

By Senator Saunders

37-933A-03

1 A bill to be entitled
2 An act relating to public health; amending s.
3 17.41, F.S.; providing for funds from the
4 tobacco settlement to be transferred to the
5 Biomedical Trust Fund within the Department of
6 Health Services and Community Health Resources
7 and the Division of Health Awareness and
8 Tobacco; amending s. 20.43, F.S.; establishing
9 the Division of Disability Determinations
10 within the Department of Health and renaming
11 the Division of Emergency Medical Services and
12 Community Health Resources and the Division of
13 Health Awareness and Tobacco; amending s.
14 154.01, F.S.; providing for environmental
15 health services to include investigations of
16 elevated blood lead levels; authorizing the
17 expenditure of funds for such investigations;
18 creating s. 216.342, F.S.; authorizing the
19 expenditure of funds in the United States Trust
20 Fund for the operation of the Division of
21 Disability Determinations; amending s.
22 381.0011, F.S.; revising duties of the
23 department with respect to injury prevention
24 and control; amending s. 381.004, F.S.;
25 revising requirements for the release of HIV
26 test results; amending s. 381.0065, F.S.,
27 relating to onsite sewage treatment and
28 disposal systems; clarifying a definition;
29 deleting obsolete provisions; amending s.
30 381.0066, F.S.; deleting a limitation on the
31 period for imposing a fee on new sewage system

1 construction; amending s. 381.0072, F.S.;

2 clarifying provisions governing the authority

3 of the department to adopt and enforce

4 sanitation rules; creating s. 381.104, F.S.;

5 authorizing state agencies to establish

6 employee health and wellness programs;

7 providing requirements for the programs;

8 requiring the use of an employee health and

9 wellness activity agreement form; requiring an

10 evaluation and improvement process for the

11 program; requiring the department to provide

12 model program guidelines; creating s. 381.86,

13 F.S.; creating the Review Council for Human

14 Subjects within the Department of Health;

15 providing duties and membership; providing for

16 reimbursement for per diem and travel expenses;

17 requiring the department to charge for costs

18 incurred by the council for research oversight;

19 providing an exception; requiring the

20 department to adopt rules; amending s. 381.89,

21 F.S.; revising the fees imposed for the

22 licensure of tanning facilities; amending s.

23 381.90, F.S.; revising the membership of the

24 Health Information Systems Council; revising

25 the date for submitting an annual plan;

26 amending s. 383.14, F.S.; clarifying provisions

27 with respect to the screening of newborns;

28 amending s. 384.25, F.S.; revising requirements

29 for the reporting of sexually transmissible

30 disease; requiring the department to adopt

31 rules; amending s. 385.204, F.S.; revising

1 requirements for the purchase and distribution
2 of insulin by the department; amending s.
3 391.021, F.S.; redefining the term "children
4 with special health care needs" for purposes of
5 the Children's Medical Services Act; amending
6 s. 391.025, F.S.; revising applicability and
7 scope of the act; amending s. 391.029, F.S.;
8 revising requirements for program eligibility;
9 amending s. 391.035, F.S.; authorizing the
10 department to contract for services provided
11 under the act; amending s. 391.055, F.S.;
12 requiring the referral of a newborn having a
13 certain abnormal screening result; creating s.
14 391.309, F.S.; establishing the Florida Infants
15 and Toddlers Early Intervention Program;
16 providing requirements for the department under
17 the program; requiring certain federal waivers;
18 amending s. 394.9151, F.S.; authorizing the
19 Department of Children and Family Services to
20 contract with the Correctional Medical
21 Authority for medical quality assurance
22 assistance at certain facilities; amending s.
23 395.404, F.S.; revising requirements for
24 reports to the department concerning brain or
25 spinal cord injuries; amending s. 401.113,
26 F.S.; providing for the use of funds generated
27 from interest on certain grant moneys; amending
28 s. 401.211, F.S.; providing legislative intent
29 with respect to a statewide comprehensive
30 injury prevention program; creating s. 401.243,
31 F.S.; providing duties of the department in

1 operating the program; amending s. 401.27,
2 F.S.; authorizing electronically submitted
3 applications for certification or
4 recertification as an emergency medical
5 technician or a paramedic; revising
6 requirements for an insignia identifying such
7 person; requiring the screening of applicants
8 through the Department of Law Enforcement;
9 amending s. 401.2701, F.S., relating to
10 emergency medical services training programs;
11 requiring that students be notified of certain
12 regulatory and screening requirements;
13 requiring the department to adopt rules;
14 amending s. 401.2715, F.S.; providing for
15 approval of continuing education courses;
16 amending s. 401.414, F.S.; revising
17 requirements for investigating complaints;
18 amending s. 404.056, F.S.; revising
19 requirements for mandatory testing of certain
20 buildings and facilities for radon; amending s.
21 409.814, F.S.; revising eligibility for certain
22 children to participate in the Healthy Kids
23 program and the Medikids program; amending s.
24 456.055, F.S.; providing requirements for
25 claims for services for chiropractic and
26 podiatric health care; amending ss. 460.406,
27 463.006, and 467.009, F.S., relating to
28 licensure; conforming provisions to changes
29 made with respect to an accrediting agency;
30 amending s. 468.302, F.S.; authorizing a
31 nuclear medicine technologist to administer

1 certain X radiation; amending ss. 468.509,
2 468.707, 486.031, and 486.102, F.S., relating
3 to licensure; conforming provisions to changes
4 made with respect to an accrediting agency;
5 amending ss. 489.553 and 489.554, F.S.;
6 revising certification requirements for septic
7 tank contractors; authorizing an inactive
8 registration; amending ss. 490.005 and 491.005,
9 F.S., relating to licensure; conforming
10 provisions to changes made with respect to an
11 accrediting agency; amending s. 499.003, F.S.;
12 redefining the term "compressed medical gas"
13 for purposes of the Florida Drug and Cosmetic
14 Act; amending s. 499.007, F.S.; revising
15 requirements for labeling medicinal drugs;
16 amending s. 499.01, F.S.; authorizing the
17 department to issue a prescription drug
18 manufacturer permit to a nuclear pharmacy that
19 is a health care entity; amending s. 499.0121,
20 F.S.; providing requirements for retaining
21 inventories and records; transferring and
22 renumbering s. 501.122, F.S., relating to the
23 control of nonionizing radiations; amending s.
24 784.081, F.S.; providing for the
25 reclassification of the offense of assault or
26 battery if committed on an employee of the
27 Department of Health or upon a direct services
28 provider of the department; creating s.
29 945.6038, F.S.; authorizing the Correctional
30 Medical Authority to contract with the
31 Department of Children and Family Services to

1 provide assistance in medical quality assurance
2 at certain facilities; repealing s. 381.85, s.
3 381.0098(9), s. 385.103(2)(f), ss. 385.205 and
4 385.209, and s. 445.033(7), F.S; relating to
5 biomedical and social research, obsolete
6 provisions concerning biomedical waste,
7 rulemaking authority of the department,
8 programs in kidney disease control,
9 dissemination of information on cholesterol
10 health risks, and an exemption for certain
11 evaluations conducted by Workforce Florida,
12 Inc.; providing an effective date.

13

14 Be It Enacted by the Legislature of the State of Florida:

15

16 Section 1. Subsection (5) of section 17.41, Florida
17 Statutes, is amended to read:

18 17.41 Department of Banking and Finance Tobacco
19 Settlement Clearing Trust Fund.--

20 (5) The department shall disburse funds, by
21 nonoperating transfer, from the Tobacco Settlement Clearing
22 Trust Fund to the tobacco settlement trust funds of the
23 various agencies or the Biomedical Trust Fund in the
24 Department of Health, as appropriate, in amounts equal to the
25 annual appropriations made from those agencies' trust funds in
26 the General Appropriations Act.

27 Section 2. Paragraphs (f) and (j) of subsection (3) of
28 section 20.43, Florida Statutes, are amended, and paragraph
29 (k) is added to that section, to read:

30 20.43 Department of Health.--There is created a
31 Department of Health.

1 (3) The following divisions of the Department of
2 Health are established:

3 (f) Division of Emergency Medical Operations Services
4 ~~and Community Health Resources.~~

5 (j) Division of Health Access Awareness and Tobacco.

6 (k) Division of Disability Determinations.

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

10 154.01 County health department delivery system.--

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

14 (a) "Environmental health services" are those services
15 which are organized and operated to protect the health of the
16 general public by monitoring and regulating activities in the
17 environment which may contribute to the occurrence or
18 transmission of disease. Environmental health services shall
19 be supported by available federal, state, and local funds and
20 shall include those services mandated on a state or federal
21 level. Examples of environmental health services include, but
22 are not limited to, food hygiene, investigations of elevated
23 blood lead levels, safe drinking water supply, sewage and
24 solid waste disposal, swimming pools, group care facilities,
25 migrant labor camps, toxic material control, radiological
26 health, occupational health, and entomology.

27 (3) The Department of Health shall enter into
28 contracts with the several counties for the purposes of this
29 part. All contracts shall be negotiated and approved by the
30 appropriate local governing bodies and the appropriate
31 district administrators on behalf of the department. In

1 accordance with federal guidelines, the state may utilize
2 federal funds for county health department services. A
3 standard contract format shall be developed and used by the
4 department in contract negotiations. The contract shall
5 include the three levels of county health department services
6 outlined in subsection (2) above and shall contain a section
7 which stipulates, for the contract year:

8 (a) All revenue sources, including federal, state, and
9 local general revenue, fees, and other cash contributions,
10 which shall be used by the county health department for county
11 health department services;

12 (b) The types of services to be provided in each level
13 of service. Each participating county may expend funds for
14 federally mandated certification or recertification fees
15 related to investigations of elevated blood lead levels as
16 provided under paragraph (2)(a);

17 (c) The estimated number of clients, where applicable,
18 who will be served, by type of service;

19 (d) The estimated number of services, where
20 applicable, that will be provided, by type of service;

21 (e) The estimated number of staff positions (full-time
22 equivalent positions) who will work in each type of service
23 area; and

24 (f) The estimated expenditures for each type of
25 service and for each level of service.

26
27 The contract shall also provide for financial and service
28 reporting for each type of service according to standard
29 service and reporting procedures established by the
30 department.

31

1 Section 4. Section 216.342, Florida Statutes, is
2 created to read:

3 216.342 Disbursement of the United States Trust
4 Fund.--The United States Trust Fund may be expended by the
5 Department of Health in accordance with the budget and plans
6 agreed upon by the Social Security Administration and the
7 Department of Health for the operation of the Division of
8 Disability Determinations. The limitations on appropriations
9 provided in s. 216.262 (1) does not apply to the United States
10 Trust Fund.

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

13 381.0011 Duties and powers of the Department of
14 Health.--It is the duty of the Department of Health to:

15 (12) Maintain ~~Cooperate with other departments, local~~
16 ~~officials, and private organizations in developing and~~
17 ~~implementing~~ a statewide injury prevention and control
18 program.

19 Section 6. Paragraph (d) of subsection (3) of section
20 381.004, Florida Statutes, is amended to read:

21 381.004 HIV testing.--

22 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
23 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

24 (d) No test result shall be determined as positive,
25 and no positive test result shall be revealed to any person,
26 without corroborating or confirmatory tests being conducted
27 except in the following situations:

28 1. Preliminary test results may be released to
29 licensed physicians or the medical or nonmedical personnel
30 subject to the significant exposure for purposes of
31 subparagraphs (h)10., 11., and 12.

