 1944 the disciplinary actions specified in subsection (2) may be
 1945 taken:

1946 (d) Using a Class III or a Class IV laser device or
 1947 product, as defined by federal regulations, without having
 1948 complied with the rules adopted pursuant to s. 404.24(2)
 1949 ~~501.122(2)~~ governing the registration of such devices.

1950 Section 43. Subsection (7) is added to section 456.017,
 1951 Florida Statutes, to read:

1952 456.017 Examinations.--

1953 (7) The department may post examination scores
 1954 electronically on the Internet in lieu of mailing the scores to
 1955 each applicant. Such electronic posting of the examination
 1956 scores meets the requirements of chapter 120 if the department
 1957 also posts with the examination scores a notification of rights
 1958 as set forth in chapter 120. The date of receipt for purposes of
 1959 chapter 120 shall be the date the examination scores are posted
 1960 electronically. The department shall also notify the examinee
 1961 when scores are posted electronically of the availability of a
 1962 postexamination review, if applicable.



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1963 Section 44. Subsection (7) of section 456.025, Florida
 1964 Statutes, is amended to read:

1965 456.025 Fees; receipts; disposition.--

1966 (7) Each board, or the department if there is no board,
 1967 shall establish, by rule, a fee not to exceed \$250 for anyone
 1968 seeking approval to provide continuing education courses or
 1969 programs and shall establish by rule a biennial renewal fee not
 1970 to exceed \$250 for the renewal of providership of such courses.
 1971 The fees collected from continuing education providers shall be
 1972 used for the purposes of reviewing course provider applications,
 1973 monitoring the integrity of the courses provided, and covering
 1974 legal expenses incurred as a result of not granting or renewing
 1975 a providership, ~~and developing and maintaining an electronic~~
 1976 ~~continuing education tracking system. The department shall~~
 1977 ~~implement an electronic continuing education tracking system for~~
 1978 ~~each new biennial renewal cycle for which electronic renewals~~
 1979 ~~are implemented after the effective date of this act and shall~~
 1980 ~~integrate such system into the licensure and renewal system. All~~
 1981 ~~approved continuing education providers shall provide~~
 1982 ~~information on course attendance to the department necessary to~~
 1983 ~~implement the electronic tracking system. The department shall,~~
 1984 ~~by rule, specify the form and procedures by which the~~
 1985 ~~information is to be submitted.~~

1986 Section 45. Paragraph (b) of subsection (1) of section
 1987 456.0375, Florida Statutes, is amended to read:

1988 456.0375 Registration of certain clinics; requirements;
 1989 discipline; exemptions.--

1990 (1)



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1991 (b) For purposes of this section, the term "clinic" does
 1992 not include and the registration requirements herein do not
 1993 apply to:

1994 1. Entities licensed or registered by the state pursuant
 1995 to chapter 390, chapter 394, chapter 395, chapter 397, chapter
 1996 400, chapter 463, chapter 465, chapter 466, chapter 478, chapter
 1997 480, or chapter 484.

1998 2. Entities exempt from federal taxation under 26 U.S.C.
 1999 s. 501(c)(3) and community college and university clinics.

2000 3. Sole proprietorships, group practices, partnerships, or
 2001 corporations that provide health care services by licensed
 2002 health care practitioners pursuant to chapters 457, 458, 459,
 2003 460, 461, 462, 463, 466, 467, 484, 486, 490, 491, or part I,
 2004 part III, part X, part XIII, or part XIV of chapter 468, or s.
 2005 464.012, which are wholly owned by licensed health care
 2006 practitioners or the licensed health care practitioner and the
 2007 spouse, parent, or child of a licensed health care practitioner,
 2008 so long as one of the owners who is a licensed health care
 2009 practitioner is supervising the administrative services
 2010 performed therein and is legally responsible for the entity's
 2011 compliance with all federal and state laws. However, no health
 2012 care practitioner may supervise the health care delivery
 2013 services beyond the scope of the practitioner's license.
 2014 Supervision of the administrative services for compliance with
 2015 federal and state laws is different and distinct from
 2016 supervision of the delivery of health care services. Health care
 2017 delivery is the sole responsibility of the physician delivering
 2018 health care services.



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2019 4. Clinical facilities affiliated with an accredited
 2020 medical school at which training is provided for medical
 2021 students, residents, or fellows.

2022 Section 46. Paragraph (a) of subsection (4) of section
 2023 456.039, Florida Statutes, is amended to read:

2024 456.039 Designated health care professionals; information
 2025 required for licensure.--

2026 (4)(a) An applicant for initial licensure must submit a
 2027 set of fingerprints to the Department of Health in accordance
 2028 with s. 458.311, s. 458.3115, s. 458.3124, ~~s. 458.313~~, s.
 2029 459.0055, s. 460.406, or s. 461.006.

2030 Section 47. Subsection (1) of section 456.049, Florida
 2031 Statutes, is amended to read:

2032 456.049 Health care practitioners; reports on professional
 2033 liability claims and actions.--

2034 (1) Any practitioner of medicine licensed pursuant to the
 2035 provisions of chapter 458, practitioner of osteopathic medicine
 2036 licensed pursuant to the provisions of chapter 459, podiatric
 2037 physician licensed pursuant to the provisions of chapter 461, or
 2038 dentist licensed pursuant to the provisions of chapter 466 shall
 2039 report to the department any claim or action for damages for
 2040 personal injury alleged to have been caused by error, omission,
 2041 or negligence in the performance of such licensee's professional
 2042 services or based on a claimed performance of professional
 2043 services without consent if the claim was not covered by an
 2044 insurer required to report under s. 627.912 and the claim
 2045 resulted in:

2046 (a) A final judgment of \$50,000 or more, or of \$25,000 or
 2047 more for a dentist licensed pursuant to the provisions of
 2048 chapter 466 ~~in any amount.~~



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2049 (b) A settlement of \$50,000 or more, or of \$25,000 or more
 2050 for a dentist licensed pursuant to the provisions of chapter 466
 2051 ~~in any amount.~~

2052 (c) A final disposition not resulting in payment on behalf
 2053 of the licensee.

2054
 2055 Reports shall be filed with the department no later than 60 days
 2056 following the occurrence of any event listed in paragraph (a),
 2057 paragraph (b), or paragraph (c).

2058 Section 48. Subsection (3) of section 456.063, Florida
 2059 Statutes, is amended to read:

2060 456.063 Sexual misconduct; disqualification for license,
 2061 certificate, or registration.--

2062 (3) Licensed health care practitioners shall report
 2063 allegations of sexual misconduct to the department, regardless
 2064 of the practice setting in which the alleged sexual misconduct
 2065 occurred. Each board, or the department if there is no board,
 2066 may adopt rules to implement the requirements for reporting
 2067 allegations of sexual misconduct, including rules to determine
 2068 the sufficiency of the allegations.

2069 Section 49. Paragraphs (d), (aa), and (bb) of subsection
 2070 (1) and subsection (4) of section 456.072, Florida Statutes, are
 2071 amended, paragraph (dd) is added to subsection (1), and
 2072 subsection (7) is added to said section, to read:

2073 456.072 Grounds for discipline; penalties; enforcement.--

2074 (1) The following acts shall constitute grounds for which
 2075 the disciplinary actions specified in subsection (2) may be
 2076 taken:

2077 (d) Using a Class III or a Class IV laser device or
 2078 product, as defined by federal regulations, without having



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2079 complied with the rules adopted pursuant to s. 404.24(2)
2080 ~~501.122(2)~~ governing the registration of such devices.

2081 (aa) Performing or attempting to perform health care
2082 services on the wrong patient, a wrong-site procedure, a wrong
2083 procedure, or an unauthorized procedure or a procedure that is
2084 medically unnecessary or otherwise unrelated to the patient's
2085 diagnosis or medical condition. For the purposes of this
2086 paragraph, performing or attempting to perform health care
2087 services includes invasive actions taken in furtherance of the
2088 preparation of the patient, but does not include those
2089 preparations that are noninvasive.

2090 (bb) Leaving a foreign body in a patient, such as a
2091 sponge, clamp, forceps, surgical needle, or other paraphernalia
2092 commonly used in surgical, examination, or other diagnostic
2093 procedures, unless leaving the foreign body is medically
2094 indicated and documented in the patient record. For the purposes
2095 of this paragraph, it shall be legally presumed that retention
2096 of a foreign body is not in the best interest of the patient and
2097 is not within the standard of care of the profession, unless
2098 medically indicated and documented in the patient record
2099 ~~regardless of the intent of the professional.~~

2100 (dd) Prescribing, administering, dispensing, or
2101 distributing a legend drug, including a controlled substance,
2102 when the practitioner knows or reasonably should know that the
2103 receiving patient has not established a valid professional
2104 relationship with the prescribing practitioner. A medical
2105 questionnaire completed by Internet, telephone, electronic
2106 transfer, or mail does not establish a valid professional
2107 relationship.



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2108 (4) In any addition to any other discipline imposed
2109 ~~through~~ final order, or citation, entered on or after July 1,
2110 2001, that imposes a penalty or other form of discipline
2111 pursuant to this section or ~~discipline imposed through final~~
2112 ~~order, or citation, entered on or after July 1, 2001,~~ for a
2113 violation of any practice act, the board, or the department when
2114 there is no board, shall assess costs related to the
2115 investigation and prosecution of the case, including costs
2116 associated with an attorney's time. The amount of costs to be
2117 assessed shall be determined by the board, or the department
2118 when there is no board, following its consideration of an
2119 affidavit of itemized costs and any written objections thereto.
2120 In any case where ~~the board or the department imposes~~ a fine or
2121 assessment of costs imposed by the board or department ~~and the~~
2122 ~~fine or assessment~~ is not paid within a reasonable time, such
2123 reasonable time to be prescribed in the rules of the board, or
2124 the department when there is no board, or in the order assessing
2125 such fines or costs, the department or the Department of Legal
2126 Affairs may contract for the collection of, or bring a civil
2127 action to recover, the fine or assessment.

2128 (7) In any formal administrative hearing conducted under
2129 s. 120.57(1), the department shall establish grounds for
2130 revocation or suspension of a license by clear and convincing
2131 evidence. Any other forms of discipline shall be established by
2132 the greater weight of the evidence.

2133 Section 50. Subsections (1) and (5) of section 456.073,
2134 Florida Statutes, are amended to read:

2135 456.073 Disciplinary proceedings.--Disciplinary
2136 proceedings for each board shall be within the jurisdiction of
2137 the department.



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2138 (1) The department, for the boards under its jurisdiction,
2139 shall cause to be investigated any complaint that is filed
2140 before it if the complaint is in writing, signed by the
2141 complainant, and legally sufficient. A complaint is legally
2142 sufficient if it contains ultimate facts that show that a
2143 violation of this chapter, of any of the practice acts relating
2144 to the professions regulated by the department, or of any rule
2145 adopted by the department or a regulatory board in the
2146 department has occurred. In order to determine legal
2147 sufficiency, the department may require supporting information
2148 or documentation. The department may investigate, and the
2149 department or the appropriate board may take appropriate final
2150 action on, a complaint even though the original complainant
2151 withdraws it or otherwise indicates a desire not to cause the
2152 complaint to be investigated or prosecuted to completion. The
2153 department may investigate an anonymous complaint if the
2154 complaint is in writing and is legally sufficient, if the
2155 alleged violation of law or rules is substantial, and if the
2156 department has reason to believe, after preliminary inquiry,
2157 that the violations alleged in the complaint are true. The
2158 department may investigate a complaint made by a confidential
2159 informant if the complaint is legally sufficient, if the alleged
2160 violation of law or rule is substantial, and if the department
2161 has reason to believe, after preliminary inquiry, that the
2162 allegations of the complainant are true. The department may
2163 initiate an investigation if it has reasonable cause to believe
2164 that a licensee or a group of licensees has violated a Florida
2165 statute, a rule of the department, or a rule of a board. ~~Except~~
2166 ~~as provided in ss. 458.331(9), 459.015(9), 460.413(5), and~~
2167 ~~461.013(6),~~ When an investigation of any subject is undertaken,



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2168 the department shall promptly furnish to the subject or the
2169 subject's attorney a copy of the complaint or document that
2170 resulted in the initiation of the investigation. The subject may
2171 submit a written response to the information contained in such
2172 complaint or document within 30 ~~20~~ days after service to the
2173 subject of the complaint or document. The subject's written
2174 response shall be considered by the probable cause panel. The
2175 right to respond does not prohibit the issuance of a summary
2176 emergency order if necessary to protect the public. However, if
2177 the secretary, or the secretary's designee, and the chair of the
2178 respective board or the chair of its probable cause panel agree
2179 in writing that such notification would be detrimental to the
2180 investigation, the department may withhold notification. The
2181 department may conduct an investigation without notification to
2182 any subject if the act under investigation is a criminal
2183 offense.

2184 (5)(a) A formal hearing before an administrative law judge
2185 from the Division of Administrative Hearings shall be requested
2186 ~~held~~ pursuant to chapter 120 if there are any disputed issues of
2187 material fact raised within 45 days after service of the
2188 administrative complaint. The administrative law judge shall
2189 issue a recommended order pursuant to chapter 120. ~~If any party~~
2190 ~~raises an issue of disputed fact during an informal hearing, the~~
2191 ~~hearing shall be terminated and a formal hearing pursuant to~~
2192 ~~chapter 120 shall be held.~~

2193 (b) Notwithstanding s. 120.569(2), the department shall
2194 notify the division within 45 days after receipt of a petition
2195 or request for a hearing which the department has determined
2196 requires a formal hearing before an administrative law judge.



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2197 (c) The division shall maintain time records for each case
2198 it receives. The division shall charge its expenses to the
2199 Medical Quality Assurance Trust Fund based on an hourly rate set
2200 forth in this paragraph. The costs charged shall include actual
2201 travel and copying expenses plus a \$100 hourly fee for the
2202 actual time spent on the case by the administrative law judge or
2203 hearing officer. There shall be a one-time filing fee per case
2204 of \$50. There shall be no charge for hearings canceled more than
2205 21 days in advance. Hearings canceled between 3 and 21 days in
2206 advance shall be billed for actual expenses incurred. For any
2207 formal hearing canceled less than 72 hours before the start of
2208 the hearing, actual expenses incurred and a cancellation fee of
2209 \$250 shall be billed.

2210 Section 51. Section 456.077, Florida Statutes, is amended
2211 to read:

2212 456.077 Authority to issue citations.--

2213 (1) Notwithstanding s. 456.073, the board, or the
2214 department if there is no board, shall adopt rules to permit the
2215 issuance of citations. The citation shall be issued to the
2216 subject and shall contain the subject's name and address, the
2217 subject's license number if applicable, a brief factual
2218 statement, the sections of the law allegedly violated, and the
2219 penalty imposed. The citation must clearly state that the
2220 subject may choose, in lieu of accepting the citation, to follow
2221 the procedure under s. 456.073. If the subject disputes the
2222 matter in the citation, the procedures set forth in s. 456.073
2223 must be followed. However, if the subject does not dispute the
2224 matter in the citation with the department within 30 days after
2225 the citation is served, the citation becomes a public final
2226 order and ~~does not constitute~~ ~~constitutes~~ discipline for a first



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2227 offense. The penalty shall be a fine or other conditions as
2228 established by rule.