1 2. Preliminary test results may be released to health
2 care providers and to the person tested when decisions about
3 medical care or treatment of, or recommendation to, the person
4 tested and, in the case of an intrapartum or postpartum woman,
5 when care, treatment, or recommendations regarding her
6 newborn, cannot await the results of confirmatory testing.
7 Positive preliminary HIV test results shall not be
8 characterized to the patient as a diagnosis of HIV infection.
9 Justification for the use of preliminary test results must be
10 documented in the medical record by the health care provider
11 who ordered the test. ~~This subparagraph does not authorize the~~
12 ~~release of preliminary test results for the purpose of routine~~
13 ~~identification of HIV-infected individuals or when HIV testing~~
14 ~~is incidental to the preliminary diagnosis or care of a~~
15 ~~patient. Corroborating or confirmatory testing must be~~
16 ~~conducted as followup to a positive preliminary test.~~

17 3. A positive rapid test result is preliminary and may
18 be released in accordance with the manufacturer's
19 instructions, as approved by the United States Food and Drug
20 Administration. A positive rapid test result shall be subject
21 to confirmatory testing for purposes of diagnosis and
22 reporting of HIV infection.

23
24 Results shall be communicated to the patient according to
25 statute regardless of the outcome. Except as provided in this
26 section, test results are confidential and exempt from the
27 provisions of s. 119.07(1).

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

31

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

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

5 (k) "Permanent nontidal surface water body" means a
6 perennial stream, a perennial river, an intermittent stream, a
7 perennial lake, a submerged marsh or swamp, a submerged wooded
8 marsh or swamp, a spring, or a seep, as identified on the most
9 recent quadrangle map, 7.5 minute series (topographic),
10 produced by the United States Geological Survey, or products
11 derived from that series. "Permanent nontidal surface water
12 body" shall also mean an artificial surface water body that
13 does not have an impermeable bottom and side and that is
14 designed to hold, or does hold, visible standing water for at
15 least 180 days of the year. However, a nontidal surface water
16 body that is drained, either naturally or artificially, where
17 the intent or the result is that such drainage be temporary,
18 shall be considered a permanent nontidal surface water body. A
19 nontidal surface water body that is drained of all visible
20 surface water, where the lawful intent or the result of such
21 drainage is that such drainage will be permanent, shall not be
22 considered a permanent nontidal surface water body. The
23 boundary of a permanent nontidal surface water body shall be
24 the mean annual flood line.

25 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person
26 may not construct, repair, modify, abandon, or operate an
27 onsite sewage treatment and disposal system without first
28 obtaining a permit approved by the department. The department
29 may issue permits to carry out this section, but shall not
30 make the issuance of such permits contingent upon prior
31 approval by the Department of Environmental Protection. A

1 construction permit is valid for 18 months from the issuance
2 date and may be extended by the department for one 90-day
3 period under rules adopted by the department. A repair permit
4 is valid for 90 days from the date of issuance. An operating
5 permit must be obtained prior to the use of any aerobic
6 treatment unit or if the establishment generates commercial
7 waste. Buildings or establishments that use an aerobic
8 treatment unit or generate commercial waste shall be inspected
9 by the department at least annually to assure compliance with
10 the terms of the operating permit. The operating permit for a
11 commercial wastewater system is valid for 1 year from the date
12 of issuance and must be renewed annually. The operating permit
13 for an aerobic treatment unit is valid for 2 years from the
14 date of issuance and must be renewed every 2 years. If all
15 information pertaining to the siting, location, and
16 installation conditions or repair of an onsite sewage
17 treatment and disposal system remains the same, a construction
18 or repair permit for the onsite sewage treatment and disposal
19 system may be transferred to another person, if the transferee
20 files, within 60 days after the transfer of ownership, an
21 amended application providing all corrected information and
22 proof of ownership of the property. There is no fee
23 associated with the processing of this supplemental
24 information. A person may not contract to construct, modify,
25 alter, repair, service, abandon, or maintain any portion of an
26 onsite sewage treatment and disposal system without being
27 registered under part III of chapter 489. A property owner
28 who personally performs construction, maintenance, or repairs
29 to a system serving his or her own owner-occupied
30 single-family residence is exempt from registration
31 requirements for performing such construction, maintenance, or

1 repairs on that residence, but is subject to all permitting
2 requirements. A municipality or political subdivision of the
3 state may not issue a building or plumbing permit for any
4 building that requires the use of an onsite sewage treatment
5 and disposal system unless the owner or builder has received a
6 construction permit for such system from the department. A
7 building or structure may not be occupied and a municipality,
8 political subdivision, or any state or federal agency may not
9 authorize occupancy until the department approves the final
10 installation of the onsite sewage treatment and disposal
11 system. A municipality or political subdivision of the state
12 may not approve any change in occupancy or tenancy of a
13 building that uses an onsite sewage treatment and disposal
14 system until the department has reviewed the use of the system
15 with the proposed change, approved the change, and amended the
16 operating permit.

17 (j) An onsite sewage treatment and disposal system for
18 a single-family residence that is designed by a professional
19 engineer registered in the state and certified by such
20 engineer as complying with performance criteria adopted by the
21 department must be approved by the department subject to the
22 following:

23 1. The performance criteria applicable to
24 engineer-designed systems must be limited to those necessary
25 to ensure that such systems do not adversely affect the public
26 health or significantly degrade the groundwater or surface
27 water. Such performance criteria shall include consideration
28 of the quality of system effluent, the proposed total sewage
29 flow per acre, wastewater treatment capabilities of the
30 natural or replaced soil, water quality classification of the
31 potential surface-water-receiving body, and the structural and

1 maintenance viability of the system for the treatment of
2 domestic wastewater. However, performance criteria shall
3 address only the performance of a system and not a system's
4 design.

5 2. The technical review and advisory panel shall
6 assist the department in the development of performance
7 criteria applicable to engineer-designed systems. ~~Workshops~~
8 ~~on the development of the rules delineating such criteria~~
9 ~~shall commence not later than September 1, 1996, and the~~
10 ~~department shall advertise such rules for public hearing no~~
11 ~~later than October 1, 1997.~~

12 3. A person electing to utilize an engineer-designed
13 system shall, upon completion of the system design, submit
14 such design, certified by a registered professional engineer,
15 to the county health department. The county health department
16 may utilize an outside consultant to review the
17 engineer-designed system, with the actual cost of such review
18 to be borne by the applicant. Within 5 working days after
19 receiving an engineer-designed system permit application, the
20 county health department shall request additional information
21 if the application is not complete. Within 15 working days
22 after receiving a complete application for an
23 engineer-designed system, the county health department either
24 shall issue the permit or, if it determines that the system
25 does not comply with the performance criteria, shall notify
26 the applicant of that determination and refer the application
27 to the department for a determination as to whether the system
28 should be approved, disapproved, or approved with
29 modification. The department engineer's determination shall
30 prevail over the action of the county health department. The
31 applicant shall be notified in writing of the department's

1 determination and of the applicant's rights to pursue a
2 variance or seek review under the provisions of chapter 120.

3 4. The owner of an engineer-designed performance-based
4 system must maintain a current maintenance service agreement
5 with a maintenance entity permitted by the department. The
6 maintenance entity shall obtain a biennial system operating
7 permit from the department for each system under service
8 contract. The department shall inspect the system at least
9 annually, or on such periodic basis as the fee collected
10 permits, and may collect system-effluent samples if
11 appropriate to determine compliance with the performance
12 criteria. The fee for the biennial operating permit shall be
13 collected beginning with the second year of system operation.
14 The maintenance entity shall inspect each system at least
15 twice each year and shall report quarterly to the department
16 on the number of systems inspected and serviced.

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

21 Section 8. Paragraph (k) of subsection (2) of section
22 381.0066, Florida Statutes, as amended by section 16 of
23 chapter 2002-402, Laws of Florida, is amended to read:

24 381.0066 Onsite sewage treatment and disposal systems;
25 fees.--

26 (2) The minimum fees in the following fee schedule
27 apply until changed by rule by the department within the
28 following limits:

29 (k) Research: An additional \$5 fee shall be added to
30 each new system construction permit issued ~~during fiscal years~~
31 ~~1996-2003~~ to be used for onsite sewage treatment and disposal

1 system research, demonstration, and training projects. Five
2 dollars from any repair permit fee collected under this
3 section shall be used for funding the hands-on training
4 centers described in s. 381.0065(3)(j).

5
6 The funds collected pursuant to this subsection must be
7 deposited in a trust fund administered by the department, to
8 be used for the purposes stated in this section and ss.
9 381.0065 and 381.00655.

10 Section 9. Paragraph (a) of subsection (2) of section
11 381.0072, Florida Statutes, is amended to read:

12 381.0072 Food service protection.--It shall be the
13 duty of the Department of Health to adopt and enforce
14 sanitation rules consistent with law to ensure the protection
15 of the public from food-borne illness. These rules shall
16 provide the standards and requirements for the storage,
17 preparation, serving, or display of food in food service
18 establishments as defined in this section and which are not
19 permitted or licensed under chapter 500 or chapter 509.

20 (2) DUTIES.--

21 (a) The department shall adopt rules, including
22 definitions of terms which are consistent with law prescribing
23 minimum sanitation standards and manager certification
24 requirements as prescribed in s. 509.039, and which shall be
25 enforced in food service establishments as defined in this
26 section. The sanitation standards must address the
27 construction, operation, and maintenance of the establishment;
28 lighting, ventilation, laundry rooms, lockers, use and storage
29 of toxic materials and cleaning compounds, and first-aid
30 supplies; plan review; design, construction, installation,
31 location, maintenance, sanitation, and storage of food

1 equipment and utensils; employee training, health, hygiene,
2 and work practices; food supplies, preparation, storage,
3 transportation, and service, including access to the areas
4 where food is stored or prepared; and sanitary facilities and
5 controls, including water supply and sewage disposal; plumbing
6 and toilet facilities; garbage and refuse collection, storage,
7 and disposal; and vermin control. Public and private schools
8 if the food service is operated by school employees, hospitals
9 licensed under chapter 395, nursing homes licensed under part
10 II of chapter 400, child care facilities as defined in s.
11 402.301, ~~and~~ residential facilities colocated with a nursing
12 home or hospital if all food is prepared in a central kitchen
13 that complies with nursing or hospital regulations, and bars
14 and lounges shall be exempt from the rules developed for
15 manager certification. The department shall administer a
16 comprehensive inspection, monitoring, and sampling program to
17 ensure such standards are maintained. With respect to food
18 service establishments permitted or licensed under chapter 500
19 or chapter 509, the department shall assist the Division of
20 Hotels and Restaurants of the Department of Business and
21 Professional Regulation and the Department of Agriculture and
22 Consumer Services with rulemaking by providing technical
23 information.

24 Section 10. Section 381.104, Florida Statutes, is
25 created to read:

26 381.104 Employee health and wellness program.--

27 (1) Each state agency may allocate, from existing
28 resources, the necessary funding and facilities for the
29 development and maintenance of an employee health and wellness
30 program and may seek additional funding from other sources to
31 support the program for the benefit of the agency's employees.

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

6 (3) Each state agency may establish an employee health
7 and wellness coordinator and an advisory committee to guide
8 the development of an operational plan, including the
9 collection of data, to plan events and activities, and to
10 oversee program evaluation and the allocation of funds.

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

14 (5) Each state agency may establish policies that
15 allow employees no longer than 30 minutes of work time three
16 times each week, as individual workloads allow, which may be
17 used for the purpose of engaging in wellness activities,
18 including physical activity, stress-reduction programs,
19 tobacco cessation, personal training, nutrition counseling, or
20 weight reduction and control.

21 (6) Each state agency participating in the program
22 must use an employee health and wellness activity agreement
23 form, which must be completed and signed by the employee,
24 signed by the employee's immediate supervisor, and kept in the
25 employee's personnel file prior to participating in any
26 activity. This form shall be developed by the Department of
27 Health. It is the responsibility of the employee to complete
28 the form, including the time of the workday the wellness
29 activity will be observed and on which days of the week,
30 obtain the signature of his or her supervisor, and submit the
31 form to the personnel office. The employee must submit a

1 revised employee health and wellness activity agreement form
2 prior to any change in the employee's activities.

3 (7) Each state agency may designate up to 1 hour each
4 month for the purpose of providing wellness training for its
5 employees.

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

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

10 (a) Enter into an agreement or contract with other
11 state agencies, including a state-supported college or
12 university, or with a local or federal department,
13 institution, commission, agency, or private enterprise to
14 present, collaborate, or participate jointly in health or
15 fitness education or activity programs.

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

21 (c) Review and offer recommendations on environmental
22 and social support policies that pertain to improving the
23 health of employees.

24 (d) Link the employee health and wellness program to
25 programs such as the employee assistance program and other
26 related programs to help employees balance work and family.

27 (e) Offer free, low-cost, or employee fee-based
28 employee wellness programs.

29 (10) Each agency that develops and implements an
30 employee health and wellness program shall include and
31

1 document an evaluation and improvement process to help enhance
2 the program's efficiency and effectiveness over time.

3 (11) The Department of Health shall provide model
4 program guidelines for the employee health and wellness
5 program and shall provide ongoing technical assistance to
6 other state agencies to assist in developing the agency's
7 employee health and wellness program.

8 Section 11. Section 381.86, Florida Statutes, is
9 created to read:

10 381.86 Review Council for Human Subjects.--

11 (1) The Review Council for Human Subjects is created
12 within the Department of Health to comply with federal
13 requirements under 45 C.F.R. part 46 and 21 C.F.R. parts 50
14 and 56 for an institutional review board to review all
15 biomedical and behavioral research on human subjects which is
16 funded by the department or supported by the department in any
17 manner, including the permitting of access to department data
18 or department resources.

19 (2) Consistent with federal requirements the Secretary
20 of Health shall determine and appoint the membership on the
21 council and designate the chair.

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

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

27 (5) The department shall charge for costs incurred by
28 the council for research oversight according to a fee
29 schedule, except that fees shall be waived for any student who
30 is a candidate for a degree at a university located in this
31 state. The fee schedule shall provide for fees for initial

1 review, amendments, and continuing review. The department
2 shall adopt rules necessary to comply with federal
3 requirements and this section. Such rules shall also prescribe
4 procedures for requesting council review.

5 (6) Fees collected pursuant to this section shall be
6 deposited into the Administrative Trust Fund and used solely
7 for the purpose of administering the program authorized by
8 this section.

9 Section 12. Paragraphs (b) and (c) of subsection (3)
10 of section 381.89, Florida Statutes, are amended to read:

11 381.89 Regulation of tanning facilities.--

12 (3)

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

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

28 Section 13. Subsection (3) and paragraph (a) of
29 subsection (7) of section 381.90, Florida Statutes, are
30 amended to read:

31

1 381.90 Health Information Systems Council; legislative
2 intent; creation, appointment, duties.--

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

- 5 (a) The Secretary of ~~the Department of~~ Health;
- 6 (b) The Executive Director ~~secretary~~ of the Department
7 of Veterans' Affairs ~~Business and Professional Regulation~~;
- 8 (c) The Secretary of ~~the Department of~~ Children and
9 Family Services;
- 10 (d) The Secretary of Health Care Administration;
- 11 (e) The Secretary of ~~the Department of~~ Corrections;
- 12 (f) The Attorney General;
- 13 (g) The Executive Director of the Correctional Medical
14 Authority;
- 15 (h) Two members representing county health
16 departments, one from a small county and one from a large
17 county, appointed by the Governor;
- 18 (i) A representative from the Florida Association of
19 Counties;
- 20 (j) The Chief Financial Officer ~~State Treasurer and~~
21 ~~Insurance Commissioner~~;
- 22 (k) A representative from the Florida Healthy Kids
23 Corporation;
- 24 (l) A representative from a school of public health
25 chosen by the Commissioner of Education ~~Board of Regents~~;
- 26 (m) The Commissioner of Education;
- 27 (n) The Secretary of ~~the Department of~~ Elderly
28 Affairs; and
- 29 (o) The Secretary of ~~the Department of~~ Juvenile
30 Justice.
- 31

1 Representatives of the Federal Government may serve without
2 voting rights.

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

5 (a) By June ~~March~~ 1 of each year, to develop and
6 approve a strategic plan pursuant to the requirements set
7 forth in s. 186.022~~(9)~~. Copies of the plan shall be
8 transmitted electronically or in writing to the Executive
9 Office of the Governor, the Speaker of the House of
10 Representatives, and the President of the Senate.

11 Section 14. Subsections (1) and (2), paragraphs (f)
12 and (g) of subsection (3), and subsection (5) of section
13 383.14, Florida Statutes, are amended to read:

14 383.14 Screening for metabolic disorders, other
15 hereditary and congenital disorders, and environmental risk
16 factors.--

17 (1) SCREENING REQUIREMENTS.--To help ensure access to
18 the maternal and child health care system, the Department of
19 Health shall promote the screening of all newborns ~~infants~~
20 born in Florida for phenylketonuria and other metabolic,
21 hereditary, and congenital disorders known to result in
22 significant impairment of health or intellect, as screening
23 programs accepted by current medical practice become available
24 and practical in the judgment of the department. The
25 department shall also promote the identification and screening
26 of all newborns ~~infants~~ born in this state and their families
27 for environmental risk factors such as low income, poor
28 education, maternal and family stress, emotional instability,
29 substance abuse, and other high-risk conditions associated
30 with increased risk of infant mortality and morbidity to
31 provide early intervention, remediation, and prevention

1 services, including, but not limited to, parent support and
2 training programs, home visitation, and case management.
3 Identification, perinatal screening, and intervention efforts
4 shall begin prior to and immediately following the birth of
5 the child by the attending health care provider. Such efforts
6 shall be conducted in hospitals, perinatal centers, county
7 health departments, school health programs that provide
8 prenatal care, and birthing centers, and reported to the
9 Office of Vital Statistics.

10 (a) Prenatal screening.--The department shall develop
11 a multilevel screening process that includes a risk assessment
12 instrument to identify women at risk for a preterm birth or
13 other high-risk condition. The primary health care provider
14 shall complete the risk assessment instrument and report the
15 results to the Office of Vital Statistics so that the woman
16 may immediately be notified and referred to appropriate
17 health, education, and social services.

18 (b) Postnatal screening.--A risk factor analysis using
19 the department's designated risk assessment instrument shall
20 also be conducted as part of the medical screening process
21 upon the birth of a child and submitted to the department's
22 Office of Vital Statistics for recording and other purposes
23 provided for in this chapter. The department's screening
24 process for risk assessment shall include a scoring mechanism
25 and procedures that establish thresholds for notification,
26 further assessment, referral, and eligibility for services by
27 professionals or paraprofessionals consistent with the level
28 of risk. Procedures for developing and using the screening
29 instrument, notification, referral, and care coordination
30 services, reporting requirements, management information, and
31 maintenance of a computer-driven registry in the Office of

1 Vital Statistics which ensures privacy safeguards must be
2 consistent with the provisions and plans established under
3 chapter 411, Pub. L. No. 99-457, and this chapter. Procedures
4 established for reporting information and maintaining a
5 confidential registry must include a mechanism for a
6 centralized information depository at the state and county
7 levels. The department shall coordinate with existing risk
8 assessment systems and information registries. The department
9 must ensure, to the maximum extent possible, that the
10 screening information registry is integrated with the
11 department's automated data systems, including the Florida
12 On-line Recipient Integrated Data Access (FLORIDA) system.
13 Tests and screenings must be performed by the State Public
14 Health Laboratory, in coordination with Children's Medical
15 Services, at such times and in such manner as is prescribed by
16 the department after consultation with the Genetics and
17 Newborn ~~Infant~~ Screening Advisory Council and the State
18 Coordinating Council for School Readiness Programs.

19 (2) RULES.--After consultation with the Genetics and
20 Newborn ~~Infant~~ Screening Advisory Council, the department
21 shall adopt and enforce rules requiring that every newborn
22 ~~infant~~ born in this state shall, prior to becoming 2 weeks of
23 age, be subjected to a test for phenylketonuria and, at the
24 appropriate age, be tested for such other metabolic diseases
25 and hereditary or congenital disorders as the department may
26 deem necessary from time to time. After consultation with the
27 State Coordinating Council for School Readiness Programs, the
28 department shall also adopt and enforce rules requiring every
29 newborn ~~infant~~ born in this state to be screened for
30 environmental risk factors that place children and their
31 families at risk for increased morbidity, mortality, and other

1 negative outcomes. The department shall adopt such additional
2 rules as are found necessary for the administration of this
3 section, including rules providing definitions of terms, rules
4 relating to the methods used and time or times for testing as
5 accepted medical practice indicates, rules relating to
6 charging and collecting fees for screenings authorized by this
7 section, and rules requiring mandatory reporting of the
8 results of tests and screenings for these conditions to the
9 department.

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

13 (f) Promote the availability of genetic studies and
14 counseling in order that the parents, siblings, and affected
15 newborns ~~infants~~ may benefit from available knowledge of the
16 condition.

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

19 1. A fee of \$20 will be charged for each live birth,
20 as recorded by the Office of Vital Statistics, occurring in a
21 hospital licensed under part I of chapter 395 or a birth
22 center licensed under s. 383.305, up to 3,000 live births per
23 licensed hospital per year or over 60 births per birth center
24 per year. The department shall calculate the annual
25 assessment for each hospital and birth center, and this
26 assessment must be paid in equal amounts quarterly. Quarterly,
27 the department shall generate and mail to each hospital and
28 birth center a statement of the amount due.

29 2. As part of the department's legislative budget
30 request prepared pursuant to chapter 216, the department shall
31 submit a certification by the department's inspector general,

1 or the director of auditing within the inspector general's
2 office, of the annual costs of the uniform testing and
3 reporting procedures of the newborn ~~infant~~ screening program.
4 In certifying the annual costs, the department's inspector
5 general or the director of auditing within the inspector
6 general's office shall calculate the direct costs of the
7 uniform testing and reporting procedures, including applicable
8 administrative costs. Administrative costs shall be limited to
9 those department costs which are reasonably and directly
10 associated with the administration of the uniform testing and
11 reporting procedures of the newborn ~~infant~~ screening program.
12

13 All provisions of this subsection must be coordinated with the
14 provisions and plans established under this chapter, chapter
15 411, and Pub. L. No. 99-457.

16 (5) ADVISORY COUNCIL.--There is established a Genetics
17 and Newborn ~~Infant~~ Screening Advisory Council made up of 12
18 members appointed by the Secretary of Health. The council
19 shall be composed of two consumer members, three practicing
20 pediatricians, at least one of whom must be a pediatric
21 hematologist, one representative from each of the four medical
22 schools in the state, the Secretary of Health or his or her
23 designee, one representative from the Department of Health
24 representing Children's Medical Services, and one
25 representative from the Developmental Disabilities Program
26 Office of the Department of Children and Family Services. All
27 appointments shall be for a term of 4 years. The chairperson
28 of the council shall be elected from the membership of the
29 council and shall serve for a period of 2 years. The council
30 shall meet at least semiannually or upon the call of the
31 chairperson. The council may establish ad hoc or temporary

1 technical advisory groups to assist the council with specific
2 topics which come before the council. Council members shall
3 serve without pay. Pursuant to the provisions of s. 112.061,
4 the council members are entitled to be reimbursed for per diem
5 and travel expenses. It is the purpose of the council to
6 advise the department about:

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

9 (b) Procedures for collection and transmission of
10 specimens and recording of results; and

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

15 Section 15. Section 384.25, Florida Statutes, is
16 amended to read:

17 384.25 Reporting required.--

18 (1) Each person who makes a diagnosis of or treats a
19 person with a sexually transmissible disease and each
20 laboratory that performs a test for a sexually transmissible
21 disease which concludes with a positive result shall report
22 such facts as may be required by the department by rule,
23 within a time period as specified by rule of the department,
24 but in no case to exceed 2 weeks.