2229 (2) The board, or the department if there is no board,
2230 shall adopt rules designating violations for which a citation
2231 may be issued. Such rules shall designate as citation violations
2232 those violations for which there is no substantial threat to the
2233 public health, safety, and welfare. Violations for which a
2234 citation may be issued shall include violations of continuing
2235 education requirements; failure to timely pay required fees and
2236 fines; failure to comply with the requirements of ss. 381.026
2237 and 381.0261 regarding the dissemination of information
2238 regarding patient rights; failure to comply with advertising
2239 requirements; failure to timely update practitioner profile and
2240 credentialing files; failure to display signs, licenses, and
2241 permits; failure to have required reference books available; and
2242 all other violations that do not pose a direct and serious
2243 threat to the health and safety of the patient.

2244 (3) The department shall be entitled to recover the costs
2245 of investigation, in addition to any penalty provided according
2246 to board or department rule, as part of the penalty levied
2247 pursuant to the citation.

2248 ~~(4) A citation must be issued within 6 months after the~~
2249 ~~filing of the complaint that is the basis for the citation.~~

2250 (4)~~(5)~~ Service of a citation may be made by personal
2251 service or certified mail, restricted delivery, to the subject
2252 at the subject's last known address.

2253 (5)~~(6)~~ A board has 6 months in which to enact rules
2254 designating violations and penalties appropriate for citation
2255 offenses. Failure to enact such rules gives the department
2256 exclusive authority to adopt rules as required for implementing



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2257 this section. A board has continuous authority to amend its
 2258 rules adopted pursuant to this section.

2259 Section 52. Section 456.078, Florida Statutes, is amended
 2260 to read:

2261 456.078 Mediation.--

2262 (1) Notwithstanding the provisions of s. 456.073, the
 2263 board, or the department when there is no board, shall adopt
 2264 rules to designate which violations of the applicable
 2265 professional practice act are appropriate for mediation. The
 2266 board, or the department when there is no board, shall ~~may~~
 2267 designate as mediation offenses those complaints where harm
 2268 caused by the licensee is economic in nature, except complaints
 2269 involving fraud, ~~or~~ can be remedied by the licensee, or does not
 2270 result in an adverse incident. For the purposes of this section,
 2271 an adverse incident is defined as an event that results in:

- 2272 (a) The death of a patient;
- 2273 (b) Brain or spinal damage to a patient;
- 2274 (c) The performance of a surgical procedure on the wrong
 2275 patient;
- 2276 (d) The performance of a wrong-site surgical procedure;
- 2277 (e) The performance of a wrong surgical procedure;
- 2278 (f) The performance of a surgical procedure that is
 2279 medically unnecessary or otherwise unrelated to the patient's
 2280 diagnosis or medical condition;
- 2281 (g) The surgical repair of damage resulting to a patient
 2282 from a planned surgical procedure, where the damage is not a
 2283 recognized specific risk, as disclosed to the patient and
 2284 documented through the informed-consent process; or
- 2285 (h) The performance of procedures to remove unplanned
 2286 foreign objects remaining from a surgical procedure.



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2287 (2) After the department determines a complaint is legally
2288 sufficient and the alleged violations are defined as mediation
2289 offenses, the department or any agent of the department may
2290 conduct informal mediation to resolve the complaint. If the
2291 complainant and the subject of the complaint agree to a
2292 resolution of a complaint within 14 days after contact by the
2293 mediator, the mediator shall notify the department of the terms
2294 of the resolution. The department or board shall take no further
2295 action unless the complainant and the subject each fail to
2296 record with the department an acknowledgment of satisfaction of
2297 the terms of mediation within 60 days of the mediator's
2298 notification to the department. A successful mediation shall
2299 include a statement of whether or not the resolution constitutes
2300 discipline. However, in the event the complainant and subject
2301 fail to reach settlement terms or to record the required
2302 acknowledgment, the department shall process the complaint
2303 according to the provisions of s. 456.073.

2304 (3) Conduct or statements made during mediation are
2305 inadmissible in any proceeding pursuant to s. 456.073. Further,
2306 any information relating to the mediation of a case shall be
2307 subject to the confidentiality provisions of s. 456.073.

2308 (4) Any licensee who completes a successful mediation
2309 shall pay the department's administrative costs for the
2310 mediation. No licensee shall go through the mediation process
2311 more than once if the allegation relates to the breach of the
2312 standard of care for that health care professional. In any
2313 event, no licensee shall go through the mediation process more
2314 than three times without approval of the department. The
2315 department may consider the subject and dates of the earlier



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2316 complaints in rendering its decision. Such decision shall not be
 2317 considered a final agency action for purposes of chapter 120.

2318 (5) A board has 6 months in which to adopt rules
 2319 designating violations appropriate for mediation. Failure to
 2320 adopt such rules gives the department exclusive authority to
 2321 adopt rules as required for implementing this section ~~Any board~~
 2322 ~~created on or after January 1, 1995, shall have 6 months to~~
 2323 ~~adopt rules designating which violations are appropriate for~~
 2324 ~~mediation, after which time the department shall have exclusive~~
 2325 ~~authority to adopt rules pursuant to this section.~~ A board shall
 2326 have continuing authority to amend its rules adopted pursuant to
 2327 this section.

2328 Section 53. Section 458.303, Florida Statutes, is amended
 2329 to read:

2330 458.303 Provisions not applicable to other practitioners;
 2331 exceptions, etc.--

2332 (1) The provisions of ss. 458.301, 458.303, 458.305,
 2333 458.307, 458.309, 458.311, ~~458.313,~~ 458.315, ~~458.317,~~ 458.319,
 2334 458.321, 458.327, 458.329, 458.331, 458.337, 458.339, 458.341,
 2335 458.343, 458.345, and 458.347 shall have no application to:

2336 (a) Other duly licensed health care practitioners acting
 2337 within their scope of practice authorized by statute.

2338 (b) Any physician lawfully licensed in another state or
 2339 territory or foreign country, when meeting duly licensed
 2340 physicians of this state in consultation.

2341 (c) Commissioned medical officers of the Armed Forces of
 2342 the United States and of the Public Health Service of the United
 2343 States while on active duty and while acting within the scope of
 2344 their military or public health responsibilities.



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2345 (d) Any person while actually serving without salary or
 2346 professional fees on the resident medical staff of a hospital in
 2347 this state, subject to the provisions of s. 458.321.

2348 (e) Any person furnishing medical assistance in case of an
 2349 emergency.

2350 (f) The domestic administration of recognized family
 2351 remedies.

2352 (g) The practice of the religious tenets of any church in
 2353 this state.

2354 (h) Any person or manufacturer who, without the use of
 2355 drugs or medicine, mechanically fits or sells lenses, artificial
 2356 eyes or limbs, or other apparatus or appliances or is engaged in
 2357 the mechanical examination of eyes for the purpose of
 2358 constructing or adjusting spectacles, eyeglasses, or lenses.

2359 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.
 2360 458.307, s. 458.309, s. 458.311, ~~s. 458.313~~, s. 458.319, s.
 2361 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.
 2362 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall
 2363 be construed to prohibit any service rendered by a registered
 2364 nurse or a licensed practical nurse, if such service is rendered
 2365 under the direct supervision and control of a licensed physician
 2366 who provides specific direction for any service to be performed
 2367 and gives final approval to all services performed. Further,
 2368 nothing in this or any other chapter shall be construed to
 2369 prohibit any service rendered by a medical assistant in
 2370 accordance with the provisions of s. 458.3485.

2371 Section 54. Section 458.311, Florida Statutes, is amended
 2372 to read:

2373 (Substantial rewording of section. See
 2374 s. 458.311, F.S., for present text.)



2375 458.311 Licensure; requirements; fees.--

2376 (1) Any person desiring to be licensed as a physician
 2377 shall apply to the department on forms furnished by the
 2378 department. The department shall license each applicant who the
 2379 board certifies has met the provisions of this section.

2380 (2) Each applicant must demonstrate compliance with the
 2381 following:

2382 (a) Has completed the application form and remitted a
 2383 nonrefundable application fee not to exceed \$500.

2384 (b) Is at least 21 years of age.

2385 (c) Is of good moral character.

2386 (d) Has not committed any act or offense in this or any
 2387 other jurisdiction which would constitute the basis for
 2388 disciplining a physician pursuant to s. 458.331.

2389 (e) Has submitted to the department a set of fingerprints
 2390 on a form and under procedures specified by the department,
 2391 along with a payment in an amount equal to the costs incurred by
 2392 the department for the criminal history check of the applicant.

2393 (f) Has caused to be submitted to the department core
 2394 credentials verified by the Federation Credentials Verification
 2395 Service of the Federation of State Medical Boards.

2396 (g) For an applicant holding a valid active license in
 2397 another state, has submitted evidence of the active licensed
 2398 practice of medicine in another jurisdiction for at least 2 of
 2399 the immediately preceding 4 years or evidence of successful
 2400 completion of either a board-approved postgraduate training
 2401 program within 2 years preceding filing of an application or a
 2402 board-approved clinical competency examination within the year
 2403 preceding the filing of an application for licensure. For
 2404 purposes of this paragraph, the term "active licensed practice



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2405 of medicine" means that practice of medicine by physicians,
 2406 including those employed by any governmental entity in community
 2407 or public health, as defined by this chapter, those designated
 2408 as medical directors under s. 641.495(11) who are practicing
 2409 medicine, and those on the active teaching faculty of an
 2410 accredited medical school. If the applicant fails to meet the
 2411 requirements of this paragraph, the board may impose conditions
 2412 on the license, including, but not limited to, supervision of
 2413 practice.

2414 (3) Each applicant must demonstrate that he or she has
 2415 complied with one of the following:

2416 (a) Is a graduate of an allopathic medical school or
 2417 allopathic college recognized and approved by an accrediting
 2418 agency recognized by the United States Department of Education
 2419 or is a graduate of an allopathic medical school or allopathic
 2420 college within a territorial jurisdiction of the United States
 2421 recognized by the accrediting agency of the governmental body of
 2422 that jurisdiction; or

2423 (b) Is a graduate of an allopathic international medical
 2424 school registered with the World Health Organization and has had
 2425 his or her medical credentials evaluated by the Educational
 2426 Commission for Foreign Medical Graduates, holds an active, valid
 2427 certificate issued by that commission, and has passed the
 2428 examination utilized by that commission. However, a graduate of
 2429 an international medical school need not present the certificate
 2430 issued by the Educational Commission for Foreign Medical
 2431 Graduates or pass the examination utilized by that commission if
 2432 the graduate has:

2433 1. Received a bachelor's degree from an accredited United
 2434 States college or university.



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2435 2. Studied at a medical school which is recognized by the
2436 World Health Organization.

2437 3. Completed all of the formal requirements of the
2438 international medical school, except the internship or social
2439 service requirements, and passed part I of the National Board of
2440 Medical Examiners examination or the Educational Commission for
2441 Foreign Medical Graduates examination equivalent.

2442 4. Completed an academic year of supervised clinical
2443 training in a hospital affiliated with a medical school approved
2444 by the Council on Medical Education of the American Medical
2445 Association and, upon completion, passed part II of the National
2446 Board of Medical Examiners examination or the Educational
2447 Commission for Foreign Medical Graduates examination equivalent.

2448 (4) Each applicant must demonstrate that he or she has
2449 completed an Accreditation Council for Graduate Medical
2450 Education (ACGME) approved residency, as defined by board rule,
2451 of at least 2 years, or a fellowship of at least 2 years in one
2452 specialty area which is counted toward regular or subspecialty
2453 certification by a board recognized and certified by the
2454 American Board of Medical Specialties. However, applicants who
2455 meet the requirements of paragraph (3)(a) who completed their
2456 training prior to October 1, 2003, must demonstrate completion
2457 of at least 1 year of an approved residency.

2458 (5)(a) Each applicant must demonstrate that he or she has
2459 complied with one of the following examination requirements:

2460 1. Prior to January 1, 2000, has obtained a passing score,
2461 as established by rule of the board, on the licensure
2462 examination of the National Board of Medical Examiners (NBME),
2463 the licensure examination of the Federation of State Medical



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2464 Boards of the United States, Inc. (FLEX), the United States
2465 Medical Licensing Examination (USMLE), or a combination thereof;

2466 2. On or after January 1, 2000, has obtained a passing
2467 score on all three steps of the United States Medical Licensing
2468 Examination (USMLE); or

2469 3. Has obtained a passing score on a state board
2470 examination or the Canadian licensing examination (LLMCC) if the
2471 applicant has a current active license in at least one other
2472 jurisdiction of the United States or Canada and has practiced
2473 pursuant to such licensure continuously for the immediately
2474 preceeding 10 years without encumbrance on the license.

2475 (b) As prescribed by board rule, the board may require an
2476 applicant who does not pass any step of the national licensing
2477 examination after five attempts to complete additional remedial
2478 education or training.

2479 (c) As prescribed by board rule, the board may require an
2480 applicant who does not pass all steps of the United States
2481 Medical Licensing Examination (USMLE) within 7 years to complete
2482 additional remedial education or training or to retake the step
2483 of the examination which the applicant passed first.

2484 (6) The department and the board shall ensure that
2485 applicants for licensure meet the criteria of this section
2486 through an investigative process.

2487 (7) The board may not certify to the department for
2488 licensure any applicant who is under investigation in another
2489 jurisdiction for an offense which would constitute a violation
2490 of this chapter until such investigation is completed. Upon
2491 completion of the investigation, the provisions of s. 458.331
2492 shall apply. Furthermore, the department may not issue an
2493 unrestricted license to any individual who has committed any act



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2494 or offense in any jurisdiction which would constitute the basis
2495 for disciplining a physician pursuant to s. 458.331. When the
2496 board finds that an individual has committed an act or offense
2497 in any jurisdiction which would constitute the basis for
2498 disciplining a physician pursuant to s. 458.331, the board may
2499 enter an order imposing one or more of the terms set forth in s.
2500 456.072(2).

2501 (8) The board may adopt rules pursuant to ss. 120.536(1)
2502 and 120.54 necessary to carry out the provisions of this
2503 section, which shall be applied on a uniform and consistent
2504 basis.

2505 (9) When the board determines that any applicant for
2506 licensure has failed to meet, to the board's satisfaction, each
2507 of the appropriate requirements set forth in this section, it
2508 may enter an order requiring one or more of the following terms:

2509 (a) Refusal to certify to the department an application
2510 for licensure, certification, or registration;

2511 (b) Certification to the department of an application for
2512 licensure, certification, or registration with restrictions on
2513 the scope of practice of the licensee; or

2514 (c) Certification to the department of an application for
2515 licensure, certification, or registration with placement of the
2516 physician on probation for a period of time and subject to such
2517 conditions as the board may specify, including, but not limited
2518 to, requiring the physician to submit to treatment, attend
2519 continuing education courses, submit to reexamination, or work
2520 under the supervision of another physician.

2521 Section 55. Subsection (5) of section 458.3124, Florida
2522 Statutes, is amended to read:



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2523 458.3124 Restricted license; certain experienced foreign-
 2524 trained physicians.--

2525 (5) Notwithstanding s. 458.311(3) and ~~(4)(1)(f)~~, a person
 2526 who successfully meets the requirements of this section and who
 2527 successfully passes Step III of the United States Medical
 2528 Licensing Examination is eligible for full licensure as a
 2529 physician.

2530 Section 56. Section 458.315, Florida Statutes, is amended
 2531 to read:

2532 (Substantial rewording of section. See
 2533 s. 458.315, F.S., for present text.)