25 (a)~~(2)~~ The department shall adopt rules specifying the
26 information required in and a minimum time period for
27 reporting a sexually transmissible disease. In adopting such
28 rules, the department shall consider the need for information,
29 protections for the privacy and confidentiality of the
30 patient, and the practical ability of persons and laboratories
31 to report in a reasonable fashion. To ensure the

1 confidentiality of persons infected with the human
2 immunodeficiency virus (HIV), reporting of HIV infection and
3 acquired immune deficiency syndrome (AIDS) must be conducted
4 using a system ~~the HIV/AIDS Reporting System (HARS)~~ developed
5 by the Centers for Disease Control and Prevention of the
6 United States Public Health Service or an equivalent system.

7 ~~(b)(3)~~ The department shall require reporting of
8 ~~physician diagnosed~~ cases of AIDS and HIV infection consistent
9 with based upon diagnostic criteria for surveillance-case
10 definition for HIV/AIDS reporting from the Centers for Disease
11 Control and Prevention.

12 ~~(c)(4)~~ The department shall ~~may~~ require physician and
13 laboratory reporting of HIV infection. ~~However, only reports~~
14 ~~of HIV infection identified on or after the effective date of~~
15 ~~the rule developed by the department pursuant to this~~
16 ~~subsection shall be accepted.~~ The Reporting may not affect or
17 relate to anonymous HIV testing programs conducted pursuant to
18 s. 381.004(4) ~~or to university-based medical research~~
19 ~~protocols as determined by the department.~~

20 ~~(2)(5)~~ After notification of the test subject ~~under~~
21 ~~subsection (4)~~, the department may, with the consent of the
22 test subject, notify school superintendents of students and
23 school personnel whose HIV tests are positive.

24 (3) The department shall adopt rules requiring each
25 physician and laboratory to report any newborn or infant up to
26 18 months of age who has been exposed to HIV. The rules may
27 include the method and time period for reporting, information
28 to be included in the report, requirements for enforcement,
29 and followup activities by the department.

30
31

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

4 ~~(5)(7)~~ Each person who violates the provisions of this
5 section or the rules adopted hereunder may be fined by the
6 department up to \$500 for each offense. The department shall
7 report each violation of this section to the regulatory agency
8 responsible for licensing each health care professional and
9 each laboratory to which these provisions apply.

10 Section 16. Subsection (1) of section 385.204, Florida
11 Statutes, is amended to read:

12 385.204 Insulin; purchase, distribution; penalty for
13 fraudulent application for and obtaining of insulin.--

14 (1) The Department of Health, to the extent funds are
15 available, shall purchase and distribute insulin through its
16 agents or other appropriate agent of the state or Federal
17 Government in any county or municipality in the state to any
18 bona fide resident of this state suffering from diabetes ~~or a~~
19 ~~kindred disease~~ requiring insulin in its treatment who makes
20 application for insulin and furnishes proof of his or her
21 financial inability to purchase in accordance with the rules
22 adopted promulgated by the department concerning the
23 distribution of insulin.

24 Section 17. Subsection (2) of section 391.021, Florida
25 Statutes, is amended to read:

26 391.021 Definitions.--When used in this act, unless
27 the context clearly indicates otherwise:

28 (2) "Children with special health care needs" means
29 those children under the age of 21 years who have, or are at
30 increased risk for, chronic physical, developmental,
31 behavioral, or emotional conditions and who also require

1 health care and related services of a type or amount beyond
2 that which is generally required by children ~~whose serious or~~
3 ~~chronic physical or developmental conditions require extensive~~
4 ~~preventive and maintenance care beyond that required by~~
5 ~~typically healthy children. Health care utilization by these~~
6 ~~children exceeds the statistically expected usage of the~~
7 ~~normal child adjusted for chronological age. These children~~
8 ~~often need complex care requiring multiple providers,~~
9 ~~rehabilitation services, and specialized equipment in a number~~
10 ~~of different settings.~~

11 Section 18. Section 391.025, Florida Statutes, is
12 amended to read:

13 391.025 Applicability and scope.--

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

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

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

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

22 (1)~~(2)~~ The Children's Medical Services program
23 consists of the following components:

24 (a) The newborn ~~infant metabolic~~ screening program
25 established in s. 383.14.

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

28 (c) A federal or state program authorized by the
29 Legislature.

30
31

1 (d) The developmental evaluation and intervention
2 program, including the infants and toddlers early intervention
3 program.

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

5 (2)~~(3)~~ The Children's Medical Services program shall
6 not be deemed an insurer and is not subject to the licensing
7 requirements of the Florida Insurance Code or the rules of the
8 Department of Insurance, when providing services to children
9 who receive Medicaid benefits, other Medicaid-eligible
10 children with special health care needs, and children
11 participating in the Florida Kidcare program.

12 Section 19. Subsection (2) of section 391.029, Florida
13 Statutes, is amended to read:

14 391.029 Program eligibility.--

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

17 (a) A high-risk pregnant female who is eligible for
18 Medicaid.

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

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

24 (3) Subject to the availability of funds, the
25 following individuals may receive services through the
26 program:

27 (a)~~(d)~~ Children ~~A child~~ with special health care needs
28 from birth to age 21 years whose family income is above
29 financial eligibility requirements under Title XXI of the
30 Social Security Act and whose projected annual cost of care
31 adjusts the family income to Medicaid financial criteria. In

1 cases where the family income is adjusted based on a projected
2 annual cost of care, the family shall participate financially
3 in the cost of care based on criteria established by the
4 department.

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

9
10 ~~The department may continue to serve certain children with~~
11 ~~special health care needs who are 21 years of age or older and~~
12 ~~who were receiving services from the program prior to April 1,~~
13 ~~1998. Such children may be served by the department until~~
14 ~~July 1, 2000.~~

15 Section 20. Subsections (4) and (5) are added to
16 section 391.035, Florida Statutes, to read:

17 391.035 Provider qualifications.--

18 (4) Notwithstanding any other provision of law, the
19 department may contract with health care providers licensed in
20 another state to provide health services to participants in
21 the Children's Medical Services program when necessary due to
22 an emergency, the availability of specialty services, or a
23 greater convenience to the participant for receiving timely
24 and effective health care services. The department may adopt
25 rules to administer this subsection.

26 (5) A physician licensed under chapter 458 or chapter
27 459 who is approved by the department under this section shall
28 be deemed an agent of the department and shall be covered by
29 state liability protection in accordance with s. 768.28 when
30 providing health care services to participants in accordance
31 with department rules and guidelines and protocols of the

1 Children's Medical Services. When such health care services
2 are provided under contract with the department, the contract
3 shall provide for the indemnification of the state by the
4 agent for any liabilities incurred up to the limits set out in
5 chapter 768.

6 Section 21. Subsection (4) is added to section
7 391.055, Florida Statutes, to read:

8 391.055 Service delivery systems.--

9 (4) If a newborn has a presumptively abnormal
10 screening result for metabolic or other hereditary and
11 congenital disorders which is identified through the newborn
12 screening program pursuant to s. 383.14, the newborn shall be
13 referred to the Children's Medical Services network for
14 confirmatory testing, medical management, or medical referral.

15 Section 22. Section 391.309, Florida Statutes, is
16 created to read:

17 391.309 Florida Infants and Toddlers Early
18 Intervention Program.--The Department of Health may implement
19 and administer Part C of the federal Individuals with
20 Disabilities Education Act (IDEA), which shall be known as the
21 Florida Infants and Toddlers Early Intervention Program.

22 (1) The department, jointly with the Department of
23 Education, shall annually prepare a grant application to the
24 United States Department of Education for funding early
25 intervention services for infants and toddlers with
26 disabilities, ages birth through 36 months, and their families
27 pursuant to Part C of the federal Individuals with
28 Disabilities Education Act.

29 (2) The department shall ensure that no early
30 intervention provider participating in the program provides
31 both core and required services without a waiver from the

1 Deputy Secretary for Children's Medical Services or his or her
2 designee, as expressed in the contract between the department
3 and the provider. For purposes of this section, "core"
4 services are limited to child find and referral services,
5 family support planning, service coordination, and
6 multidisciplinary evaluation.

7 Section 23. Section 394.9151, Florida Statutes, is
8 amended to read:

9 394.9151 Contract authority.--The Department of
10 Children and Family Services may contract with a private
11 entity or state agency for use of and operation of facilities
12 to comply with the requirements of this act. The department of
13 ~~Children and Family Services~~ may also contract with the
14 Correctional Privatization Commission as defined in chapter
15 957 to issue a request for proposals and monitor contract
16 compliance for these services. The department may enter into
17 an agreement or may contract with the Correctional Medical
18 Authority, as defined in chapter 945, to conduct surveys of
19 medical services and to provide medical quality assurance and
20 improvement assistance at secure confinement and treatment
21 facilities for persons confined under this chapter.

22 Section 24. Subsection (2) of section 395.404, Florida
23 Statutes, is amended to read:

24 395.404 Review of trauma registry data;
25 confidentiality and limited release.--

26 (2) Notwithstanding the provisions of s. 381.74, each
27 trauma center and acute care hospital shall submit severe
28 disability and head-injury registry data to the department as
29 provided by rule. Each trauma center and acute care hospital
30 shall continue to provide initial notification of any person
31 who has a moderate-to-severe brain or spinal cord injury

1 ~~persons who have severe disabilities and head injuries to the~~
2 brain and spinal cord injury central registry of the
3 Department of Health within timeframes provided in s. 381.74
4 ~~chapter 413~~. Such initial notification shall be made in the
5 manner prescribed by the Department of Health for the purpose
6 of providing timely ~~vocational~~ rehabilitation and transitional
7 services to an individual who sustains traumatic
8 moderate-to-severe brain or spinal cord injury to enable such
9 individual to return to his or her community ~~services to the~~
10 ~~severely disabled or head-injured person.~~

11 Section 25. Subsection (2) of section 401.113, Florida
12 Statutes, is amended to read:

13 401.113 Department; powers and duties.--

14 (2)(a) The department shall annually dispense funds
15 contained in the Emergency Medical Services Trust Fund as
16 follows:

17 1.(a) Forty-five percent of such moneys must be
18 divided among the counties according to the proportion of the
19 combined amount deposited in the trust fund from the county.
20 These funds may not be used to match grant funds as identified
21 in subparagraph 2 ~~paragraph (b)~~. An individual board of county
22 commissioners may distribute these funds to emergency medical
23 service organizations within the county, as it deems
24 appropriate.

25 2.(b) Forty percent of such moneys must be used by the
26 department for making matching grants to local agencies,
27 municipalities, and emergency medical services organizations
28 for the purpose of conducting research, increasing existing
29 levels of emergency medical services, evaluation, community
30 education, injury prevention programs, and training in
31

1 cardiopulmonary resuscitation and other lifesaving and first
2 aid techniques.

3 ~~a.1.~~ At least 90 percent of these moneys must be made
4 available on a cash matching basis. A grant made under this
5 subparagraph must be contingent upon the recipient providing a
6 cash sum equal to 25 percent of the total department-approved
7 grant amount.