2534 458.315 Limited licenses.--

2535 (1) Any person desiring to obtain a limited license shall
 2536 apply to the department on forms furnished by the department.
 2537 The department shall license each applicant who the board
 2538 certifies:

2539 (a) Has submitted to the department, with an application
 2540 and fee not to exceed \$300, a statement stating that he or she
 2541 has been licensed to practice medicine in any jurisdiction or
 2542 territory of the United States or Canada for at least 2 years
 2543 and intends to practice only pursuant to the restrictions of a
 2544 limited license granted pursuant to this section. However, if
 2545 the physician will only use the limited license for
 2546 noncompensated practice, and submits a statement from the
 2547 employing agency or institution stating that he or she will not
 2548 receive compensation for any service involving the practice of
 2549 medicine, the application fee and all licensure fees shall be
 2550 waived.

2551 (b) Has submitted evidence of the active licensed practice
 2552 of medicine in any jurisdiction or territory of the United



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2553 States or Canada for at least 2 of the immediately preceding 4
2554 years. For purposes of this paragraph, the term "active licensed
2555 practice of medicine" means that practice of medicine by
2556 physicians, including those employed by any government entity in
2557 community or public health, as defined by this chapter, those
2558 designated as medical directors under s. 641.495(11) who are
2559 practicing medicine, and those on the active teaching faculty of
2560 an accredited medical school. If it has been more than 3 years
2561 since active practice was conducted by the applicant, a licensed
2562 physician approved by the board shall supervise the applicant
2563 for a period of 6 months after he or she is granted a limited
2564 license for practice, unless the board determines that a shorter
2565 period of supervision will be sufficient to ensure that the
2566 applicant is qualified for licensure. Procedures for such
2567 supervision shall be established by the board.

2568 (c) Has submitted to the department a set of fingerprints
2569 on a form and under procedures by the department for the
2570 criminal history check of the applicant.

2571 (d) Has not committed any act or offense in this or any
2572 other jurisdiction which would constitute the basis for
2573 disciplining a physician pursuant to s. 458.331.

2574 (2) After approval of an application under this section, a
2575 limited license may not be issued until the applicant provides
2576 to the board an affidavit that there have been no substantial
2577 changes in his or her status since initial application.

2578 (3) The recipient of a limited license used for
2579 noncompensated practice shall only practice in the employ of
2580 programs or facilities that provide uncompensated health care
2581 services by volunteer licensed health care professionals to low-
2582 income persons whose family income does not exceed 120 percent



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2583 of the federal poverty level or to uninsured persons. These
2584 facilities shall include, but not be limited to, the department,
2585 community and migrant health centers funded under s. 330 of the
2586 Public Health Service Act, and volunteer health care provider
2587 programs contracted with the department to provide uncompensated
2588 care under the provisions of s. 766.1115.

2589 (4) The recipient of a limited license used for
2590 compensated practice shall only practice in the employ of
2591 certain programs and facilities that provide health care
2592 services and are located within federally designated primary
2593 care health professional shortage areas, unless otherwise
2594 approved by the Secretary of Health. These programs and
2595 facilities shall include, but not be limited to, the department,
2596 the Department of Corrections, county or municipal correctional
2597 facilities, the Department of Juvenile Justice, the Department
2598 of Children and Family Services, and those programs and
2599 facilities funded under s. 330 of the Public Health Service Act.

2600 (5) The recipient of a limited license shall, within 30
2601 days after accepting employment, notify the board of all
2602 approved institutions in which the licensee practices and all
2603 approved institutions in which the licensee's practice
2604 privileges have been denied. Evidence of noncompensated
2605 employment shall be required for the fee waiver under paragraph
2606 (1)(a).

2607 (6) Upon renewal, a limited licenseholder shall, in
2608 addition to complying with other applicable provisions of this
2609 chapter, document compliance with the restrictions prescribed in
2610 this section.

2611 (7) Any person holding an active or inactive license to
2612 practice medicine in the state may convert that license to a



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2613 limited license for the purpose of providing volunteer,
 2614 uncompensated care for low-income Floridians. The licensee must
 2615 submit a statement from the employing agency or institution
 2616 stating that he or she will not receive compensation for any
 2617 service involving the practice of medicine. All licensure fees,
 2618 including neurological injury compensation assessments, shall be
 2619 waived.

2620 (8) Nothing in this section limits in any way any policy
 2621 by the board otherwise authorized by law to grant licenses to
 2622 physicians duly licensed in other states under conditions less
 2623 restrictive than the requirements of this section.

2624 Notwithstanding any other provision of this section, the board
 2625 may refuse to authorize a physician otherwise qualified to
 2626 practice in the employ of any agency or institution otherwise
 2627 qualified if the agency or institution has caused or permitted
 2628 violations of the provisions of this chapter which it knew or
 2629 should have known were occurring.

2630 Section 57. Subsection (4) of section 458.319, Florida
 2631 Statutes, is amended to read:

2632 458.319 Renewal of license.--

2633 (4) ~~Notwithstanding the provisions of s. 456.033,~~ A
 2634 physician may complete continuing education on end-of-life care
 2635 and palliative care in lieu of continuing education in AIDS/HIV,
 2636 if that physician has completed the AIDS/HIV continuing
 2637 education in the immediately preceding biennium.

2638 Section 58. Paragraph (c) of subsection (5) of section
 2639 458.320, Florida Statutes, is amended to read:

2640 458.320 Financial responsibility.--

2641 (5) The requirements of subsections (1), (2), and (3)
 2642 shall not apply to:



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2643 (c) Any person holding a limited license pursuant to s.
 2644 ~~458.315~~ ~~458.317~~ and practicing under the scope of such limited
 2645 license.

2646 Section 59. Section 458.3215, Florida Statutes, is created
 2647 to read:

2648 458.3215 Reactivation of license for clinical research
 2649 purposes.--

2650 (1) Any person who left the practice of medicine for
 2651 purposes of retirement and who, at the time of retirement, was
 2652 in good standing with the board may apply to the board to have
 2653 his or her license reactivated, without examination, for
 2654 purposes of seeing patients solely in a clinical research
 2655 setting. Such person may not have been out of the practice of
 2656 medicine for more than 10 years at the time of applying for
 2657 reactivation of a license under this section.

2658 (2) The board shall by rule set the reactivation fee, not
 2659 to exceed \$300, and develop criteria for reactivation of a
 2660 license under this section, including appropriate continuing
 2661 education requirements, not to exceed those prescribed in s.
 2662 458.321 for reactivation of a license.

2663 Section 60. Paragraph (t) of subsection (1) and
 2664 subsections (6) and (9) of section 458.331, Florida Statutes,
 2665 are amended to read:

2666 458.331 Grounds for disciplinary action; action by the
 2667 board and department.--

2668 (1) The following acts constitute grounds for denial of a
 2669 license or disciplinary action, as specified in s. 456.072(2):

2670 (t) Gross or repeated malpractice or the failure to
 2671 practice medicine with that level of care, skill, and treatment
 2672 which is recognized by a reasonably prudent similar physician as



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2673 being acceptable under similar conditions and circumstances. The
2674 board shall give great weight to the provisions of s. 766.102
2675 when enforcing this paragraph. As used in this paragraph,
2676 "repeated malpractice" includes, but is not limited to, three or
2677 more claims for medical malpractice within the previous 5-year
2678 period resulting in indemnities being paid in excess of \$50,000
2679 ~~\$25,000~~ each to the claimant in a judgment or settlement and
2680 which incidents involved negligent conduct by the physician. As
2681 used in this paragraph, "gross malpractice" or "the failure to
2682 practice medicine with that level of care, skill, and treatment
2683 which is recognized by a reasonably prudent similar physician as
2684 being acceptable under similar conditions and circumstances,"
2685 shall not be construed so as to require more than one instance,
2686 event, or act. Nothing in this paragraph shall be construed to
2687 require that a physician be incompetent to practice medicine in
2688 order to be disciplined pursuant to this paragraph.

2689 (6) Upon the department's receipt from an insurer or self-
2690 insurer of a report of a closed claim against a physician
2691 pursuant to s. 627.912 or from a health care practitioner of a
2692 report pursuant to s. 456.049, or upon the receipt from a
2693 claimant of a presuit notice against a physician pursuant to s.
2694 766.106, the department shall review each report and determine
2695 whether it potentially involved conduct by a licensee that is
2696 subject to disciplinary action, in which case the provisions of
2697 s. 456.073 shall apply. However, if it is reported that a
2698 physician has had three or more claims with indemnities
2699 exceeding \$50,000 ~~\$25,000~~ each within the previous 5-year
2700 period, the department shall investigate the occurrences upon
2701 which the claims were based and determine if action by the
2702 department against the physician is warranted.



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2703 (9) When an investigation of a physician is undertaken,
2704 the department shall promptly furnish to the physician or the
2705 physician's attorney a copy of the complaint or document which
2706 resulted in the initiation of the investigation. For purposes of
2707 this subsection, such documents include, but are not limited to:
2708 the pertinent portions of an annual report submitted to the
2709 department pursuant to s. 395.0197(6); a report of an adverse
2710 incident which is provided to the department pursuant to s.
2711 395.0197; a report of peer review disciplinary action submitted
2712 to the department pursuant to s. 395.0193(4) or s. 458.337,
2713 providing that the investigations, proceedings, and records
2714 relating to such peer review disciplinary action shall continue
2715 to retain their privileged status even as to the licensee who is
2716 the subject of the investigation, as provided by ss. 395.0193(8)
2717 and 458.337(3); a report of a closed claim submitted pursuant to
2718 s. 627.912; a presuit notice submitted pursuant to s.
2719 766.106(2); and a petition brought under the Florida Birth-
2720 Related Neurological Injury Compensation Plan, pursuant to s.
2721 766.305(2). The physician may submit a written response to the
2722 information contained in the complaint or document which
2723 resulted in the initiation of the investigation within 30 ~~45~~
2724 days after service to the physician of the complaint or
2725 document. The physician's written response shall be considered
2726 by the probable cause panel.

2727 Section 61. Paragraph (c) of subsection (1) of section
2728 458.345, Florida Statutes, is amended to read:

2729 458.345 Registration of resident physicians, interns, and
2730 fellows; list of hospital employees; prescribing of medicinal
2731 drugs; penalty.--



2732 (1) Any person desiring to practice as a resident
 2733 physician, assistant resident physician, house physician,
 2734 intern, or fellow in fellowship training which leads to
 2735 subspecialty board certification in this state, or any person
 2736 desiring to practice as a resident physician, assistant resident
 2737 physician, house physician, intern, or fellow in fellowship
 2738 training in a teaching hospital in this state as defined in s.
 2739 408.07(44) or s. 395.805(2), who does not hold a valid, active
 2740 license issued under this chapter shall apply to the department
 2741 to be registered and shall remit a fee not to exceed \$300 as set
 2742 by the board. The department shall register any applicant the
 2743 board certifies has met the following requirements:

2744 (c) Is a graduate of a medical school or college as
 2745 specified in s. 458.311(3)~~(1)(f)~~.

2746 Section 62. Paragraph (b) of subsection (7) of section
 2747 458.347, Florida Statutes, is amended to read:

2748 458.347 Physician assistants.--

2749 (7) PHYSICIAN ASSISTANT LICENSURE.--

2750 (b)1. Notwithstanding subparagraph (a)2. and sub-
 2751 subparagraph (a)3.a., the department shall examine each
 2752 applicant who the Board of Medicine certifies:

2753 a. Has completed the application form and remitted a
 2754 nonrefundable application fee not to exceed \$500 and an
 2755 examination fee not to exceed \$300, plus the actual cost to the
 2756 department to provide the examination. The examination fee is
 2757 refundable if the applicant is found to be ineligible to take
 2758 the examination. The department shall not require the applicant
 2759 to pass a separate practical component of the examination. For
 2760 examinations given after July 1, 1998, competencies measured
 2761 through practical examinations shall be incorporated into the



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2762 written examination through a multiple-choice format. The
2763 department shall translate the examination into the native
2764 language of any applicant who requests and agrees to pay all
2765 costs of such translation, provided that the translation request
2766 is filed with the board office no later than 9 months before the
2767 scheduled examination and the applicant remits translation fees
2768 as specified by the department no later than 6 months before the
2769 scheduled examination, and provided that the applicant
2770 demonstrates to the department the ability to communicate orally
2771 in basic English. If the applicant is unable to pay translation
2772 costs, the applicant may take the next available examination in
2773 English if the applicant submits a request in writing by the
2774 application deadline and if the applicant is otherwise eligible
2775 under this section. To demonstrate the ability to communicate
2776 orally in basic English, a passing score or grade is required,
2777 as determined by the department or organization that developed
2778 it, on the test for spoken English (TSE) by the Educational
2779 Testing Service (ETS), the test of English as a foreign language
2780 (TOEFL) by ETS, a high school or college level English course,
2781 or the English examination for citizenship, Immigration and
2782 Naturalization Service. A notarized copy of an Educational
2783 Commission for Foreign Medical Graduates (ECFMG) certificate may
2784 also be used to demonstrate the ability to communicate in basic
2785 English; and

2786 b.(I) Is an unlicensed physician who graduated from a
2787 foreign medical school listed with the World Health Organization
2788 who has not previously taken and failed the examination of the
2789 National Commission on Certification of Physician Assistants and
2790 who has been certified by the Board of Medicine as having met
2791 the requirements for licensure as a medical doctor by



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2792 examination as set forth in s. 458.311(2)-(7)~~(1), (3), (4), and~~
2793 ~~(5)~~, with the exception that the applicant is not required to
2794 have completed an approved residency of at least 1 year and the
2795 applicant is not required to have passed the licensing
2796 examination specified under s. 458.311 or hold a valid, active
2797 certificate issued by the Educational Commission for Foreign
2798 Medical Graduates; was eligible and made initial application for
2799 certification as a physician assistant in this state between
2800 July 1, 1990, and June 30, 1991; and was a resident of this
2801 state on July 1, 1990, or was licensed or certified in any state
2802 in the United States as a physician assistant on July 1, 1990;
2803 or

2804 (II) Completed all coursework requirements of the Master
2805 of Medical Science Physician Assistant Program offered through
2806 the Florida College of Physician's Assistants prior to its
2807 closure in August of 1996. Prior to taking the examination, such
2808 applicant must successfully complete any clinical rotations that
2809 were not completed under such program prior to its termination
2810 and any additional clinical rotations with an appropriate
2811 physician assistant preceptor, not to exceed 6 months, that are
2812 determined necessary by the council. The boards shall determine,
2813 based on recommendations from the council, the facilities under
2814 which such incomplete or additional clinical rotations may be
2815 completed and shall also determine what constitutes successful
2816 completion thereof, provided such requirements are comparable to
2817 those established by accredited physician assistant programs.
2818 This sub-sub-subparagraph is repealed July 1, 2001.

2819 2. The department may grant temporary licensure to an
2820 applicant who meets the requirements of subparagraph 1. Between
2821 meetings of the council, the department may grant temporary



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2822 licensure to practice based on the completion of all temporary
2823 licensure requirements. All such administratively issued
2824 licenses shall be reviewed and acted on at the next regular
2825 meeting of the council. A temporary license expires 30 days
2826 after receipt and notice of scores to the licenseholder from the
2827 first available examination specified in subparagraph 1.
2828 following licensure by the department. An applicant who fails
2829 the proficiency examination is no longer temporarily licensed,
2830 but may apply for a one-time extension of temporary licensure
2831 after reapplying for the next available examination. Extended
2832 licensure shall expire upon failure of the licenseholder to sit
2833 for the next available examination or upon receipt and notice of
2834 scores to the licenseholder from such examination.

2835 3. Notwithstanding any other provision of law, the
2836 examination specified pursuant to subparagraph 1. shall be
2837 administered by the department only five times. Applicants
2838 certified by the board for examination shall receive at least 6
2839 months' notice of eligibility prior to the administration of the
2840 initial examination. Subsequent examinations shall be
2841 administered at 1-year intervals following the reporting of the
2842 scores of the first and subsequent examinations. For the
2843 purposes of this paragraph, the department may develop, contract
2844 for the development of, purchase, or approve an examination that
2845 adequately measures an applicant's ability to practice with
2846 reasonable skill and safety. The minimum passing score on the
2847 examination shall be established by the department, with the
2848 advice of the board. Those applicants failing to pass that
2849 examination or any subsequent examination shall receive notice
2850 of the administration of the next examination with the notice of
2851 scores following such examination. Any applicant who passes the



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2852 examination and meets the requirements of this section shall be
 2853 licensed as a physician assistant with all rights defined
 2854 thereby.

2855 Section 63. Subsection (5) of section 459.008, Florida
 2856 Statutes, is amended to read:

2857 459.008 Renewal of licenses and certificates.--

2858 (5) ~~Notwithstanding the provisions of s. 456.033,~~ An
 2859 osteopathic physician may complete continuing education on end-
 2860 of-life and palliative care in lieu of continuing education in
 2861 AIDS/HIV, if that physician has completed the AIDS/HIV
 2862 continuing education in the immediately preceding biennium.

2863 Section 64. Section 459.0091, Florida Statutes, is created
 2864 to read:

2865 459.0091 Reactivation of license for clinical research
 2866 purposes.--

2867 (1) Any person who left the practice of osteopathic
 2868 medicine for purposes of retirement and who, at the time of
 2869 retirement, was in good standing with the board may apply to the
 2870 board to have his or her license reactivated, without
 2871 examination, for purposes of seeing patients solely in a
 2872 clinical research setting. Such person may not have been out of
 2873 the practice of medicine for more than 10 years at the time of
 2874 applying for reactivation of a license under this section.

2875 (2) The board shall by rule set the reactivation fee, not
 2876 to exceed \$300, and develop criteria for reactivation of a
 2877 license under this section, including appropriate continuing
 2878 education requirements, not to exceed those prescribed in s.
 2879 459.009 for reactivation of a license.



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2880 Section 65. Paragraph (x) of subsection (1) and
 2881 subsections (6) and (9) of section 459.015, Florida Statutes,
 2882 are amended to read:

2883 459.015 Grounds for disciplinary action; action by the
 2884 board and department.--

2885 (1) The following acts constitute grounds for denial of a
 2886 license or disciplinary action, as specified in s. 456.072(2):

2887 (x) Gross or repeated malpractice or the failure to
 2888 practice osteopathic medicine with that level of care, skill,
 2889 and treatment which is recognized by a reasonably prudent
 2890 similar osteopathic physician as being acceptable under similar
 2891 conditions and circumstances. The board shall give great weight
 2892 to the provisions of s. 766.102 when enforcing this paragraph.
 2893 As used in this paragraph, "repeated malpractice" includes, but
 2894 is not limited to, three or more claims for medical malpractice
 2895 within the previous 5-year period resulting in indemnities being
 2896 paid in excess of \$50,000 ~~\$25,000~~ each to the claimant in a
 2897 judgment or settlement and which incidents involved negligent
 2898 conduct by the osteopathic physician. As used in this paragraph,
 2899 "gross malpractice" or "the failure to practice osteopathic
 2900 medicine with that level of care, skill, and treatment which is
 2901 recognized by a reasonably prudent similar osteopathic physician
 2902 as being acceptable under similar conditions and circumstances"
 2903 shall not be construed so as to require more than one instance,
 2904 event, or act. Nothing in this paragraph shall be construed to
 2905 require that an osteopathic physician be incompetent to practice
 2906 osteopathic medicine in order to be disciplined pursuant to this
 2907 paragraph. A recommended order by an administrative law judge or
 2908 a final order of the board finding a violation under this
 2909 paragraph shall specify whether the licensee was found to have



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2910 committed "gross malpractice," "repeated malpractice," or
 2911 "failure to practice osteopathic medicine with that level of
 2912 care, skill, and treatment which is recognized as being
 2913 acceptable under similar conditions and circumstances," or any
 2914 combination thereof, and any publication by the board shall so
 2915 specify.

2916 (6) Upon the department's receipt from an insurer or self-
 2917 insurer of a report of a closed claim against an osteopathic
 2918 physician pursuant to s. 627.912 or from a health care
 2919 practitioner of a report pursuant to s. 456.049, or upon the
 2920 receipt from a claimant of a presuit notice against an
 2921 osteopathic physician pursuant to s. 766.106, the department
 2922 shall review each report and determine whether it potentially
 2923 involved conduct by a licensee that is subject to disciplinary
 2924 action, in which case the provisions of s. 456.073 shall apply.
 2925 However, if it is reported that an osteopathic physician has had
 2926 three or more claims with indemnities exceeding \$50,000 ~~\$25,000~~
 2927 each within the previous 5-year period, the department shall
 2928 investigate the occurrences upon which the claims were based and
 2929 determine if action by the department against the osteopathic
 2930 physician is warranted.

2931 (9) When an investigation of an osteopathic physician is
 2932 undertaken, the department shall promptly furnish to the
 2933 osteopathic physician or his or her attorney a copy of the
 2934 complaint or document which resulted in the initiation of the
 2935 investigation. For purposes of this subsection, such documents
 2936 include, but are not limited to: the pertinent portions of an
 2937 annual report submitted to the department pursuant to s.
 2938 395.0197(6); a report of an adverse incident which is provided
 2939 to the department pursuant to s. 395.0197; a report of peer



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2940 review disciplinary action submitted to the department pursuant
2941 to s. 395.0193(4) or s. 459.016, provided that the
2942 investigations, proceedings, and records relating to such peer
2943 review disciplinary action shall continue to retain their
2944 privileged status even as to the licensee who is the subject of
2945 the investigation, as provided by ss. 395.0193(8) and
2946 459.016(3); a report of a closed claim submitted pursuant to s.
2947 627.912; a presuit notice submitted pursuant to s. 766.106(2);
2948 and a petition brought under the Florida Birth-Related
2949 Neurological Injury Compensation Plan, pursuant to s.
2950 766.305(2). The osteopathic physician may submit a written
2951 response to the information contained in the complaint or
2952 document which resulted in the initiation of the investigation
2953 within 30 ~~45~~ days after service to the osteopathic physician of
2954 the complaint or document. The osteopathic physician's written
2955 response shall be considered by the probable cause panel.

2956 Section 66. Paragraph (d) of subsection (1) of section
2957 460.406, Florida Statutes, is amended to read:

2958 460.406 Licensure by examination.--

2959 (1) Any person desiring to be licensed as a chiropractic
2960 physician shall apply to the department to take the licensure
2961 examination. There shall be an application fee set by the board
2962 not to exceed \$100 which shall be nonrefundable. There shall
2963 also be an examination fee not to exceed \$500 plus the actual
2964 per applicant cost to the department for purchase of portions of
2965 the examination from the National Board of Chiropractic
2966 Examiners or a similar national organization, which may be
2967 refundable if the applicant is found ineligible to take the
2968 examination. The department shall examine each applicant who
2969 the board certifies has:



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2970 (d)1. For an applicant who has matriculated in a
2971 chiropractic college prior to July 2, 1990, completed at least 2
2972 years of residence college work, consisting of a minimum of one-
2973 half the work acceptable for a bachelor's degree granted on the
2974 basis of a 4-year period of study, in a college or university
2975 accredited by an accrediting agency recognized and approved by
2976 the United States Department of Education. However, prior to
2977 being certified by the board to sit for the examination, each
2978 applicant who has matriculated in a chiropractic college after
2979 July 1, 1990, shall have been granted a bachelor's degree, based
2980 upon 4 academic years of study, by a college or university
2981 accredited by a regional accrediting agency which is a member of
2982 the Council for Higher Education Accreditation or the United
2983 States Department of Education Commission on Recognition of
2984 Postsecondary Accreditation.

2985 2. Effective July 1, 2000, completed, prior to
2986 matriculation in a chiropractic college, at least 3 years of
2987 residence college work, consisting of a minimum of 90 semester
2988 hours leading to a bachelor's degree in a liberal arts college
2989 or university accredited by an accrediting agency recognized and
2990 approved by the United States Department of Education. However,
2991 prior to being certified by the board to sit for the
2992 examination, each applicant who has matriculated in a
2993 chiropractic college after July 1, 2000, shall have been granted
2994 a bachelor's degree from an institution holding accreditation
2995 for that degree from a regional accrediting agency which is
2996 recognized by the United States Department of Education. The
2997 applicant's chiropractic degree must consist of credits earned
2998 in the chiropractic program and may not include academic credit
2999 for courses from the bachelor's degree.



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3000 Section 67. Subsection (5) of section 460.413, Florida
 3001 Statutes, is amended to read:

3002 460.413 Grounds for disciplinary action; action by board
 3003 or department.--

3004 (5) When an investigation of a chiropractic physician is
 3005 undertaken, the department shall promptly furnish to the
 3006 chiropractic physician or her or his attorney a copy of the
 3007 complaint or document which resulted in the initiation of the
 3008 investigation. The chiropractic 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 chiropractic
 3011 physician of the complaint or document. The chiropractic
 3012 physician's written response shall be considered by the probable
 3013 cause panel.

3014 Section 68. Paragraph (s) of subsection (1), paragraph (a)
 3015 of subsection (5), and subsection (6) of section 461.013,
 3016 Florida Statutes, are amended to read:

3017 461.013 Grounds for disciplinary action; action by the
 3018 board; investigations by department.--

3019 (1) The following acts constitute grounds for denial of a
 3020 license or disciplinary action, as specified in s. 456.072(2):

3021 (s) Gross or repeated malpractice or the failure to
 3022 practice podiatric medicine at a level of care, skill, and
 3023 treatment which is recognized by a reasonably prudent podiatric
 3024 physician as being acceptable under similar conditions and
 3025 circumstances. The board shall give great weight to the
 3026 standards for malpractice in s. 766.102 in interpreting this
 3027 section. As used in this paragraph, "repeated malpractice"
 3028 includes, but is not limited to, three or more claims for
 3029 medical malpractice within the previous 5-year period resulting



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3030 in indemnities being paid in excess of \$50,000 ~~\$10,000~~ each to
3031 the claimant in a judgment or settlement and which incidents
3032 involved negligent conduct by the podiatric physicians. As used
3033 in this paragraph, "gross malpractice" or "the failure to
3034 practice podiatric medicine with the level of care, skill, and
3035 treatment which is recognized by a reasonably prudent similar
3036 podiatric physician as being acceptable under similar conditions
3037 and circumstances" shall not be construed so as to require more
3038 than one instance, event, or act.

3039 (5)(a) Upon the department's receipt from an insurer or
3040 self-insurer of a report of a closed claim against a podiatric
3041 physician pursuant to s. 627.912, or upon the receipt from a
3042 claimant of a presuit notice against a podiatric physician
3043 pursuant to s. 766.106, the department shall review each report
3044 and determine whether it potentially involved conduct by a
3045 licensee that is subject to disciplinary action, in which case
3046 the provisions of s. 456.073 shall apply. However, if it is
3047 reported that a podiatric physician has had three or more claims
3048 with indemnities exceeding \$50,000 ~~\$25,000~~ each within the
3049 previous 5-year period, the department shall investigate the
3050 occurrences upon which the claims were based and determine if
3051 action by the department against the podiatric physician is
3052 warranted.

3053 (6) When an investigation of a podiatric physician is
3054 undertaken, the department shall promptly furnish to the
3055 podiatric physician or her or his attorney a copy of the
3056 complaint or document which resulted in the initiation of the
3057 investigation. The podiatric physician may submit a written
3058 response to the information contained in such complaint or
3059 document within 30 ~~45~~ days after service to the podiatric



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3060 physician of the complaint or document. The podiatric
 3061 physician's written response shall be considered by the probable
 3062 cause panel.

3063 Section 69. Paragraph (b) of subsection (1) of section
 3064 463.006, Florida Statutes, is amended to read:

3065 463.006 Licensure and certification by examination.--

3066 (1) Any person desiring to be a licensed practitioner
 3067 pursuant to this chapter shall apply to the department to take
 3068 the licensure and certification examinations. The department
 3069 shall examine each applicant who the board determines has:

3070 (b) Submitted proof satisfactory to the department that
 3071 she or he:

3072 1. Is at least 18 years of age.

3073 2. Has graduated from an accredited school or college of
 3074 optometry approved by rule of the board.

3075 3. Is of good moral character.

3076 4. Has successfully completed at least 110 hours of
 3077 transcript-quality coursework and clinical training in general
 3078 and ocular pharmacology as determined by the board, at an
 3079 institution that:

3080 a. Has facilities for both didactic and clinical
 3081 instructions in pharmacology. ~~and~~

3082 b. Is accredited by a regional or professional accrediting
 3083 organization that is recognized and approved by the Council for
 3084 Higher Education ~~Commission on Recognition of Postsecondary~~
 3085 Accreditation or the United States Department of Education.

3086 5. Has completed at least 1 year of supervised experience
 3087 in differential diagnosis of eye disease or disorders as part of
 3088 the optometric training or in a clinical setting as part of the
 3089 optometric experience.



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3090 Section 70. Paragraph (a) of subsection (4) of section
3091 464.0205, Florida Statutes, is amended to read:

3092 464.0205 Retired volunteer nurse certificate.--

3093 (4) A retired volunteer nurse receiving certification from
3094 the board shall:

3095 (a) Work under the direct supervision of the director of a
3096 county health department, a physician working under a limited
3097 license issued pursuant to s. 458.315 ~~458.317~~ or s. 459.0075, a
3098 physician licensed under chapter 458 or chapter 459, an advanced
3099 registered nurse practitioner certified under s. 464.012, or a
3100 registered nurse licensed under s. 464.008 or s. 464.009.

3101 Section 71. Subsections (1), (5), and (7) of section
3102 464.203, Florida Statutes, are amended, and subsection (8) is
3103 added to said section, to read:

3104 464.203 Certified nursing assistants; certification
3105 requirement.--

3106 (1) The board shall issue a certificate to practice as a
3107 certified nursing assistant to any person who demonstrates a
3108 minimum competency to read and write and successfully passes the
3109 required statewide criminal history check through the Department
3110 of Law Enforcement or, if the applicant has not maintained
3111 continuous residency within the state for the 5 years
3112 immediately preceding the date of application, a federal
3113 criminal history check through the Federal Bureau of
3114 Investigation Level I or Level II screening pursuant to s.
3115 ~~400.215~~ and meets one of the following requirements:

3116 (a) Has successfully completed an approved training
3117 program and achieved a minimum score, established by rule of the
3118 board, on the nursing assistant competency examination, which
3119 consists of a written portion and skills-demonstration portion



3120 approved by the board and administered at a site and by
 3121 personnel approved by the department.

3122 (b) Has achieved a minimum score, established by rule of
 3123 the board, on the nursing assistant competency examination,
 3124 which consists of a written portion and skills-demonstration
 3125 portion, approved by the board and administered at a site and by
 3126 personnel approved by the department and:

- 3127 1. Has a high school diploma, or its equivalent; or
- 3128 2. Is at least 18 years of age.