8 ~~b.2.~~ No more than 10 percent of these moneys must be
9 made available to rural emergency medical services, and
10 notwithstanding the restrictions specified in subsection (1),
11 these moneys may be used for improvement, expansion, or
12 continuation of services provided. A grant made under this
13 subparagraph must be contingent upon the recipient providing a
14 cash sum equal to no more than 10 percent of the total
15 department-approved grant amount.

16
17 The department shall develop procedures and standards for
18 grant disbursement under this paragraph based on the need for
19 emergency medical services, the requirements of the population
20 to be served, and the objectives of the state emergency
21 medical services plan.

22 ~~3.(c)~~ Fifteen percent of such moneys must be used by
23 the department for capital equipment outlay, personnel,
24 community education, evaluation, and other costs associated
25 with the administration of this chapter. Any moneys not
26 annually used for this purpose must be used for making
27 additional rural grant funds available.

28 (b) Notwithstanding any other law to the contrary, any
29 interest generated from grant funds may be expended by the
30 grantee on the budget items approved by the department.
31 Grantees receiving funds, which require a match, may not

1 expend interest funds until all match requirements have been
2 satisfied. Such grantees shall return to the department any
3 interest and grant funds not expended at the conclusion of the
4 grant period. All such returned funds shall be used by the
5 department for additional matching grant awards.

6 Section 26. Section 401.211, Florida Statutes, is
7 amended to read:

8 401.211 Legislative intent.--The Legislature
9 recognizes that the systematic provision of emergency medical
10 services saves lives and reduces disability associated with
11 illness and injury. In addition, that system of care must be
12 equally capable of assessing, treating, and transporting
13 children, adults, and frail elderly persons. Further, it is
14 the intent of the Legislature to encourage the development and
15 maintenance of emergency medical services because such
16 services are essential to the health and well-being of all
17 citizens of the state. The Legislature also recognizes that
18 the establishment of a statewide comprehensive injury
19 prevention program supports state and community health systems
20 by further enhancing the total delivery system of emergency
21 medical services and reduces injuries for all persons.The
22 purpose of this part is to protect and enhance the public
23 health, welfare, and safety through the establishment of an
24 emergency medical services state plan, an advisory council, a
25 comprehensive statewide injury prevention and control program,
26 minimum standards for emergency medical services personnel,
27 vehicles, services and medical direction, and the
28 establishment of a statewide inspection program created to
29 monitor the quality of patient care delivered by each licensed
30 service and appropriately certified personnel.

31

1 Section 27. Section 401.243, Florida Statutes, is
2 created to read:

3 401.243 Injury prevention and control.--The injury
4 prevention and control program is responsible for the
5 statewide coordination and expansion of injury prevention and
6 control activities. The duties of the department may include,
7 but not be limited to, data collection, surveillance,
8 education, and the promotion of interventions. The department
9 may:

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

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

16 (3) Adopt rules related to the activities of the
17 program, including, but not limited to, those needed for
18 implementation of injury prevention and control activities,
19 data collection, surveillance, education, promotion of
20 interventions, and for assistance to other entities.

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

23 Section 28. Subsections (3), (4), (5), and (13) of
24 section 401.27, Florida Statutes, are amended, and subsection
25 (14) is added to that section, to read:

26 401.27 Personnel; standards and certification.--

27 (3) Any person who desires to be certified or
28 recertified as an emergency medical technician or paramedic
29 must apply to the department under oath on forms provided by
30 the department which shall contain such information as the
31 department reasonably requires, which may include affirmative

1 evidence of ability to comply with applicable laws and rules.
2 The department may accept electronically submitted
3 applications. If an application is submitted electronically,
4 the department may require supplemental materials, including
5 an original signature of the applicant and documentation
6 verifying eligibility for certification to be submitted in a
7 nonelectronic format.The department shall determine whether
8 the applicant meets the requirements specified in this section
9 and in rules of the department and shall issue a certificate
10 to any person who meets such requirements.

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

13 (a) Have completed an appropriate training course as
14 follows:

15 1. For an emergency medical technician, an emergency
16 medical technician training course equivalent to the most
17 recent emergency medical technician basic training course of
18 the United States Department of Transportation as approved by
19 the department;

20 2. For a paramedic, a paramedic training program
21 equivalent to the most recent paramedic course of the United
22 States Department of Transportation as approved by the
23 department;

24 (b) Certify ~~under oath~~ that he or she is not addicted
25 to alcohol or any controlled substance;

26 (c) Certify ~~under oath~~ that he or she is free from any
27 physical or mental defect or disease that might impair the
28 applicant's ability to perform his or her duties;

29 (d) Within 1 year after course completion have passed
30 an examination developed or required by the department;

31

1 (e)1. For an emergency medical technician, hold either
2 a current American Heart Association cardiopulmonary
3 resuscitation course card or an American Red Cross
4 cardiopulmonary resuscitation course card or its equivalent as
5 defined by department rule;

6 2. For a paramedic, hold a certificate of successful
7 course completion in advanced cardiac life support from the
8 American Heart Association or its equivalent as defined by
9 department rule;

10 (f) Submit the certification fee and the nonrefundable
11 examination fee prescribed in s. 401.34, which examination fee
12 will be required for each examination administered to an
13 applicant; and

14 (g) Submit a completed application to the department,
15 which application documents compliance with paragraphs (a),
16 (b), (c), (e), (f), (g), and, if applicable, (d). The
17 application must be submitted so as to be received by the
18 department at least 30 calendar days before the next regularly
19 scheduled examination for which the applicant desires to be
20 scheduled.

21 (5) The certification examination must be offered
22 monthly. The department shall issue an examination admission
23 notice to the applicant advising him or her of the time and
24 place of the examination for which he or she is scheduled.
25 ~~Individuals achieving a passing score on the certification~~
26 ~~examination may be issued a temporary certificate with their~~
27 ~~examination grade report. The department must issue an~~
28 ~~original certification within 45 days after the examination.~~
29 Examination questions and answers are not subject to discovery
30 but may be introduced into evidence and considered only in
31 camera in any administrative proceeding under chapter 120. If

1 an administrative hearing is held, the department shall
2 provide challenged examination questions and answers to the
3 administrative law judge. The department shall establish by
4 rule the procedure by which an applicant, and the applicant's
5 attorney, may review examination questions and answers in
6 accordance with s. 119.07(3)(a).

7 ~~(13) The department shall adopt a standard state~~
8 ~~insignia for emergency medical technicians and paramedics. The~~
9 ~~department shall establish by rule the requirements to display~~
10 ~~the state emergency medical technician and paramedic insignia.~~
11 ~~The rules may not require a person to wear the standard~~
12 ~~insignia but must require that~~ If a person wears any insignia
13 that identifies the person as a certified emergency medical
14 technician or paramedic in this state, the insignia must ~~be~~
15 ~~the standard state insignia adopted under this section. The~~
16 ~~insignia must~~ denote the individual's level of certification
17 at which he or she is functioning.

18 (14)(a) An applicant for initial certification under
19 this section must submit a set of fingerprints to the
20 Department of Health on a form and under procedures specified
21 by the department, along with payment in an amount equal to
22 the costs incurred by the Department of Health for a national
23 criminal history check of the applicant.

24 (b) An applicant for renewed certification who has not
25 previously submitted a set of fingerprints to the Department
26 of Health must submit information required to perform a
27 statewide criminal background check and a set of fingerprints
28 to the department as a condition of the initial renewal of his
29 or her certificate after July 1, 2003. The applicant must
30 submit the fingerprints on a form and under procedures
31 specified by the department, along with payment in an amount

1 equal to the costs incurred by the department. For subsequent
2 renewals, the department shall, by rule, adopt an application
3 form that includes a sworn oath or affirmation attesting to
4 the existence of any criminal convictions, regardless of plea
5 or adjudication, which have occurred since the previous
6 certification. If there has been a criminal conviction, the
7 provisions of this subsection shall apply. The department
8 shall notify current certificateholders of their requirement
9 to undergo a criminal history background screening
10 sufficiently in advance of the 2004 biennial expiration for
11 the certificateholder to provide the required information
12 prior to submission of the renewal certification application.
13 Eligibility for renewal may not be denied by the department
14 for the first renewal application subsequent to enactment of
15 this subsection for delays created in obtaining the criminal
16 history from the Department of Law Enforcement, the Federal
17 Bureau of Investigation, or the Division of State Fire Marshal
18 if the applicant has submitted the required criminal
19 background screening information or affidavit and fees with
20 the renewal certification application.

21 (c) Pursuant to the requirements of s. 120.60,
22 applications for certification must be processed within 90
23 days after receipt of a completed application. Applications
24 for certification are not complete until the criminal history
25 and certified copies of all court documents for those
26 applications with prior criminal convictions, pursuant to this
27 section, have been received by the department.

28 (d) The department shall submit the fingerprints and
29 information required for a statewide criminal history check to
30 the Department of Law Enforcement, and the Department of Law
31 Enforcement shall forward the fingerprints to the Federal

1 Bureau of Investigation for a national criminal history check
2 of the applicant.

3 (e) If an applicant has undergone a criminal history
4 check as a condition of employment or certification as a
5 firefighter under s. 633.34, the Division of State Fire
6 Marshal of the Department of Financial Services shall provide
7 the criminal history information regarding the applicant
8 seeking certification or renewal of certification under this
9 section to the department. Any applicant for initial
10 certification or renewal of certification who has already
11 submitted a set of fingerprints and information to the
12 Division of State Fire Marshal of the Department of Financial
13 Services for the criminal history check required for
14 employment and certification of firefighters under s. 633.34
15 within 2 years prior to application under this section is not
16 required to provide to the department a subsequent set of
17 fingerprints or other duplicate information required for a
18 criminal history check if the applicant submits an affidavit
19 in a form prescribed by the department attesting that he or
20 she has been a state resident for the previous 2 years.

21 (f) Notwithstanding the grounds for certification
22 denial outlined in s. 401.411, an applicant must not have been
23 found guilty of, regardless of plea or adjudication, any
24 offense prohibited under any of the following provisions of
25 the Florida Statutes or under any similar statute of another
26 jurisdiction:

27 1. Section 415.111, relating to abuse, neglect, or
28 exploitation of a vulnerable adult.

29 2. Section 782.04, relating to murder.

30
31

- 1 3. Section 782.07, relating to manslaughter,
2 aggravated manslaughter of an elderly person or disabled
3 adult, or aggravated manslaughter of a child.
4 4. Section 782.071, relating to vehicular homicide.
5 5. Section 782.09, relating to killing of an unborn
6 child by injury to the mother.
7 6. Section 784.011, relating to assault, if the victim
8 of the offense was a minor.
9 7. Section 784.021, relating to aggravated assault.
10 8. Section 784.03, relating to battery, if the victim
11 of the offense was a minor.
12 9. Section 784.045, relating to aggravated battery.
13 10. Section 784.01, relating to kidnapping.
14 11. Section 787.02, relating to false imprisonment.
15 12. Section 794.011, relating to sexual battery.
16 13. Former s. 794.041, relating to prohibited acts of
17 persons in familial or custodial authority.
18 14. Chapter 796, relating to prostitution.
19 15. Section 798.02, relating to lewd and lascivious
20 behavior.
21 16. Chapter 800, relating to lewdness and indecent
22 exposure.
23 17. Section 806.01, relating to arson.
24 18. Chapter 812, relating to theft, robbery, and
25 related crimes, only if the offense was a felony.
26 19. Section 817.563, relating to fraudulent sale of
27 controlled substances, only if the offense was a felony.
28 20. Section 825.102, relating to abuse, aggravated
29 abuse, or neglect of an elderly person or disabled adult.
30
31

1 21. Section 825.1025, relating to lewd or lascivious
2 offenses committed upon or in the presence of an elderly
3 person or disabled adult.