3129 (c) Is currently certified in another state; is listed on
 3130 that state's certified nursing assistant registry; and has not
 3131 been found to have committed abuse, neglect, or exploitation in
 3132 that state.

3133 (d) Has completed the curriculum developed under the
 3134 Enterprise Florida Jobs and Education Partnership Grant and
 3135 achieved a minimum score, established by rule of the board, on
 3136 the nursing assistant competency examination, which consists of
 3137 a written portion and skills-demonstration portion, approved by
 3138 the board and administered at a site and by personnel approved
 3139 by the department.

3140 (5) Certification as a nursing assistant, in accordance
 3141 with this part, may be renewed ~~continues in effect~~ until such
 3142 time as the nursing assistant allows a period of 24 consecutive
 3143 months to pass during which period the nursing assistant fails
 3144 to perform any nursing-related services for monetary
 3145 compensation. When a nursing assistant fails to perform any
 3146 nursing-related services for monetary compensation for a period
 3147 of 24 consecutive months, the nursing assistant must complete a
 3148 new training and competency evaluation program or a new
 3149 competency evaluation program.



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3150 (7) A certified nursing assistant shall complete 12 ~~18~~
3151 hours of inservice training during each calendar year. The
3152 certified nursing assistant shall be responsible for maintaining
3153 documentation demonstrating compliance with these provisions.
3154 The Council on Certified Nursing Assistants, in accordance with
3155 s. 464.2085(2)(b), shall propose rules to implement this
3156 subsection.

3157 (8) The department shall renew a certificate upon receipt
3158 of the renewal application and a fee not to exceed \$50
3159 biennially. The department shall adopt rules establishing a
3160 procedure for the biennial renewal of certificates. Any
3161 certificate not renewed by July 1, 2005, shall be void.

3162 Section 72. Paragraph (b) of subsection (1) of section
3163 464.204, Florida Statutes, is amended to read:

3164 464.204 Denial, suspension, or revocation of
3165 certification; disciplinary actions.--

3166 (1) The following acts constitute grounds for which the
3167 board may impose disciplinary sanctions as specified in
3168 subsection (2):

3169 (b) ~~Intentionally~~ Violating any provision of parts I and
3170 II of this chapter, chapter 456, or the rules adopted by the
3171 board.

3172 Section 73. Paragraph (i) of subsection (1) of section
3173 465.016, Florida Statutes, is amended to read:

3174 465.016 Disciplinary actions.--

3175 (1) The following acts constitute grounds for denial of a
3176 license or disciplinary action, as specified in s. 456.072(2):

3177 (i) Compounding, dispensing, or distributing a legend
3178 drug, including any controlled substance, other than in the
3179 course of the professional practice of pharmacy. For purposes of



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3180 this paragraph, it shall be legally presumed that the
3181 compounding, dispensing, or distributing of legend drugs in
3182 excessive or inappropriate quantities is not in the best
3183 interests of the patient and is not in the course of the
3184 professional practice of pharmacy. A quantity of legend drug
3185 which the licensee knows or reasonably should know was not
3186 prescribed in the course of a valid professional relationship is
3187 presumed to be an excessive or inappropriate quantity. A medical
3188 questionnaire completed by Internet, telephone, electronic
3189 transfer, or mail does not establish a valid professional
3190 relationship.

3191 Section 74. Subsection (8) of section 467.009, Florida
3192 Statutes, is amended to read:

3193 467.009 Midwifery programs; education and training
3194 requirements.--

3195 (8) Nonpublic educational institutions that conduct
3196 approved midwifery programs shall be accredited by an
3197 accrediting agency recognized and approved by the Council for
3198 Higher Education Accreditation or the United States Department
3199 of Education ~~a member of the Commission on Recognition of~~
3200 ~~Postsecondary Accreditation~~ and shall be licensed by the
3201 Commission for Independent State Board of Nonpublic Career
3202 Education.

3203 Section 75. Section 467.013, Florida Statutes, is amended
3204 to read:

3205 467.013 Inactive status.--A licensee may request that his
3206 or her license be placed in an inactive status by making
3207 application to the department pursuant to department rule and
3208 paying a fee.



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3209 ~~(1) An inactive license may be renewed for one additional~~
3210 ~~biennium upon application to the department and payment of the~~
3211 ~~applicable biennium renewal fee. The department shall establish~~
3212 ~~by rule procedures and fees for applying to place a license on~~
3213 ~~inactive status, renewing an inactive license, and reactivating~~
3214 ~~an inactive license. The fee for any of these procedures may not~~
3215 ~~exceed the biennial renewal fee established by the department.~~

3216 ~~(2) Any license that is not renewed by the end of the~~
3217 ~~biennium established by the department automatically reverts to~~
3218 ~~involuntary inactive status unless the licensee has applied for~~
3219 ~~voluntary inactive status. Such license may be reactivated only~~
3220 ~~if the licensee meets the requirements for reactivating the~~
3221 ~~license established by department rule.~~

3222 ~~(3) A midwife who desires to reactivate an inactive~~
3223 ~~license shall apply to the department, complete the reactivation~~
3224 ~~application, remit the applicable fees, and submit proof of~~
3225 ~~compliance with the requirements for continuing education~~
3226 ~~established by department rule.~~

3227 ~~(4) Each licensed midwife whose license has been placed on~~
3228 ~~inactive status for more than 1 year must complete continuing~~
3229 ~~education hours as a condition of reactivating the inactive~~
3230 ~~license.~~

3231 ~~(5) The licensee shall submit to the department evidence~~
3232 ~~of participation in 10 hours of continuing education, approved~~
3233 ~~by the department and clinically related to the practice of~~
3234 ~~midwifery, for each year of the biennium in which the license~~
3235 ~~was inactive. This requirement is in addition to submitting~~
3236 ~~evidence of completing the continuing education required for the~~
3237 ~~most recent biennium in which the licensee held an active~~
3238 ~~license.~~



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3239 Section 76. Section 467.0135, Florida Statutes, is amended
 3240 to read:

3241 467.0135 Fees.--The department shall establish fees for
 3242 application, ~~examination,~~ initial licensure, renewal of active
 3243 status licensure, licensure by endorsement, inactive status,
 3244 delinquent status, and reactivation of an inactive status
 3245 license. The appropriate fee must be paid at the time of
 3246 application and is payable to the Department of Health, in
 3247 accordance with rules adopted by the department. A fee is
 3248 nonrefundable, unless otherwise provided by rule. A fee may not
 3249 exceed:

3250 ~~(1) Five hundred dollars for examination.~~

3251 (1)~~(2)~~ Five hundred dollars for initial licensure.

3252 (2)~~(3)~~ Five hundred dollars for renewal of an active
 3253 status license licensure.

3254 (3)~~(4)~~ Two hundred dollars for application, ~~which fee is~~
 3255 ~~nonrefundable.~~

3256 (4)~~(5)~~ Five hundred dollars for renewal ~~reactivation~~ of an
 3257 inactive status license.

3258 (5)~~(6)~~ Five hundred dollars for licensure by endorsement.

3259
 3260 A fee for inactive status, reactivation of an inactive status
 3261 license, or delinquency may not exceed the fee established by
 3262 the department for biennial renewal of an active status license.
 3263 All fees collected under this section shall be deposited in the
 3264 Medical Quality Assurance Trust Fund.

3265 Section 77. Subsection (1) of section 467.017, Florida
 3266 Statutes, is amended to read:

3267 467.017 Emergency care plan; immunity.--



3268 (1) Every licensed midwife shall develop a written plan
 3269 for the appropriate delivery of emergency care. A copy of the
 3270 plan shall accompany any application for license issuance and
 3271 must be made available upon request of the department ~~or~~
 3272 ~~renewal~~. The plan shall address the following:

3273 (a) Consultation with other health care providers.

3274 (b) Emergency transfer.

3275 (c) Access to neonatal intensive care units and
 3276 obstetrical units or other patient care areas.

3277 Section 78. Paragraph (g) of subsection (3) of section
 3278 468.302, Florida Statutes, is amended to read:

3279 468.302 Use of radiation; identification of certified
 3280 persons; limitations; exceptions.--

3281 (3)

3282 (g)1. A person holding a certificate as a nuclear medicine
 3283 technologist may only:

3284 a. Conduct in vivo and in vitro measurements of
 3285 radioactivity and administer radiopharmaceuticals to human
 3286 beings for diagnostic and therapeutic purposes.

3287 b. Administer X radiation from a combination nuclear
 3288 medicine-computed tomography device if that radiation is
 3289 administered as an integral part of a nuclear medicine procedure
 3290 that uses an automated computed tomography protocol for the
 3291 purposes of attenuation correction and anatomical localization
 3292 and the person has received device-specific training on the
 3293 combination device.

3294 2. ~~However,~~ The authority of a nuclear medicine
 3295 technologist under this paragraph excludes:

3296 a. Radioimmunoassay and other clinical laboratory testing
 3297 regulated pursuant to chapter 483.



3298 b. Creating or modifying automated computed tomography
 3299 protocols.

3300 c. Any other operation of a computed tomography device,
 3301 especially for the purposes of stand-alone diagnostic imaging
 3302 which is regulated pursuant to the general radiographic scope in
 3303 this part.

3304 Section 79. Section 468.352, Florida Statutes, is amended
 3305 to read:

3306 (Substantial rewording of section. See
 3307 s. 468.352, F.S., for present text.)

3308 468.352 Definitions.--As used in this part, the term:

3309 (1) "Board" means the Board of Respiratory Care.

3310 (2) "Certified respiratory therapist" means any person
 3311 licensed under this part who is certified by the National Board
 3312 for Respiratory Care, or its successor, who is employed to
 3313 deliver respiratory care services under the order of a physician
 3314 licensed pursuant to chapter 458 or chapter 459 in accordance
 3315 with protocols established by a hospital or other health care
 3316 provider or the board and who functions in situations of
 3317 unsupervised contact requiring individual judgment.

3318 (3) "Critical care" means care given to a patient in any
 3319 setting involving a life-threatening emergency.

3320 (4) "Department" means the Department of Health.

3321 (5) "Direct supervision" means practicing under the
 3322 direction of a licensed, registered, or certified respiratory
 3323 therapist who is physically on the premises and readily
 3324 available, as defined by the board.

3325 (6) "Physician supervision" means supervision and control
 3326 by a physician licensed under chapter 458 or chapter 459 who
 3327 assumes the legal liability for the services rendered by the



3328 personnel employed in his or her office. Except in the case of
 3329 an emergency, physician supervision requires the easy
 3330 availability of the physician within the office or the physical
 3331 presence of the physician for consultation and direction of the
 3332 actions of the persons who deliver respiratory care services.

3333 (7) "Practice of respiratory care" or "respiratory
 3334 therapy" means the allied health specialty associated with the
 3335 cardiopulmonary system that is practiced under the orders of a
 3336 physician licensed under chapter 458 or chapter 459 and in
 3337 accordance with protocols, policies, and procedures established
 3338 by a hospital or other health care provider or the board,
 3339 including the assessment, diagnostic evaluation, treatment,
 3340 management, control, rehabilitation, education, and care of
 3341 patients in all health care settings.

3342 (8) "Registered respiratory therapist" means any person
 3343 licensed under this part who is registered by the National Board
 3344 for Respiratory Care, or its successor, who is employed to
 3345 deliver respiratory care services under the order of a physician
 3346 licensed under chapter 458 or chapter 459 in accordance with
 3347 protocols established by a hospital or other health care
 3348 provider or the board, and who functions in situations of
 3349 unsupervised contact requiring individual judgment.

3350 (9) "Respiratory care practitioner" means any person
 3351 licensed under this part who is employed to deliver respiratory
 3352 care services under direct supervision pursuant to the order of
 3353 a physician licensed under chapter 458 or chapter 459.

3354 (10) "Respiratory care services" includes:

3355 (a) Evaluation and disease management.

3356 (b) Diagnostic and therapeutic use of respiratory
 3357 equipment, devices, or medical gas.



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3358 (c) Administration of drugs, as duly ordered or prescribed
3359 by a physician licensed under chapter 458 or chapter 459 and in
3360 accordance with protocols, policies, and procedures established
3361 by a hospital, another health care provider, or the board.

3362 (d) Initiation, management, and maintenance of equipment
3363 to assist and support ventilation and respiration.

3364 (e) Diagnostic procedures, research, and therapeutic
3365 treatment and procedures, including measurement of ventilatory
3366 volumes, pressures, and flows; specimen collection and analysis
3367 of blood for gas transport and acid/base determinations;
3368 pulmonary-function testing; and other related physiological
3369 monitoring of cardiopulmonary systems.

3370 (f) Cardiopulmonary rehabilitation.

3371 (g) Cardiopulmonary resuscitation, advanced cardiac life
3372 support, neonatal resuscitation, and pediatric advanced life
3373 support, or equivalent functions.

3374 (h) Insertion and maintenance of artificial airways and
3375 intravascular catheters.

3376 (i) Performing sleep disorder studies.

3377 (j) Education of patients, families, the public, or other
3378 health care providers, including disease process and management
3379 programs and smoking prevention and cessation programs.

3380 (k) Initiation and management of hyperbaric oxygen.

3381 Section 80. Section 468.355, Florida Statutes, is amended
3382 to read:

3383 (Substantial rewording of section. See
3384 s. 468.355, F.S., for present text.)

3385 468.355 Licensure requirements.--To be eligible for
3386 licensure by the board, an applicant must be an active certified
3387 respiratory therapist or an active registered respiratory



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3388 therapist credentialed by the National Board for Respiratory
3389 Care or its successor.

3390 Section 81. Section 468.368, Florida Statutes, is amended
3391 to read:

3392 (Substantial rewording of section. See
3393 s. 468.368, F.S., for present text.)

3394 468.368 Exemptions.--This part may not be construed to
3395 prevent or restrict the practice, services, or activities of:

3396 (1) Any person licensed in this state by any other
3397 provision of law when engaging in the profession or occupation
3398 for which he or she is licensed.

3399 (2) Any legally qualified person in the state or another
3400 state or territory who is employed by the United States
3401 Government or any agency thereof while such person is
3402 discharging his or her official duties.

3403 (3) A friend or family member who is providing respiratory
3404 care services to an ill person and who does not represent
3405 himself or herself as a respiratory care practitioner or
3406 respiratory therapist.

3407 (4) An individual providing respiratory care services in
3408 an emergency who does not represent himself or herself as a
3409 respiratory care practitioner or respiratory therapist.

3410 (5) Any individual employed to deliver, assemble, set up,
3411 or test equipment for use in a home, upon the order of a
3412 physician licensed pursuant to chapter 458 or chapter 459. This
3413 subsection does not, however, authorize the practice of
3414 respiratory care without a license.

3415 (6) Any individual performing polysomnography under
3416 medical direction, as related to the diagnosis and evaluation of
3417 treatment for sleep disorders.



3418 (7) Any individual certified or registered as a pulmonary
 3419 function technologist who is credentialed by the National Board
 3420 for Respiratory Care or its successor for performing
 3421 cardiopulmonary diagnostic studies.

3422 (8) Any student who is enrolled in an accredited
 3423 respiratory care program approved by the board while performing
 3424 respiratory care as an integral part of a required course.

3425 (9) The delivery of incidental respiratory care to
 3426 noninstitutionalized persons by surrogate family members who do
 3427 not represent themselves as registered or certified respiratory
 3428 care therapists.

3429 (10) Any individual credentialed by the Underseas
 3430 Hyperbaric Society in hyperbaric medicine, or its equivalent as
 3431 determined by the board, while performing related duties. This
 3432 subsection does not, however, authorize the practice of
 3433 respiratory care without a license.

3434 Section 82. Subsection (2) of section 468.509, Florida
 3435 Statutes, is amended to read:

3436 468.509 Dietitian/nutritionist; requirements for
 3437 licensure.--

3438 (2) The agency shall examine any applicant who the board
 3439 certifies has completed the application form and remitted the
 3440 application and examination fees specified in s. 468.508 and
 3441 who:

3442 (a)1. Possesses a baccalaureate or postbaccalaureate
 3443 degree with a major course of study in human nutrition, food and
 3444 nutrition, dietetics, or food management, or an equivalent major
 3445 course of study, from a school or program accredited, at the
 3446 time of the applicant's graduation, by the appropriate
 3447 accrediting agency recognized by the Council for Higher



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3448 Education Accreditation or Commission on Recognition of
 3449 ~~Postsecondary Accreditation and~~ the United States Department of
 3450 Education; and

3451 2. Has completed a preprofessional experience component of
 3452 not less than 900 hours or has education or experience
 3453 determined to be equivalent by the board; or

3454 (b)1. Has an academic degree, from a foreign country, that
 3455 has been validated by an accrediting agency approved by the
 3456 United States Department of Education as equivalent to the
 3457 baccalaureate or postbaccalaureate degree conferred by a
 3458 regionally accredited college or university in the United
 3459 States;

3460 2. Has completed a major course of study in human
 3461 nutrition, food and nutrition, dietetics, or food management;
 3462 and

3463 3. Has completed a preprofessional experience component of
 3464 not less than 900 hours or has education or experience
 3465 determined to be equivalent by the board.

3466 Section 83. Section 468.707, Florida Statutes, is amended
 3467 to read:

3468 468.707 Licensure by examination; requirements.--

3469 ~~(1)~~ Any person desiring to be licensed as an athletic
 3470 trainer shall apply to the department on a form approved by the
 3471 department.

3472 (1)(a) The department shall license each applicant who:

3473 (a)1- Has completed the application form and remitted the
 3474 required fees.

3475 (b)2- Is at least 21 years of age.

3476 (c)3- Has obtained a baccalaureate degree from a college
 3477 or university accredited by an accrediting agency recognized and



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3478 approved by the United States Department of Education or the
 3479 Council for Higher Education ~~Commission on Recognition of~~
 3480 ~~Postsecondary~~ Accreditation, or approved by the board.

3481 (d)4. Has completed coursework from a college or
 3482 university accredited by an accrediting agency recognized and
 3483 approved by the United States Department of Education or the
 3484 Council for Higher Education ~~Commission on Recognition of~~
 3485 ~~Postsecondary~~ Accreditation, or approved by the board, in each
 3486 of the following areas, as provided by rule: health, human
 3487 anatomy, kinesiology/biomechanics, human physiology, physiology
 3488 of exercise, basic athletic training, and advanced athletic
 3489 training.

3490 (e)5. Has current certification in standard first aid and
 3491 cardiovascular pulmonary resuscitation from the American Red
 3492 Cross or an equivalent certification as determined by the board.

3493 (f)6. Has, within 2 of the preceding 5 years, attained a
 3494 minimum of 800 hours of athletic training experience under the
 3495 direct supervision of a licensed athletic trainer or an athletic
 3496 trainer certified by the National Athletic Trainers' Association
 3497 or a comparable national athletic standards organization.

3498 (g)7. Has passed an examination administered or approved
 3499 by the board.

3500 (2)(b) The department shall also license each applicant
 3501 who:

3502 (a)1. Has completed the application form and remitted the
 3503 required fees no later than October 1, 1996.

3504 (b)2. Is at least 21 years of age.

3505 (c)3. Has current certification in standard first aid and
 3506 cardiovascular pulmonary resuscitation from the American Red
 3507 Cross or an equivalent certification as determined by the board.



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3508 ~~(d)1.4.a.~~ Has practiced athletic training for at least 3
 3509 of the 5 years preceding application; or

3510 ~~2.b.~~ Is currently certified by the National Athletic
 3511 Trainers' Association or a comparable national athletic
 3512 standards organization.

3513 ~~(2) Pursuant to the requirements of s. 456.034, each~~
 3514 ~~applicant shall complete a continuing education course on human~~
 3515 ~~immunodeficiency virus and acquired immune deficiency syndrome~~
 3516 ~~as part of initial licensure.~~

3517 Section 84. Section 486.031, Florida Statutes, is amended
 3518 to read:

3519 486.031 Physical therapist; licensing requirements.--To be
 3520 eligible for licensing as a physical therapist, an applicant
 3521 must:

3522 (1) Be at least 18 years old.~~;~~

3523 (2) Be of good moral character.~~;~~~~and~~

3524 (3)(a) Have been graduated from a school of physical
 3525 therapy which has been approved for the educational preparation
 3526 of physical therapists by the appropriate accrediting agency
 3527 recognized by the Council for Higher Education Commission on
 3528 ~~Recognition of Postsecondary~~ Accreditation or the United States
 3529 Department of Education at the time of her or his graduation and
 3530 have passed, to the satisfaction of the board, the American
 3531 Registry Examination prior to 1971 or a national examination
 3532 approved by the board to determine her or his fitness for
 3533 practice as a physical therapist as hereinafter provided;

3534 (b) Have received a diploma from a program in physical
 3535 therapy in a foreign country and have educational credentials
 3536 deemed equivalent to those required for the educational
 3537 preparation of physical therapists in this country, as



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3538 recognized by the appropriate agency as identified by the board,
 3539 and have passed to the satisfaction of the board an examination
 3540 to determine her or his fitness for practice as a physical
 3541 therapist as hereinafter provided; or

3542 (c) Be entitled to licensure without examination as
 3543 provided in s. 486.081.

3544 Section 85. Section 486.102, Florida Statutes, is amended
 3545 to read:

3546 486.102 Physical therapist assistant; licensing
 3547 requirements.--To be eligible for licensing by the board as a
 3548 physical therapist assistant, an applicant must:

3549 (1) Be at least 18 years old.†

3550 (2) Be of good moral character.† ~~and~~

3551 (3)(a) Have been graduated from a school giving a course
 3552 of not less than 2 years for physical therapist assistants,
 3553 which has been approved for the educational preparation of
 3554 physical therapist assistants by the appropriate accrediting
 3555 agency recognized by the Council for Higher Education Commission
 3556 ~~on Recognition of Postsecondary~~ Accreditation or the United
 3557 States Department of Education at the time of her or his
 3558 graduation and have passed to the satisfaction of the board an
 3559 examination to determine her or his fitness for practice as a
 3560 physical therapist assistant as hereinafter provided;

3561 (b) Have been graduated from a school giving a course for
 3562 physical therapist assistants in a foreign country and have
 3563 educational credentials deemed equivalent to those required for
 3564 the educational preparation of physical therapist assistants in
 3565 this country, as recognized by the appropriate agency as
 3566 identified by the board, and passed to the satisfaction of the
 3567 board an examination to determine her or his fitness for



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3568 practice as a physical therapist assistant as hereinafter
 3569 provided; or

3570 (c) Be entitled to licensure without examination as
 3571 provided in s. 486.107.

3572 Section 86. Paragraph (a) of subsection (5) of section
 3573 489.553, Florida Statutes, is amended to read:

3574 489.553 Administration of part; registration
 3575 qualifications; examination.--

3576 (5) To be eligible for registration by the department as a
 3577 master septic tank contractor, the applicant must:

3578 (a) Have been a registered septic tank contractor in
 3579 Florida for at least 3 years or a plumbing contractor certified
 3580 under part I of this chapter who has provided septic tank
 3581 contracting services for at least 3 years. The 3 years must
 3582 immediately precede the date of application and may not be
 3583 interrupted by any probation, suspension, or revocation imposed
 3584 by the licensing agency.

3585 Section 87. Section 489.554, Florida Statutes, is amended
 3586 to read:

3587 489.554 Registration renewal.--

3588 (1) The department shall prescribe by rule the method for
 3589 approval of continuing education courses, ~~and for~~ renewal of
 3590 annual registration, inactive status for late filing of a
 3591 renewal application, allowing a contractor to hold his or her
 3592 registration in inactive status for a specified period, and
 3593 reactivating a license.

3594 (2) At a minimum, annual renewal shall include continuing
 3595 education requirements of not less than 6 classroom hours
 3596 annually for septic tank contractors and not less than 12
 3597 classroom hours annually for master septic tank contractors. The



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3598 12 classroom hours of continuing education required for master
3599 septic tank contractors may include the 6 classroom hours
3600 required for septic tank contractors, but at a minimum must
3601 include 6 classroom hours of approved master septic tank
3602 contractor coursework.

3603 (3) A certificate of registration shall become inactive if
3604 a renewal application is not filed in a timely manner. A
3605 certificate that has become inactive may be reactivated under
3606 this section by application to the department. A registered
3607 contractor may apply to the department for voluntary inactive
3608 status at any time during the period of registration.

3609 (4) A master septic tank contractor may elect to revert to
3610 registered septic tank contractor status at any time during the
3611 period of registration. The department shall prescribe by rule
3612 the method for a master septic tank contractor whose
3613 registration has reverted to registered septic tank contractor
3614 status to apply for master septic tank contractor status.

3615 (5) The department shall deny an application for renewal
3616 if there is any outstanding administrative penalty against the
3617 applicant which is final agency action and all judicial reviews
3618 are exhausted.

3619 Section 88. Paragraph (b) of subsection (2) of section
3620 490.005, Florida Statutes, is amended to read:

3621 490.005 Licensure by examination.--

3622 (2) Any person desiring to be licensed as a school
3623 psychologist shall apply to the department to take the licensure
3624 examination. The department shall license each applicant who
3625 the department certifies has:

3626 (b) Submitted satisfactory proof to the department that
3627 the applicant:



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3628 1. Has received a doctorate, specialist, or equivalent
 3629 degree from a program primarily psychological in nature and has
 3630 completed 60 semester hours or 90 quarter hours of graduate
 3631 study, in areas related to school psychology as defined by rule
 3632 of the department, from a college or university which at the
 3633 time the applicant was enrolled and graduated was accredited by
 3634 an accrediting agency recognized and approved by the Council for
 3635 Higher Education Accreditation or the United States Department
 3636 of Education Commission on Recognition of Postsecondary
 3637 Accreditation or from an institution which is publicly
 3638 recognized as a member in good standing with the Association of
 3639 Universities and Colleges of Canada.

3640 2. Has had a minimum of 3 years of experience in school
 3641 psychology, 2 years of which must be supervised by an individual
 3642 who is a licensed school psychologist or who has otherwise
 3643 qualified as a school psychologist supervisor, by education and
 3644 experience, as set forth by rule of the department. A doctoral
 3645 internship may be applied toward the supervision requirement.

3646 3. Has passed an examination provided by the department.

3647 Section 89. Paragraph (d) of subsection (1), paragraph (b)
 3648 of subsection (3), and paragraph (b) of subsection (4) of
 3649 section 491.005, Florida Statutes, are amended, and paragraph
 3650 (f) is added to subsection (1) of said section, to read:

3651 491.005 Licensure by examination.--

3652 (1) CLINICAL SOCIAL WORK.--Upon verification of
 3653 documentation and payment of a fee not to exceed \$200, as set by
 3654 board rule, plus the actual per applicant cost to the department
 3655 for purchase of the examination from the American Association of
 3656 State Social Worker's Boards or a similar national organization,



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3657 the department shall issue a license as a clinical social worker
3658 to an applicant who the board certifies:

3659 (d) Has passed a theory and practice examination approved
3660 ~~provided by the board department~~ for this purpose, which shall
3661 only be taken following completion of the clinical experience
3662 requirement.

3663 (f) Has satisfied all coursework requirements in this
3664 section by successfully completing the required course as a
3665 student or by teaching the required graduate course as an
3666 instructor or professor in an accredited institution.

3667 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification of
3668 documentation and payment of a fee not to exceed \$200, as set by
3669 board rule, plus the actual cost to the department for the
3670 purchase of the examination from the Association of Marital and
3671 Family Therapy Regulatory Board, or similar national
3672 organization, the department shall issue a license as a marriage
3673 and family therapist to an applicant who the board certifies:

3674 (b)1. Has a minimum of a master's degree with major
3675 emphasis in marriage and family therapy, or a closely related
3676 field, and has completed all of the following requirements:

3677 a. Thirty-six semester hours or 48 quarter hours of
3678 graduate coursework, which must include a minimum of 3 semester
3679 hours or 4 quarter hours of graduate-level course credits in
3680 each of the following nine areas: dynamics of marriage and
3681 family systems; marriage therapy and counseling theory and
3682 techniques; family therapy and counseling theory and techniques;
3683 individual human development theories throughout the life cycle;
3684 personality theory or general counseling theory and techniques;
3685 psychopathology; human sexuality theory and counseling
3686 techniques; psychosocial theory; and substance abuse theory and



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3687 counseling techniques. Courses in research, evaluation,
3688 appraisal, assessment, or testing theories and procedures;
3689 thesis or dissertation work; or practicums, internships, or
3690 fieldwork may not be applied toward this requirement.

3691 b. A minimum of one graduate-level course of 3 semester
3692 hours or 4 quarter hours in legal, ethical, and professional
3693 standards issues in the practice of marriage and family therapy
3694 or a course determined by the board to be equivalent.

3695 c. A minimum of one graduate-level course of 3 semester
3696 hours or 4 quarter hours in diagnosis, appraisal, assessment,
3697 and testing for individual or interpersonal disorder or
3698 dysfunction; and a minimum of one 3-semester-hour or 4-quarter-
3699 hour graduate-level course in behavioral research which focuses
3700 on the interpretation and application of research data as it
3701 applies to clinical practice. Credit for thesis or dissertation
3702 work, practicums, internships, or fieldwork may not be applied
3703 toward this requirement.

3704 d. A minimum of one supervised clinical practicum,
3705 internship, or field experience in a marriage and family
3706 counseling setting, during which the student provided 180 direct
3707 client contact hours of marriage and family therapy services
3708 under the supervision of an individual who met the requirements
3709 for supervision under paragraph (c). This requirement may be met
3710 by a supervised practice experience which took place outside the
3711 academic arena, but which is certified as equivalent to a
3712 graduate-level practicum or internship program which required a
3713 minimum of 180 direct client contact hours of marriage and
3714 family therapy services currently offered within an academic
3715 program of a college or university accredited by an accrediting
3716 agency approved by the United States Department of Education, or



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3717 an institution which is publicly recognized as a member in good
 3718 standing with the Association of Universities and Colleges of
 3719 Canada or a training institution accredited by the Commission on
 3720 Accreditation for Marriage and Family Therapy Education
 3721 recognized by the United States Department of Education.
 3722 Certification shall be required from an official of such
 3723 college, university, or training institution.

3724 2. If the course title which appears on the applicant's
 3725 transcript does not clearly identify the content of the
 3726 coursework, the applicant shall be required to provide
 3727 additional documentation, including, but not limited to, a
 3728 syllabus or catalog description published for the course.