4 22. Section 825.103, relating to exploitation of an
5 elderly person or disabled adult, if the offense was a felony.

6 23. Section 826.04, relating to incest.

7 24. Section 827.03, relating to child abuse,
8 aggravated child abuse, or neglect of a child.

9 25. Section 827.04, relating to contributing to the
10 delinquency or dependency of a child.

11 26. Former s. 827.05, relating to negligent treatment
12 of children.

13 27. Section 827.071, relating to sexual performance by
14 a child.

15 28. Chapter 847, relating to obscene literature.

16 29. Chapter 893, relating to drug abuse prevention and
17 control, only if the offense was a felony or if any other
18 person involved in the offense was a minor.

19 30. An act that constitutes domestic violence, as
20 defined in s. 741.28.

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

24 1. Felonies committed more than 3 years prior to the
25 date of disqualification;

26 2. Misdemeanors prohibited under any of the Florida
27 Statutes cited in this subsection or under similar statutes of
28 other jurisdictions;

29 3. Offenses that were felonies when committed by are
30 not misdemeanors;

31 4. Findings of delinquency; or

1 5. Commissions of acts of domestic violence as defined
2 in s. 741.28.

3 (h) For the department to grant an exemption to any
4 applicant under this section, the applicant must demonstrate
5 by clear and convincing evidence that the applicant should not
6 be disqualified from certification or renewed certification.
7 Applicants seeking an exemption have the burden of setting
8 forth sufficient evidence of rehabilitation, including, but
9 not limited to, the circumstances surrounding the criminal
10 incident for which an exemption is sought, the time period
11 that has elapsed since the incident, the nature of the harm
12 caused to the victim, and the history of the applicant since
13 the incident, or any other evidence or circumstances
14 indicating that the applicant will not present a danger if the
15 certification or renewed certification is granted. To make the
16 necessary demonstration, the applicant must request an
17 exemption and submit the required information supporting that
18 request at the time of application so that the department may
19 make a determination in accordance with this section.

20 (i) Denial of certification or renewed certification
21 under paragraph (f) may not be removed from, nor may an
22 exemption be granted to, any applicant who is found guilty of,
23 regardless of plea or adjudication, any felony covered by
24 paragraph (f) solely by reason of any pardon, executive
25 clemency, or restoration of civil rights.

26 (k) If an applicant has undergone a criminal history
27 check as a condition of employment or licensing under any
28 Florida Statute within 2 years prior to application under this
29 section, the applicant may submit a copy of the official
30 Florida criminal history record or national criminal history
31 record produced under that requirement in lieu of the

1 fingerprint card required in paragraphs (a) and (b). The
2 department shall determine if the submission meets its
3 requirements, and, if not, the applicant shall be required to
4 comply with the provisions of this section. The department may
5 share criminal history background information with local,
6 state, and federal agencies for purposes of licensing or
7 employment background checks.

8 Section 29. Subsection (6) is added to section
9 401.2701, Florida Statutes, to read:

10 401.2701 Emergency medical services training
11 programs.--

12 (6) Training programs approved by the department
13 shall, at initiation of an emergency medical technician or
14 paramedic course, advise students of the certification and
15 regulatory requirements of this chapter, including, not not
16 limited to, the criminal history background screening
17 requirement for initial and renewal certification under s.
18 401.27. The department shall prescribe by rule the required
19 content of this component of the course.

20 Section 30. Subsection (2) of section 401.2715,
21 Florida Statutes, is amended to read:

22 401.2715 Recertification training of emergency medical
23 technicians and paramedics.--

24 (2) Any individual, institution, school, corporation,
25 or governmental entity may conduct emergency medical
26 technician or paramedic recertification training upon
27 application to the department and payment of a nonrefundable
28 fee to be deposited into the Emergency Medical Services Trust
29 Fund. Institutions conducting department-approved educational
30 programs as provided in this chapter and licensed ambulance
31 services are exempt from the application process and payment

1 of fees. The department shall adopt rules for the application
2 and payment of a fee not to exceed the actual cost of
3 administering this approval process. Upon application, the
4 department shall recognize any entity in this state which has
5 approval from the Continuing Education Coordinating Board for
6 Emergency Medical Services for courses in cardiopulmonary
7 resuscitation or advanced cardiac life support for
8 equivalency.

9 Section 31. Subsection (1) of section 401.414, Florida
10 Statutes, is amended to read:

11 401.414 Complaint investigation procedures.--

12 (1) The department shall cause to be investigated any
13 complaint that is ~~filed before it if the complaint is in~~
14 ~~writing, signed by the complainant, and~~ legally sufficient. A
15 complaint is legally sufficient if it contains ultimate facts
16 that show that a violation of this part, or of any rule
17 adopted by the department, has occurred. The department may
18 investigate or continue to investigate, and may take
19 appropriate final action on, a complaint even though the
20 original complainant withdraws his or her complaint or
21 otherwise indicates a desire not to cause it to be
22 investigated to completion. When an investigation of any
23 person is undertaken, the department shall notify that person
24 of the investigation and inform him or her of the substance of
25 any complaint filed against him or her. The department may
26 conduct an investigation without notifying any person if the
27 act under investigation is a crime.

28 Section 32. Subsection (4) of section 404.056, Florida
29 Statutes, is amended to read:

30 404.056 Environmental radiation standards and
31 projects; certification of persons performing measurement or

1 mitigation services; mandatory testing; notification on real
2 estate documents; rules.--

3 (4) MANDATORY TESTING.--All public and private school
4 buildings or school sites housing students in kindergarten
5 through grade 12; all state-owned, state-operated,
6 state-regulated, or state-licensed 24-hour care facilities;
7 and all state-licensed day care centers for children or minors
8 which are located in counties designated within the Department
9 of Community Affairs' Florida Radon Protection Map Categories
10 as "Intermediate" or "Elevated Radon Potential" shall be
11 measured to determine the level of indoor radon, using
12 measurement procedures established by the department. Initial
13 measurements ~~Testing~~ shall be performed ~~completed within the~~
14 ~~first year of construction~~ in 20 percent of the habitable
15 first floor spaces within any of the regulated buildings.
16 Initial measurements shall be completed and reported to the
17 department within 1 ~~by July 1 of the~~ year after the date the
18 building is opened for occupancy or within 1 year after
19 license approval for an entity residing in an existing
20 building. Followup testing must be completed in 5 percent of
21 the habitable first floor spaces within any of the regulated
22 buildings after the building has been occupied for 5 years,
23 and results must be reported to the department by the first
24 day ~~July 1~~ of the 6th ~~5th~~ year of occupancy. After radon
25 measurements have been made twice, regulated buildings need
26 not undergo further testing unless significant structural
27 changes occur. No funds collected pursuant to s. 553.721 shall
28 be used to carry out the provisions of this subsection.

29 Section 33. Subsection (5) of section 409.814, Florida
30 Statutes, is amended to read:

31

1 409.814 Eligibility.--A child whose family income is
2 equal to or below 200 percent of the federal poverty level is
3 eligible for the Florida Kidcare program as provided in this
4 section. In determining the eligibility of such a child, an
5 assets test is not required. An applicant under 19 years of
6 age who, based on a complete application, appears to be
7 eligible for the Medicaid component of the Florida Kidcare
8 program is presumed eligible for coverage under Medicaid,
9 subject to federal rules. A child who has been deemed
10 presumptively eligible for Medicaid shall not be enrolled in a
11 managed care plan until the child's full eligibility
12 determination for Medicaid has been completed. The Florida
13 Healthy Kids Corporation may, subject to compliance with
14 applicable requirements of the Agency for Health Care
15 Administration and the Department of Children and Family
16 Services, be designated as an entity to conduct presumptive
17 eligibility determinations. An applicant under 19 years of age
18 who, based on a complete application, appears to be eligible
19 for the Medikids, Florida Healthy Kids, or Children's Medical
20 Services network program component, who is screened as
21 ineligible for Medicaid and prior to the monthly verification
22 of the applicant's enrollment in Medicaid or of eligibility
23 for coverage under the state employee health benefit plan, may
24 be enrolled in and begin receiving coverage from the
25 appropriate program component on the first day of the month
26 following the receipt of a completed application. For
27 enrollment in the Children's Medical Services network, a
28 complete application includes the medical or behavioral health
29 screening. If, after verification, an individual is determined
30 to be ineligible for coverage, he or she must be disenrolled
31

1 from the respective Title XXI-funded Kidcare program
2 component.

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

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

12 (b) The agency is authorized to place limits on
13 enrollment in Medikids by these children in order to avoid
14 adverse selection. The number of children participating in
15 Medikids whose family income exceeds 200 percent of the
16 federal poverty level must not exceed 10 percent of total
17 enrollees in the Medikids program.

18 (c) The board of directors of the Florida Healthy Kids
19 Corporation is authorized to place limits on enrollment of
20 these children in order to avoid adverse selection. In
21 addition, the board is authorized to offer a reduced benefit
22 package to these children in order to limit program costs for
23 such families. The number of children participating in the
24 Florida Healthy Kids program whose family income exceeds 200
25 percent of the federal poverty level must not exceed 10
26 percent of total enrollees in the Florida Healthy Kids
27 program.

28 (d) Children described in this subsection are not
29 counted in the annual enrollment ceiling for the Florida
30 Kidcare program.

31

1 Section 34. Section 456.055, Florida Statutes, is
2 amended to read:

3 456.055 Chiropractic and podiatric health care; denial
4 of payment; limitation.--

5 (1) A chiropractic physician licensed under chapter
6 460 or a podiatric physician licensed under chapter 461 shall
7 not be denied payment for treatment rendered solely on the
8 basis that the chiropractic physician or podiatric physician
9 is not a member of a particular preferred provider
10 organization or exclusive provider organization which is
11 composed only of physicians licensed under the same chapter.

12 (2) A claim for payment of a service performed by a
13 health care provider licensed in this state, identified on the
14 claim by a Physicians' Current Procedural Terminology (CPT)
15 code, and submitted under a health insurance policy or health
16 care services plan or submitted to a preferred provider
17 organization, exclusive provider organization, or health
18 maintenance organization in which the health care provider
19 participates, shall be paid in the same amount to all health
20 care providers submitting a claim for payment of a service
21 identified by the same CPT code, regardless of the chapter
22 under which the health care provider is licensed.

23 (3) The provisions of this section may not be waived,
24 voided, or nullified by contract.

25 Section 35. Paragraph (d) of subsection (1) of section
26 460.406, Florida Statutes, is amended to read:

27 460.406 Licensure by examination.--

28 (1) Any person desiring to be licensed as a
29 chiropractic physician shall apply to the department to take
30 the licensure examination. There shall be an application fee
31 set by the board not to exceed \$100 which shall be

1 nonrefundable. There shall also be an examination fee not to
2 exceed \$500 plus the actual per applicant cost to the
3 department for purchase of portions of the examination from
4 the National Board of Chiropractic Examiners or a similar
5 national organization, which may be refundable if the
6 applicant is found ineligible to take the examination. The
7 department shall examine each applicant who the board
8 certifies has:

9 (d)1. For an applicant who has matriculated in a
10 chiropractic college prior to July 2, 1990, completed at least
11 2 years of residence college work, consisting of a minimum of
12 one-half the work acceptable for a bachelor's degree granted
13 on the basis of a 4-year period of study, in a college or
14 university accredited by an accrediting agency recognized and
15 approved by the United States Department of Education.
16 However, prior to being certified by the board to sit for the
17 examination, each applicant who has matriculated in a
18 chiropractic college after July 1, 1990, shall have been
19 granted a bachelor's degree, based upon 4 academic years of
20 study, by a college or university accredited by a regional
21 accrediting agency which is a member of the Council for Higher
22 Education Accreditation or the United States Department of
23 Education Commission on Recognition of Postsecondary
24 Accreditation.