3729
 3730 The required master's degree must have been received in an
 3731 institution of higher education which at the time the applicant
 3732 graduated was: fully accredited by a regional accrediting body
 3733 recognized by the Council for Higher Education Accreditation or
 3734 the United States Department of Education Commission on
 3735 ~~Recognition of Postsecondary Accreditation~~; publicly recognized
 3736 as a member in good standing with the Association of
 3737 Universities and Colleges of Canada; or an institution of higher
 3738 education located outside the United States and Canada, which at
 3739 the time the applicant was enrolled and at the time the
 3740 applicant graduated maintained a standard of training
 3741 substantially equivalent to the standards of training of those
 3742 institutions in the United States which are accredited by a
 3743 regional accrediting body recognized by the Council for Higher
 3744 Education Accreditation or the United States Department of
 3745 Education Commission on Recognition of Postsecondary
 3746 ~~Accreditation~~. Such foreign education and training must have



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3747 been received in an institution or program of higher education
3748 officially recognized by the government of the country in which
3749 it is located as an institution or program to train students to
3750 practice as professional marriage and family therapists or
3751 psychotherapists. The burden of establishing that the
3752 requirements of this provision have been met shall be upon the
3753 applicant, and the board shall require documentation, such as,
3754 but not limited to, an evaluation by a foreign equivalency
3755 determination service, as evidence that the applicant's graduate
3756 degree program and education were equivalent to an accredited
3757 program in this country. An applicant with a master's degree
3758 from a program which did not emphasize marriage and family
3759 therapy may complete the coursework requirement in a training
3760 institution fully accredited by the Commission on Accreditation
3761 for Marriage and Family Therapy Education recognized by the
3762 United States Department of Education.

3763 (4) MENTAL HEALTH COUNSELING.--Upon verification of
3764 documentation and payment of a fee not to exceed \$200, as set by
3765 board rule, plus the actual per applicant cost to the department
3766 for purchase of the examination from the Professional
3767 Examination Service for the National Academy of Certified
3768 Clinical Mental Health Counselors or a similar national
3769 organization, the department shall issue a license as a mental
3770 health counselor to an applicant who the board certifies:

3771 (b)1. Has a minimum of an earned master's degree from a
3772 mental health counseling program accredited by the Council for
3773 the Accreditation of Counseling and Related Educational Programs
3774 that consists of at least 60 semester hours or 80 quarter hours
3775 of clinical and didactic instruction, including a course in
3776 human sexuality and a course in substance abuse. If the master's



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3777 degree is earned from a program related to the practice of
3778 mental health counseling that is not accredited by the Council
3779 for the Accreditation of Counseling and Related Educational
3780 Programs, then the coursework and practicum, internship, or
3781 fieldwork must consist of at least 60 semester hours or 80
3782 quarter hours and meet the following requirements:

3783 a. Thirty-three semester hours or 44 quarter hours of
3784 graduate coursework, which must include a minimum of 3 semester
3785 hours or 4 quarter hours of graduate-level coursework in each of
3786 the following 11 content areas: counseling theories and
3787 practice; human growth and development; diagnosis and treatment
3788 of psychopathology; human sexuality; group theories and
3789 practice; individual evaluation and assessment; career and
3790 lifestyle assessment; research and program evaluation; social
3791 and cultural foundations; counseling in community settings; and
3792 substance abuse. Courses in research, thesis or dissertation
3793 work, practicums, internships, or fieldwork may not be applied
3794 toward this requirement.

3795 b. A minimum of 3 semester hours or 4 quarter hours of
3796 graduate-level coursework in legal, ethical, and professional
3797 standards issues in the practice of mental health counseling,
3798 which includes goals, objectives, and practices of professional
3799 counseling organizations, codes of ethics, legal considerations,
3800 standards of preparation, certifications and licensing, and the
3801 role identity and professional obligations of mental health
3802 counselors. Courses in research, thesis or dissertation work,
3803 practicums, internships, or fieldwork may not be applied toward
3804 this requirement.

3805 c. The equivalent, as determined by the board, of at least
3806 1,000 hours of university-sponsored supervised clinical



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3807 practicum, internship, or field experience as required in the
3808 accrediting standards of the Council for Accreditation of
3809 Counseling and Related Educational Programs for mental health
3810 counseling programs. This experience may not be used to satisfy
3811 the post-master's clinical experience requirement.

3812 2. If the course title which appears on the applicant's
3813 transcript does not clearly identify the content of the
3814 coursework, the applicant shall be required to provide
3815 additional documentation, including, but not limited to, a
3816 syllabus or catalog description published for the course.

3817
3818 Education and training in mental health counseling must have
3819 been received in an institution of higher education which at the
3820 time the applicant graduated was: fully accredited by a regional
3821 accrediting body recognized by the Council for Higher Education
3822 Accreditation or the United States Department of Education
3823 ~~Commission on Recognition of Postsecondary Accreditation;~~
3824 publicly recognized as a member in good standing with the
3825 Association of Universities and Colleges of Canada; or an
3826 institution of higher education located outside the United
3827 States and Canada, which at the time the applicant was enrolled
3828 and at the time the applicant graduated maintained a standard of
3829 training substantially equivalent to the standards of training
3830 of those institutions in the United States which are accredited
3831 by a regional accrediting body recognized by the Council for
3832 Higher Education Accreditation or the United States Department
3833 of Education ~~Commission on Recognition of Postsecondary~~
3834 ~~Accreditation~~. Such foreign education and training must have
3835 been received in an institution or program of higher education
3836 officially recognized by the government of the country in which



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3837 it is located as an institution or program to train students to
3838 practice as mental health counselors. The burden of establishing
3839 that the requirements of this provision have been met shall be
3840 upon the applicant, and the board shall require documentation,
3841 such as, but not limited to, an evaluation by a foreign
3842 equivalency determination service, as evidence that the
3843 applicant's graduate degree program and education were
3844 equivalent to an accredited program in this country.

3845 Section 90. Section 491.0145, Florida Statutes, is amended
3846 to read:

3847 491.0145 Certified master social worker.--The department
3848 may not adopt any rules that would cause any person who was not
3849 licensed as a certified master social worker in accordance with
3850 this chapter on January 1, 1990, to become licensed. The
3851 department may certify an applicant for a designation as a
3852 certified master social worker upon the following conditions:

3853 (1) The applicant completes an application to be provided
3854 by the department and pays a nonrefundable fee not to exceed
3855 \$250 to be established by rule of the department. The completed
3856 application must be received by the department at least 60 days
3857 before the date of the examination in order for the applicant to
3858 qualify to take the scheduled exam.

3859 (2) The applicant submits proof satisfactory to the
3860 department that the applicant has received a doctoral degree in
3861 social work, or a master's degree with a major emphasis or
3862 specialty in clinical practice or administration, including, but
3863 not limited to, agency administration and supervision, program
3864 planning and evaluation, staff development, research, community
3865 organization, community services, social planning, and human
3866 service advocacy. Doctoral degrees must have been received from



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3867 a graduate school of social work which at the time the applicant
3868 was enrolled and graduated was accredited by an accrediting
3869 agency approved by the United States Department of Education.
3870 Master's degrees must have been received from a graduate school
3871 of social work which at the time the applicant was enrolled and
3872 graduated was accredited by the Council on Social Work Education
3873 or the Canadian Association of Schools of Social Work or by one
3874 that meets comparable standards.

3875 (3) The applicant has had at least 3 years' experience, as
3876 defined by rule, including, but not limited to, clinical
3877 services or administrative activities as defined in subsection
3878 (2), 2 years of which must be at the post-master's level under
3879 the supervision of a person who meets the education and
3880 experience requirements for certification as a certified master
3881 social worker, as defined by rule, or licensure as a clinical
3882 social worker under this chapter. A doctoral internship may be
3883 applied toward the supervision requirement.

3884 (4) Any person who holds a master's degree in social work
3885 from institutions outside the United States may apply to the
3886 department for certification if the academic training in social
3887 work has been evaluated as equivalent to a degree from a school
3888 accredited by the Council on Social Work Education. Any such
3889 person shall submit a copy of the academic training from the
3890 Foreign Equivalency Determination Service of the Council on
3891 Social Work Education.

3892 (5) The applicant has passed an examination required by
3893 the department for this purpose. The nonrefundable fee for such
3894 examination may not exceed \$250 as set by department rule.



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3895 (6) Nothing in this chapter shall be construed to
 3896 authorize a certified master social worker to provide clinical
 3897 social work services.

3898 Section 91. Section 491.0146, Florida Statutes, is created
 3899 to read:

3900 491.0146 Saving clause.--All licenses to practice as a
 3901 certified master social worker issued pursuant to this chapter
 3902 and valid on October 1, 2002, shall remain in full force and
 3903 effect.

3904 Section 92. Subsection (3) of section 491.0147, Florida
 3905 Statutes, is amended to read:

3906 491.0147 Confidentiality and privileged
 3907 communications.--Any communication between any person licensed
 3908 or certified under this chapter and her or his patient or client
 3909 shall be confidential. This secrecy may be waived under the
 3910 following conditions:

3911 (3)(a) When there is a clear and immediate probability of
 3912 physical harm to the patient or client, to other individuals, or
 3913 to society and the person licensed or certified under this
 3914 chapter communicates the information only to the potential
 3915 victim, appropriate family member, or law enforcement or other
 3916 appropriate authorities.

3917 (b) There shall be no civil or criminal liability arising
 3918 from the disclosure of otherwise confidential communications by
 3919 a person licensed or certified under this chapter when the
 3920 disclosure is made pursuant to paragraph (a).

3921 Section 93. Subsection (6) of section 499.003, Florida
 3922 Statutes, is amended to read:

3923 499.003 Definitions of terms used in ss. 499.001-
 3924 499.081.--As used in ss. 499.001-499.081, the term:



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3925 (6) "Compressed medical gas" means any liquefied or
 3926 vaporized gas that is classified as a prescription drug or
 3927 medical device, whether it is alone or in combination with other
 3928 gases.

3929 Section 94. Subsection (2) of section 499.007, Florida
 3930 Statutes, is amended to read:

3931 499.007 Misbranded drug or device.--A drug or device is
 3932 misbranded:

3933 (2) Unless, if in package form, it bears a label
 3934 containing:

3935 (a) The name and place of business of the manufacturer or
 3936 distributor; ~~in addition, for a medicinal drug, as defined in s.~~
 3937 ~~499.003, the label must contain the name and place of business~~
 3938 ~~of the manufacturer~~ of the finished dosage form of the drug.

3939 For the purpose of this paragraph, the finished dosage form of a
 3940 medicinal drug is that form of the drug which is, or is intended
 3941 to be, dispensed or administered to the patient and requires no
 3942 further manufacturing or processing other than packaging,
 3943 reconstitution, and labeling. ~~;~~ ~~and~~

3944 (b) An accurate statement of the quantity of the contents
 3945 in terms of weight, measure, or numerical count; however, under
 3946 this section, reasonable variations are permitted, and the
 3947 department shall establish by rule exemptions for small
 3948 packages.

3949
 3950 A drug dispensed by filling or refilling a written or oral
 3951 prescription of a practitioner licensed by law to prescribe such
 3952 drug is exempt from the requirements of this section, except
 3953 subsections (1), (8), (10), and (11) and the packaging
 3954 requirements of subsections (6) and (7), if the drug bears a



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3955 label that contains the name and address of the dispenser or
 3956 seller, the prescription number and the date the prescription
 3957 was written or filled, the name of the prescriber and the name
 3958 of the patient, and the directions for use and cautionary
 3959 statements. This exemption does not apply to any drug dispensed
 3960 in the course of the conduct of a business of dispensing drugs
 3961 pursuant to diagnosis by mail or to any drug dispensed in
 3962 violation of subsection (12). The department may, by rule,
 3963 exempt drugs subject to ss. 499.062-499.064 from subsection (12)
 3964 if compliance with that subsection is not necessary to protect
 3965 the public health, safety, and welfare.

3966 Section 95. Paragraph (e) of subsection (1) of section
 3967 499.01, Florida Statutes, is amended to read:

3968 499.01 Permits; applications; renewal; general
 3969 requirements.--

3970 (1) Any person that is required under ss. 499.001-499.081
 3971 to have a permit must apply to the department on forms furnished
 3972 by the department.

3973 (e) The department may not issue a permit for a
 3974 prescription drug manufacturer, prescription drug wholesaler, or
 3975 retail pharmacy wholesaler ~~may not be issued~~ to the address of a
 3976 health care entity, except as provided in this paragraph. The
 3977 department may issue a prescription drug manufacturer permit to
 3978 an applicant at the same address as a licensed nuclear pharmacy
 3979 that is a health care entity for the purpose of manufacturing
 3980 prescription drugs used in positron emission tomography or other
 3981 radiopharmaceuticals, as listed in a rule adopted by the
 3982 department pursuant to this paragraph. The purpose of this
 3983 exemption is to ensure availability of state-of-the-art
 3984 pharmaceuticals that would pose a significant danger to the



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3985 public health if manufactured at a separate establishment
 3986 address other than the nuclear pharmacy from which the
 3987 prescription drugs are dispensed.

3988 Section 96. Paragraph (b) of subsection (6) of section
 3989 499.0121, Florida Statutes, is amended to read:

3990 499.0121 Storage and handling of prescription drugs;
 3991 recordkeeping.--The department shall adopt rules to implement
 3992 this section as necessary to protect the public health, safety,
 3993 and welfare. Such rules shall include, but not be limited to,
 3994 requirements for the storage and handling of prescription drugs
 3995 and for the establishment and maintenance of prescription drug
 3996 distribution records.

3997 (6) RECORDKEEPING.--The department shall adopt rules that
 3998 require keeping such records of prescription drugs as are
 3999 necessary for the protection of the public health.

4000 (b) Inventories and records must be made available for
 4001 inspection and photocopying by authorized federal, state, or
 4002 local officials for a period of 2 years following disposition of
 4003 the drugs or 3 years after the date the inventory or record was
 4004 created, whichever is longer.

4005
 4006 For the purposes of this subsection, the term "authorized
 4007 distributors of record" means those distributors with whom a
 4008 manufacturer has established an ongoing relationship to
 4009 distribute the manufacturer's products.

4010 Section 97. Section 501.122, Florida Statutes, is
 4011 transferred and renumbered as section 404.24, Florida Statutes.

4012 Section 98. Subsection (1) of section 627.912, Florida
 4013 Statutes, is amended to read:



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4014 627.912 Professional liability claims and actions; reports
4015 by insurers.--

4016 (1) Each self-insurer authorized under s. 627.357 and each
4017 insurer or joint underwriting association providing professional
4018 liability insurance to a practitioner of medicine licensed under
4019 chapter 458, to a practitioner of osteopathic medicine licensed
4020 under chapter 459, to a podiatric physician licensed under
4021 chapter 461, to a dentist licensed under chapter 466, to a
4022 hospital licensed under chapter 395, to a crisis stabilization
4023 unit licensed under part IV of chapter 394, to a health
4024 maintenance organization certificated under part I of chapter
4025 641, to clinics included in chapter 390, to an ambulatory
4026 surgical center as defined in s. 395.002, or to a member of The
4027 Florida Bar shall report in duplicate to the Department of
4028 Insurance any claim or action for damages for personal injuries
4029 claimed to have been caused by error, omission, or negligence in
4030 the performance of such insured's professional services or based
4031 on a claimed performance of professional services without
4032 consent, if the claim resulted in:

4033 (a) A final judgment in any amount.

4034 (b) A settlement in any amount.

4035
4036 Reports shall be filed with the department and, if the insured
4037 party is licensed under chapter 458, chapter 459, or chapter 461
4038 and the final judgment or settlement amount was \$50,000 or more,
4039 or if the insured party is licensed under chapter 466 and the
4040 final judgment or settlement amount was \$25,000 or more, ~~or~~
4041 ~~chapter 466,~~ with the Department of Health, no later than 30
4042 days following the occurrence of any event listed in paragraph
4043 (a) or paragraph (b). The Department of Health shall review each



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4044 report and determine whether any of the incidents that resulted
4045 in the claim potentially involved conduct by the licensee that
4046 is subject to disciplinary action, in which case the provisions
4047 of s. 456.073 shall apply. The Department of Health, as part of
4048 the annual report required by s. 456.026, shall publish annual
4049 statistics, without identifying licensees, on the reports it
4050 receives, including final action taken on such reports by the
4051 Department of Health or the appropriate regulatory board.

4052 Section 99. Paragraph (a) of subsection (1) of section
4053 766.101, Florida Statutes, is amended to read:

4054 766.101 Medical review committee, immunity from
4055 liability.--

4056 (1) As used in this section:

4057 (a) The term "medical review committee" or "committee"
4058 means:

4059 1.a. A committee of a hospital or ambulatory surgical
4060 center licensed under chapter 395 or a health maintenance
4061 organization certificated under part I of chapter 641,

4062 b. A committee of a physician-hospital organization, a
4063 provider-sponsored organization, or an integrated delivery
4064 system,

4065 c. A committee of a state or local professional society of
4066 health care providers,

4067 d. A committee of a medical staff of a licensed hospital
4068 or nursing home, provided the medical staff operates pursuant to
4069 written bylaws that have been approved by the governing board of
4070 the hospital or nursing home,

4071 e. A committee of the Department of Corrections or the
4072 Correctional Medical Authority as created under s. 945.602, or



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4073 employees, agents, or consultants of either the department or
4074 the authority or both,

4075 f. A committee of a professional service corporation
4076 formed under chapter 621 or a corporation organized under
4077 chapter 607 or chapter 617, which is formed and operated for the
4078 practice of medicine as defined in s. 458.305(3), and which has
4079 at least 25 health care providers who routinely provide health
4080 care services directly to patients,

4081 g. A committee of a mental health treatment facility
4082 licensed under chapter 394 or a community mental health center
4083 as defined in s. 394.907, provided the quality assurance program
4084 operates pursuant to the guidelines which have been approved by
4085 the governing board of the agency,

4086 h. A committee of a substance abuse treatment and
4087 education prevention program licensed under chapter 397 provided
4088 the quality assurance program operates pursuant to the
4089 guidelines which have been approved by the governing board of
4090 the agency,

4091 i. A peer review or utilization review committee organized
4092 under chapter 440,

4093 j. A committee of the Department of Health, a county
4094 health department, healthy start coalition, or certified rural
4095 health network, when reviewing quality of care, or employees of
4096 these entities when reviewing mortality records, ~~or~~

4097 k. A continuous quality improvement committee of a
4098 pharmacy licensed pursuant to chapter 465,

4099 l. A committee established by a university board of
4100 trustees, or



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4101 m. A committee comprised of faculty, residents, students,
4102 and administrators of an accredited college of medicine,
4103 nursing, or other health care discipline,

4104
4105 which committee is formed to evaluate and improve the quality of
4106 health care rendered by providers of health service or to
4107 determine that health services rendered were professionally
4108 indicated or were performed in compliance with the applicable
4109 standard of care or that the cost of health care rendered was
4110 considered reasonable by the providers of professional health
4111 services in the area; or

4112 2. A committee of an insurer, self-insurer, or joint
4113 underwriting association of medical malpractice insurance, or
4114 other persons conducting review under s. 766.106.

4115 Section 100. Paragraphs (a) and (b) of subsection (4) of
4116 section 766.314, Florida Statutes, are amended to read:

4117 766.314 Assessments; plan of operation.--

4118 (4) The following persons and entities shall pay into the
4119 association an initial assessment in accordance with the plan of
4120 operation:

4121 (a) On or before October 1, 1988, each hospital licensed
4122 under chapter 395 shall pay an initial assessment of \$50 per
4123 infant delivered in the hospital during the prior calendar year,
4124 as reported to the Agency for Health Care Administration;
4125 provided, however, that a hospital owned or operated by the
4126 state or a county, special taxing district, or other political
4127 subdivision of the state shall not be required to pay the
4128 initial assessment or any assessment required by subsection (5).
4129 The term "infant delivered" includes live births and not
4130 stillbirths, but the term does not include infants delivered by



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4131 employees or agents of the Board of Regents, ~~or~~ those born in a
4132 teaching hospital as defined in s. 408.07, or those born in a
4133 family practice teaching hospital designated pursuant to s.
4134 395.806 that had been deemed by the association as being exempt
4135 from assessments for fiscal years 1997-1998 through 2001-2002.
4136 The initial assessment and any assessment imposed pursuant to
4137 subsection (5) may not include any infant born to a charity
4138 patient (as defined by rule of the Agency for Health Care
4139 Administration) or born to a patient for whom the hospital
4140 receives Medicaid reimbursement, if the sum of the annual
4141 charges for charity patients plus the annual Medicaid
4142 contractals of the hospital exceeds 10 percent of the total
4143 annual gross operating revenues of the hospital. The hospital is
4144 responsible for documenting, to the satisfaction of the
4145 association, the exclusion of any birth from the computation of
4146 the assessment. Upon demonstration of financial need by a
4147 hospital, the association may provide for installment payments
4148 of assessments.

4149 (b)1. On or before October 15, 1988, all physicians
4150 licensed pursuant to chapter 458 or chapter 459 as of October 1,
4151 1988, other than participating physicians, shall be assessed an
4152 initial assessment of \$250, which must be paid no later than
4153 December 1, 1988.

4154 2. Any such physician who becomes licensed after September
4155 30, 1988, and before January 1, 1989, shall pay into the
4156 association an initial assessment of \$250 upon licensure.

4157 3. Any such physician who becomes licensed on or after
4158 January 1, 1989, shall pay an initial assessment equal to the
4159 most recent assessment made pursuant to this paragraph,
4160 paragraph (5)(a), or paragraph (7)(b).



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4161 4. However, if the physician is a physician specified in
4162 this subparagraph, the assessment is not applicable:

4163 a. A resident physician, assistant resident physician, or
4164 intern in an approved postgraduate training program, as defined
4165 by the Board of Medicine or the Board of Osteopathic Medicine by
4166 rule;

4167 b. A retired physician who has withdrawn from the practice
4168 of medicine but who maintains an active license as evidenced by
4169 an affidavit filed with the Department of Health. Prior to
4170 reentering the practice of medicine in this state, a retired
4171 physician as herein defined must notify the Board of Medicine or
4172 the Board of Osteopathic Medicine and pay the appropriate
4173 assessments pursuant to this section;

4174 c. A physician who holds a limited license pursuant to s.
4175 458.315 ~~458.317~~ and who is not being compensated for medical
4176 services;

4177 d. A physician who is employed full time by the United
4178 States Department of Veterans Affairs and whose practice is
4179 confined to United States Department of Veterans Affairs
4180 hospitals; or

4181 e. A physician who is a member of the Armed Forces of the
4182 United States and who meets the requirements of s. 456.024.

4183 f. A physician who is employed full time by the State of
4184 Florida and whose practice is confined to state-owned
4185 correctional institutions, a county health department, or state-
4186 owned mental health or developmental services facilities, or who
4187 is employed full time by the Department of Health.

4188 Section 101. Section 784.081, Florida Statutes, is amended
4189 to read:



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4190 784.081 Assault or battery on specified officials or
 4191 employees; reclassification of offenses.--Whenever a person is
 4192 charged with committing an assault or aggravated assault or a
 4193 battery or aggravated battery upon any elected official or
 4194 employee of: a school district; a private school; the Florida
 4195 School for the Deaf and the Blind; a university developmental
 4196 research school; a state university or any other entity of the
 4197 state system of public education, as defined in s. 1000.04; an
 4198 employee or protective investigator of the Department of
 4199 Children and Family Services; ~~or~~ an employee of a lead
 4200 community-based provider and its direct service contract
 4201 providers; or an employee of the Department of Health or its
 4202 direct service contract providers, when the person committing
 4203 the offense knows or has reason to know the identity or position
 4204 or employment of the victim, the offense for which the person is
 4205 charged shall be reclassified as follows:

4206 (1) In the case of aggravated battery, from a felony of
 4207 the second degree to a felony of the first degree.

4208 (2) In the case of aggravated assault, from a felony of
 4209 the third degree to a felony of the second degree.

4210 (3) In the case of battery, from a misdemeanor of the
 4211 first degree to a felony of the third degree.

4212 (4) In the case of assault, from a misdemeanor of the
 4213 second degree to a misdemeanor of the first degree.

4214 Section 102. Paragraph (a) of subsection (1) of section
 4215 817.567, Florida Statutes, is amended to read:

4216 817.567 Making false claims of academic degree or title.--

4217 (1) No person in the state may claim, either orally or in
 4218 writing, to possess an academic degree, as defined in s.

4219 1005.02, or the title associated with said degree, unless the



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4220 person has, in fact, been awarded said degree from an
 4221 institution that is:

4222 (a) Accredited by a regional or professional accrediting
 4223 agency recognized by the United States Department of Education
 4224 or the Council for Higher Education ~~Commission on Recognition of~~
 4225 ~~Postsecondary~~ Accreditation;

4226 Section 103. Section 945.6038, Florida Statutes, is
 4227 created to read:

4228 945.6038 Additional services.--The authority is authorized
 4229 to enter into an agreement or contract with the Department of
 4230 Children and Family Services, subject to the availability of
 4231 funding, to conduct surveys of medical services and to provide
 4232 medical quality assurance and improvement assistance at secure
 4233 confinement and treatment facilities for persons confined under
 4234 part V of chapter 394. The authority is authorized to enter into
 4235 similar agreements with other state agencies, subject to the
 4236 availability of funds. The authority may not enter any such
 4237 agreement if it would impair the authority's ability to fulfill
 4238 its obligations with regard to the Department of Corrections as
 4239 set forth in this chapter.

4240 Section 104. Subsection (13) of section 1009.992, Florida
 4241 Statutes, is amended to read:

4242 1009.992 Definitions.--As used in this act:

4243 (13) "Institution" means any college or university which,
 4244 by virtue of law or charter, is accredited by and holds
 4245 membership in the Council for Higher Education ~~Commission on~~
 4246 ~~Recognition of Postsecondary~~ Accreditation; which grants
 4247 baccalaureate or associate degrees; which is not a pervasively
 4248 sectarian institution; and which does not discriminate in the



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4249 admission of students on the basis of race, color, religion,
4250 sex, or creed.

4251 Section 105. Section 1012.46, Florida Statutes, is amended
4252 to read:

4253 1012.46 Athletic trainers.--

4254 (1) School districts may establish and implement an
4255 athletic injuries prevention and treatment program. Central to
4256 this program should be the employment and availability of
4257 persons trained in the prevention and treatment of physical
4258 injuries which may occur during athletic activities. The program
4259 should reflect opportunities for progressive advancement and
4260 compensation in employment as provided in subsection (2) and
4261 meet certain other minimum standards developed by the Department
4262 of Education. ~~The goal of the Legislature is to have school~~
4263 ~~districts employ and have available a full-time teacher athletic~~
4264 ~~trainer in each high school in the state.~~

4265 (2) To the extent practicable, a school district program
4266 should include the following employment classification and
4267 advancement scheme:

4268 (a) First responder.--To qualify as a first responder, a
4269 person must possess a professional, temporary, part-time,
4270 adjunct, or substitute certificate pursuant to s. 1012.56, be
4271 certified in cardiopulmonary resuscitation, first aid, and have
4272 15 semester hours in courses such as care and prevention of
4273 athletic injuries, anatomy, physiology, nutrition, counseling,
4274 and other similar courses approved by the Commissioner of
4275 Education. This person may only administer first aid and similar
4276 care, and shall not hold himself or herself out to the school
4277 district or public as an athletic trainer pursuant to part XIII
4278 of chapter 468.



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4279 (b) ~~Teacher~~ Athletic trainer.--To qualify as an a~~teacher~~
4280 athletic trainer, a person must be licensed as required by part
4281 XIII of chapter 468 and may be utilized by the school district
4282 as ~~possess~~ a professional, temporary, part-time, adjunct, or
4283 substitute teacher certificate pursuant to s. 1012.35, s.
4284 1012.56, or s. 1012.57, ~~and be licensed as required by part XIII~~
4285 ~~of chapter 468.~~

4286 Section 106. (1) All payments made after July 1, 2003, by
4287 the Department of Health to the Division of Administrative
4288 Hearings which are based on a formula in effect prior to that
4289 date shall revert to the Department of Health. Effective July 1,
4290 2004, the Division of Administrative Hearings shall bill the
4291 Department of Health in accordance with s. 456.073(5), Florida
4292 Statutes.

4293 (2) The Office of Program Policy Analysis and Government
4294 Accountability and the Auditor General shall conduct a joint
4295 audit of all hearings and billings therefor conducted by the
4296 Division of Administrative Hearings for all state agencies and
4297 nonstate agencies and shall present a report to the President of
4298 the Senate and the Speaker of the House of Representatives on or
4299 before January 1, 2004, which contains findings and
4300 recommendations regarding the manner in which the division
4301 charges for its services. The report shall recommend alternative
4302 billing formulas.

4303 Section 107. (1) The Department of Health, in
4304 consultation with the Miami-Dade Community College Physician
4305 Assistant Program, the University of Florida Physician Assistant
4306 Program, the Nova Southeastern University Physician Assistant
4307 Program, the Florida Academy of Physician Assistants, and the
4308 Barry University Physician Assistant Program, shall conduct a



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4309 study to establish the most advantageous methods to utilize the
4310 medical skills of foreign-trained physicians to practice as
4311 physician assistants in this state. Such study shall indicate:

4312 (a) The existing pathways or methods for a foreign-trained
4313 physician to receive a license to practice as a physician
4314 assistant in Florida.

4315 (b) National standards, national examinations, and
4316 credentialing requirements for a foreign-trained physician to be
4317 licensed to practice as a physician assistant in other states in
4318 the United States.

4319 (c) Training, education requirements, remedial courses,
4320 and supervisory needs of a foreign-trained physician desiring to
4321 become eligible to practice as a physician assistant.

4322 (d) The scope of practice of a foreign-trained physician
4323 assistant.

4324 (e) Any other areas of study that the department and
4325 educational institutions deem appropriate to further the intent
4326 of this section.

4327 (2) A copy of the study, including results and
4328 recommendations, shall be presented to the Governor, the
4329 President of the Senate, and the Speaker of the House of
4330 Representatives no later than January 1, 2004.

4331 Section 108. Subsection (9) of section 381.0098, section
4332 381.85, paragraph (f) of subsection (2) of section 385.103,
4333 sections 385.205 and 385.209, subsection (7) of section 445.033,
4334 sections 456.031, 456.033, 456.034, 458.313, 458.316, 458.3165,
4335 458.317, 468.356, and 468.357, and subsection (3) of section
4336 468.711, Florida Statutes, are repealed.

4337 Section 109. Except as otherwise provided herein, this act
4338 shall take effect July 1, 2003.