25 2. Effective July 1, 2000, completed, prior to
26 matriculation in a chiropractic college, at least 3 years of
27 residence college work, consisting of a minimum of 90 semester
28 hours leading to a bachelor's degree in a liberal arts college
29 or university accredited by an accrediting agency recognized
30 and approved by the United States Department of Education.
31 However, prior to being certified by the board to sit for the

1 examination, each applicant who has matriculated in a
2 chiropractic college after July 1, 2000, shall have been
3 granted a bachelor's degree from an institution holding
4 accreditation for that degree from a regional accrediting
5 agency which is recognized by the United States Department of
6 Education. The applicant's chiropractic degree must consist
7 of credits earned in the chiropractic program and may not
8 include academic credit for courses from the bachelor's
9 degree.

10 Section 36. Paragraph (b) of subsection (1) of section
11 463.006, Florida Statutes, is amended to read:

12 463.006 Licensure and certification by examination.--

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

17 (b) Submitted proof satisfactory to the department
18 that she or he:

19 1. Is at least 18 years of age.

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

22 3. Is of good moral character.

23 4. Has successfully completed at least 110 hours of
24 transcript-quality coursework and clinical training in general
25 and ocular pharmacology as determined by the board, at an
26 institution that:

27 a. Has facilities for both didactic and clinical
28 instructions in pharmacology; and

29 b. Is accredited by a regional or professional
30 accrediting organization that is recognized and approved by
31 the Council for Higher Education Accreditation ~~Commission on~~

1 ~~Recognition of Postsecondary Accreditation~~ or the United
2 States Department of Education.

3 5. Has completed at least 1 year of supervised
4 experience in differential diagnosis of eye disease or
5 disorders as part of the optometric training or in a clinical
6 setting as part of the optometric experience.

7 Section 37. Subsection (8) of section 467.009, Florida
8 Statutes, is amended to read:

9 467.009 Midwifery programs; education and training
10 requirements.--

11 (8) Nonpublic educational institutions that conduct
12 approved midwifery programs shall be accredited by an
13 accrediting agency recognized and approved by the Council for
14 Higher Education Accreditation or the United States Department
15 of Education ~~a member of the Commission on Recognition of~~
16 ~~Postsecondary Accreditation~~ and shall be licensed by the
17 Commission for Independent Education ~~State Board of Nonpublic~~
18 ~~Career Education~~.

19 Section 38. Paragraph (g) of subsection (3) of section
20 468.302, Florida Statutes, is amended to read:

21 468.302 Use of radiation; identification of certified
22 persons; limitations; exceptions.--

23 (3)

24 (g) A person holding a certificate as a nuclear
25 medicine technologist may only:

26 1. Conduct in vivo and in vitro measurements of
27 radioactivity and administer radiopharmaceuticals to human
28 beings for diagnostic and therapeutic purposes.

29 2. Administer X radiation from a combination nuclear
30 medicine-computed tomography device if that radiation is
31 administered as an integral part of a nuclear medicine

1 procedure that uses an automated computed tomography protocol
2 for the purposes of attenuation correction and anatomical
3 localization and the person has received device-specific
4 training on the combination device.

5
6 However, the authority of a nuclear medicine technologist
7 under this paragraph excludes radioimmunoassay and other
8 clinical laboratory testing regulated pursuant to chapter 483.

9 Section 39. Subsection (2) of section 468.509, Florida
10 Statutes, is amended to read:

11 468.509 Dietitian/nutritionist; requirements for
12 licensure.--

13 (2) The agency shall examine any applicant who the
14 board certifies has completed the application form and
15 remitted the application and examination fees specified in s.
16 468.508 and who:

17 (a)1. Possesses a baccalaureate or postbaccalaureate
18 degree with a major course of study in human nutrition, food
19 and nutrition, dietetics, or food management, or an equivalent
20 major course of study, from a school or program accredited, at
21 the time of the applicant's graduation, by the appropriate
22 accrediting agency recognized by the Council for Higher
23 Education Accreditation or Commission on Recognition of
24 ~~Postsecondary Accreditation and~~ the United States Department
25 of Education; and

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

29 (b)1. Has an academic degree, from a foreign country,
30 that has been validated by an accrediting agency approved by
31 the United States Department of Education as equivalent to the

1 | baccalaureate or postbaccalaureate degree conferred by a
2 | regionally accredited college or university in the United
3 | States;

4 | 2. Has completed a major course of study in human
5 | nutrition, food and nutrition, dietetics, or food management;
6 | and

7 | 3. Has completed a preprofessional experience
8 | component of not less than 900 hours or has education or
9 | experience determined to be equivalent by the board.

10 | Section 40. Paragraph (a) of subsection (1) of section
11 | 468.707, Florida Statutes, is amended to read:

12 | 468.707 Licensure by examination; requirements.--

13 | (1) Any person desiring to be licensed as an athletic
14 | trainer shall apply to the department on a form approved by
15 | the department.

16 | (a) The department shall license each applicant who:

17 | 1. Has completed the application form and remitted the
18 | required fees.

19 | 2. Is at least 21 years of age.

20 | 3. Has obtained a baccalaureate degree from a college
21 | or university accredited by an accrediting agency recognized
22 | and approved by the United States Department of Education or
23 | the Council for Higher Education Accreditation or ~~Commission~~
24 | ~~on Recognition of Postsecondary Accreditation~~ approved by the
25 | board.

26 | 4. Has completed coursework from a college or
27 | university accredited by an accrediting agency recognized and
28 | approved by the United States Department of Education or the
29 | Council for Higher Education Accreditation ~~Commission on~~
30 | ~~Recognition of Postsecondary Accreditation~~, or approved by the
31 | board, in each of the following areas, as provided by rule:

1 health, human anatomy, kinesiology/biomechanics, human
2 physiology, physiology of exercise, basic athletic training,
3 and advanced athletic training.

4 5. Has current certification in standard first aid and
5 cardiovascular pulmonary resuscitation from the American Red
6 Cross or an equivalent certification as determined by the
7 board.

8 6. Has, within 2 of the preceding 5 years, attained a
9 minimum of 800 hours of athletic training experience under the
10 direct supervision of a licensed athletic trainer or an
11 athletic trainer certified by the National Athletic Trainers'
12 Association or a comparable national athletic standards
13 organization.

14 7. Has passed an examination administered or approved
15 by the board.

16 Section 41. Section 486.031, Florida Statutes, is
17 amended to read:

18 486.031 Physical therapist; licensing
19 requirements.--To be eligible for licensing as a physical
20 therapist, an applicant must:

21 (1) Be at least 18 years old;

22 (2) Be of good moral character; and

23 (3)(a) Have been graduated from a school of physical
24 therapy which has been approved for the educational
25 preparation of physical therapists by the appropriate
26 accrediting agency recognized by the Council for Higher
27 Education Accreditation Commission on Recognition of
28 Postsecondary Accreditation or the United States Department of
29 Education at the time of her or his graduation and have
30 passed, to the satisfaction of the board, the American
31 Registry Examination prior to 1971 or a national examination

1 approved by the board to determine her or his fitness for
2 practice as a physical therapist as hereinafter provided;

3 (b) Have received a diploma from a program in physical
4 therapy in a foreign country and have educational credentials
5 deemed equivalent to those required for the educational
6 preparation of physical therapists in this country, as
7 recognized by the appropriate agency as identified by the
8 board, and have passed to the satisfaction of the board an
9 examination to determine her or his fitness for practice as a
10 physical therapist as hereinafter provided; or

11 (c) Be entitled to licensure without examination as
12 provided in s. 486.081.

13 Section 42. Section 486.102, Florida Statutes, is
14 amended to read:

15 486.102 Physical therapist assistant; licensing
16 requirements.--To be eligible for licensing by the board as a
17 physical therapist assistant, an applicant must:

- 18 (1) Be at least 18 years old;
- 19 (2) Be of good moral character; and
- 20 (3)(a) Have been graduated from a school giving a
21 course of not less than 2 years for physical therapist
22 assistants, which has been approved for the educational
23 preparation of physical therapist assistants by the
24 appropriate accrediting agency recognized by the Council for
25 Higher Education Accreditation ~~Commission on Recognition of~~
26 ~~Postsecondary Accreditation~~ or the United States Department of
27 Education at the time of her or his graduation and have passed
28 to the satisfaction of the board an examination to determine
29 her or his fitness for practice as a physical therapist
30 assistant as hereinafter provided;

31

1 (b) Have been graduated from a school giving a course
2 for physical therapist assistants in a foreign country and
3 have educational credentials deemed equivalent to those
4 required for the educational preparation of physical therapist
5 assistants in this country, as recognized by the appropriate
6 agency as identified by the board, and passed to the
7 satisfaction of the board an examination to determine her or
8 his fitness for practice as a physical therapist assistant as
9 hereinafter provided; or

10 (c) Be entitled to licensure without examination as
11 provided in s. 486.107.

12 Section 43. Paragraph (a) of subsection (5) of section
13 489.553, Florida Statutes, is amended to read:

14 489.553 Administration of part; registration
15 qualifications; examination.--

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

18 (a) Have been a registered septic tank contractor in
19 Florida for at least 3 years or a plumbing contractor
20 certified under part I of this chapter who has provided septic
21 tank contracting services for at least 3 years. The 3 years
22 must immediately precede the date of application and may not
23 be interrupted by any probation, suspension, or revocation
24 imposed by the licensing agency.

25 Section 44. Section 489.554, Florida Statutes, is
26 amended to read:

27 489.554 Registration renewal.--

28 (1) The department shall prescribe by rule the method
29 for approval of continuing education courses, ~~and~~ for renewal
30 of annual registration, for inactive status for late filing of
31 a renewal application, for allowing a contractor to hold his

1 or her registration in inactive status for a specified period,
2 and for reactivating a license.

3 (2) At a minimum, annual renewal shall include
4 continuing education requirements of not less than 6 classroom
5 hours annually for septic tank contractors and not less than
6 12 classroom hours annually for master septic tank
7 contractors. The 12 classroom hours of continuing education
8 required for master septic tank contractors may include the 6
9 classroom hours required for septic tank contractors, but at a
10 minimum must include 6 classroom hours of approved master
11 septic tank contractor coursework.

12 (3) A certificate of registration shall become
13 inactive if a renewal application is not filed in a timely
14 manner. A certificate that has become inactive may be
15 reactivated under this section by application to the
16 department. A licensed contractor may apply to the department
17 for voluntary inactive status at any time during the period of
18 registration.

19 (4) A master septic tank contractor may elect to
20 revert to registered septic tank contractor status at any time
21 during the period of registration. The department shall
22 prescribe by rule the method for a master septic tank
23 contractor whose registration has reverted to registered
24 septic tank contractor status to apply for master septic tank
25 contractor status.

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

30 Section 45. Paragraph (b) of subsection (2) of section
31 490.005, Florida Statutes, is amended to read:

1 490.005 Licensure by examination.--

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

6 (b) Submitted satisfactory proof to the department
7 that the applicant:

8 1. Has received a doctorate, specialist, or equivalent
9 degree from a program primarily psychological in nature and
10 has completed 60 semester hours or 90 quarter hours of
11 graduate study, in areas related to school psychology as
12 defined by rule of the department, from a college or
13 university which at the time the applicant was enrolled and
14 graduated was accredited by an accrediting agency recognized
15 and approved by the Council for Higher Education Accreditation
16 or the United States Department of Education Commission on
17 ~~Recognition of Postsecondary Accreditation~~ or an institution
18 which is publicly recognized as a member in good standing with
19 the Association of Universities and Colleges of Canada.

20 2. Has had a minimum of 3 years of experience in
21 school psychology, 2 years of which must be supervised by an
22 individual who is a licensed school psychologist or who has
23 otherwise qualified as a school psychologist supervisor, by
24 education and experience, as set forth by rule of the
25 department. A doctoral internship may be applied toward the
26 supervision requirement.

27 3. Has passed an examination provided by the
28 department.

29 Section 46. Paragraph (b) of subsection (3) and
30 paragraph (b) of subsection (4) of section 491.005, Florida
31 Statutes, are amended to read:

1 491.005 Licensure by examination.--

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

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

13 a. Thirty-six semester hours or 48 quarter hours of
14 graduate coursework, which must include a minimum of 3
15 semester hours or 4 quarter hours of graduate-level course
16 credits in each of the following nine areas: dynamics of
17 marriage and family systems; marriage therapy and counseling
18 theory and techniques; family therapy and counseling theory
19 and techniques; individual human development theories
20 throughout the life cycle; personality theory or general
21 counseling theory and techniques; psychopathology; human
22 sexuality theory and counseling techniques; psychosocial
23 theory; and substance abuse theory and counseling techniques.
24 Courses in research, evaluation, appraisal, assessment, or
25 testing theories and procedures; thesis or dissertation work;
26 or practicums, internships, or fieldwork may not be applied
27 toward this requirement.

28 b. A minimum of one graduate-level course of 3
29 semester hours or 4 quarter hours in legal, ethical, and
30 professional standards issues in the practice of marriage and
31

1 family therapy or a course determined by the board to be
2 equivalent.

3 c. A minimum of one graduate-level course of 3
4 semester hours or 4 quarter hours in diagnosis, appraisal,
5 assessment, and testing for individual or interpersonal
6 disorder or dysfunction; and a minimum of one 3-semester-hour
7 or 4-quarter-hour graduate-level course in behavioral research
8 which focuses on the interpretation and application of
9 research data as it applies to clinical practice. Credit for
10 thesis or dissertation work, practicums, internships, or
11 fieldwork may not be applied toward this requirement.

12 d. A minimum of one supervised clinical practicum,
13 internship, or field experience in a marriage and family
14 counseling setting, during which the student provided 180
15 direct client contact hours of marriage and family therapy
16 services under the supervision of an individual who met the
17 requirements for supervision under paragraph (c). This
18 requirement may be met by a supervised practice experience
19 which took place outside the academic arena, but which is
20 certified as equivalent to a graduate-level practicum or
21 internship program which required a minimum of 180 direct
22 client contact hours of marriage and family therapy services
23 currently offered within an academic program of a college or
24 university accredited by an accrediting agency approved by the
25 United States Department of Education, or an institution which
26 is publicly recognized as a member in good standing with the
27 Association of Universities and Colleges of Canada or a
28 training institution accredited by the Commission on
29 Accreditation for Marriage and Family Therapy Education
30 recognized by the United States Department of Education.

31

1 Certification shall be required from an official of such
2 college, university, or training institution.

3 2. If the course title which appears on the
4 applicant's transcript does not clearly identify the content
5 of the coursework, the applicant shall be required to provide
6 additional documentation, including, but not limited to, a
7 syllabus or catalog description published for the course.

8
9 The required master's degree must have been received in an
10 institution of higher education which at the time the
11 applicant graduated was: fully accredited by a regional
12 accrediting body recognized by the Council for Higher
13 Education Accreditation or the United States Department of
14 Education Commission on Recognition of Postsecondary
15 Accreditation; publicly recognized as a member in good
16 standing with the Association of Universities and Colleges of
17 Canada; or an institution of higher education located outside
18 the United States and Canada, which at the time the applicant
19 was enrolled and at the time the applicant graduated
20 maintained a standard of training substantially equivalent to
21 the standards of training of those institutions in the United
22 States which are accredited by a regional accrediting body
23 recognized by the Council for Higher Education Accreditation
24 or the United States Department of Education Commission on
25 Recognition of Postsecondary Accreditation. Such foreign
26 education and training must have been received in an
27 institution or program of higher education officially
28 recognized by the government of the country in which it is
29 located as an institution or program to train students to
30 practice as professional marriage and family therapists or
31 psychotherapists. The burden of establishing that the

1 requirements of this provision have been met shall be upon the
2 applicant, and the board shall require documentation, such as,
3 but not limited to, an evaluation by a foreign equivalency
4 determination service, as evidence that the applicant's
5 graduate degree program and education were equivalent to an
6 accredited program in this country. An applicant with a
7 master's degree from a program which did not emphasize
8 marriage and family therapy may complete the coursework
9 requirement in a training institution fully accredited by the
10 Commission on Accreditation for Marriage and Family Therapy
11 Education recognized by the United States Department of
12 Education.

13 (4) MENTAL HEALTH COUNSELING.--Upon verification of
14 documentation and payment of a fee not to exceed \$200, as set
15 by board rule, plus the actual per applicant cost to the
16 department for purchase of the examination from the
17 Professional Examination Service for the National Academy of
18 Certified Clinical Mental Health Counselors or a similar
19 national organization, the department shall issue a license as
20 a mental health counselor to an applicant who the board
21 certifies:

22 (b)1. Has a minimum of an earned master's degree from
23 a mental health counseling program accredited by the Council
24 for the Accreditation of Counseling and Related Educational
25 Programs that consists of at least 60 semester hours or 80
26 quarter hours of clinical and didactic instruction, including
27 a course in human sexuality and a course in substance abuse.
28 If the master's degree is earned from a program related to the
29 practice of mental health counseling that is not accredited by
30 the Council for the Accreditation of Counseling and Related
31 Educational Programs, then the coursework and practicum,

1 internship, or fieldwork must consist of at least 60 semester
2 hours or 80 quarter hours and meet the following requirements:
3 a. Thirty-three semester hours or 44 quarter hours of
4 graduate coursework, which must include a minimum of 3
5 semester hours or 4 quarter hours of graduate-level coursework
6 in each of the following 11 content areas: counseling theories
7 and practice; human growth and development; diagnosis and
8 treatment of psychopathology; human sexuality; group theories
9 and practice; individual evaluation and assessment; career and
10 lifestyle assessment; research and program evaluation; social
11 and cultural foundations; counseling in community settings;
12 and substance abuse. Courses in research, thesis or
13 dissertation work, practicums, internships, or fieldwork may
14 not be applied toward this requirement.

15 b. A minimum of 3 semester hours or 4 quarter hours of
16 graduate-level coursework in legal, ethical, and professional
17 standards issues in the practice of mental health counseling,
18 which includes goals, objectives, and practices of
19 professional counseling organizations, codes of ethics, legal
20 considerations, standards of preparation, certifications and
21 licensing, and the role identity and professional obligations
22 of mental health counselors. Courses in research, thesis or
23 dissertation work, practicums, internships, or fieldwork may
24 not be applied toward this requirement.

25 c. The equivalent, as determined by the board, of at
26 least 1,000 hours of university-sponsored supervised clinical
27 practicum, internship, or field experience as required in the
28 accrediting standards of the Council for Accreditation of
29 Counseling and Related Educational Programs for mental health
30 counseling programs. This experience may not be used to
31 satisfy the post-master's clinical experience requirement.

1 2. If the course title which appears on the
2 applicant's transcript does not clearly identify the content
3 of the coursework, the applicant shall be required to provide
4 additional documentation, including, but not limited to, a
5 syllabus or catalog description published for the course.
6

7 Education and training in mental health counseling must have
8 been received in an institution of higher education which at
9 the time the applicant graduated was: fully accredited by a
10 regional accrediting body recognized by the Council for Higher
11 Education Accreditation or the United States Department of
12 Education Commission on Recognition of Postsecondary
13 ~~Accreditation~~; publicly recognized as a member in good
14 standing with the Association of Universities and Colleges of
15 Canada; or an institution of higher education located outside
16 the United States and Canada, which at the time the applicant
17 was enrolled and at the time the applicant graduated
18 maintained a standard of training substantially equivalent to
19 the standards of training of those institutions in the United
20 States which are accredited by a regional accrediting body
21 recognized by the Council for Higher Education Accreditation
22 or the United States Department of Education Commission on
23 ~~Recognition of Postsecondary Accreditation~~. Such foreign
24 education and training must have been received in an
25 institution or program of higher education officially
26 recognized by the government of the country in which it is
27 located as an institution or program to train students to
28 practice as mental health counselors. The burden of
29 establishing that the requirements of this provision have been
30 met shall be upon the applicant, and the board shall require
31 documentation, such as, but not limited to, an evaluation by a

1 foreign equivalency determination service, as evidence that
2 the applicant's graduate degree program and education were
3 equivalent to an accredited program in this country.

4 Section 47. Subsection (6) of section 499.003, Florida
5 Statutes, is amended to read:

6 499.003 Definitions of terms used in ss.
7 499.001-499.081.--As used in ss. 499.001-499.081, the term:

8 (6) "Compressed medical gas" means any liquefied or
9 vaporized gas that is classified as a prescription drug or
10 medical device, whether it is alone or in combination with
11 other gases.

12 Section 48. Subsection (2) of section 499.007, Florida
13 Statutes, is amended to read:

14 499.007 Misbranded drug or device.--A drug or device
15 is misbranded:

16 (2) Unless, if in package form, it bears a label
17 containing:

18 (a) The name and place of business of the manufacturer
19 ~~or distributor; in addition, for a medicinal drug, as defined~~
20 ~~in s. 499.003, the label must contain the name and place of~~
21 ~~business of the manufacturer~~ of the finished dosage form of
22 the drug. For the purpose of this paragraph, the finished
23 dosage form of a medicinal drug is that form of the drug which
24 is, or is intended to be, dispensed or administered to the
25 patient and requires no further manufacturing or processing
26 other than packaging, reconstitution, and labeling; and

27 (b) An accurate statement of the quantity of the
28 contents in terms of weight, measure, or numerical count;
29 however, under this section, reasonable variations are
30 permitted, and the department shall establish by rule
31 exemptions for small packages.

1
2 A drug dispensed by filling or refilling a written or oral
3 prescription of a practitioner licensed by law to prescribe
4 such drug is exempt from the requirements of this section,
5 except subsections (1), (8), (10), and (11) and the packaging
6 requirements of subsections (6) and (7), if the drug bears a
7 label that contains the name and address of the dispenser or
8 seller, the prescription number and the date the prescription
9 was written or filled, the name of the prescriber and the name
10 of the patient, and the directions for use and cautionary
11 statements. This exemption does not apply to any drug
12 dispensed in the course of the conduct of a business of
13 dispensing drugs pursuant to diagnosis by mail or to any drug
14 dispensed in violation of subsection (12). The department
15 may, by rule, exempt drugs subject to ss. 499.062-499.064 from
16 subsection (12) if compliance with that subsection is not
17 necessary to protect the public health, safety, and welfare.

18 Section 49. Paragraph (e) of subsection (1) of section
19 499.01, Florida Statutes, is amended to read:

20 499.01 Permits; applications; renewal; general
21 requirements.--

22 (1) Any person that is required under ss.
23 499.001-499.081 to have a permit must apply to the department
24 on forms furnished by the department.

25 (e) The department may not issue a permit for a
26 prescription drug manufacturer, prescription drug wholesaler,
27 or retail pharmacy wholesaler may not be issued to the address
28 of a health care entity, except as provided in this paragraph.
29 The department may issue a prescription drug manufacturer
30 permit to an applicant at the same address as a licensed
31 nuclear pharmacy that is a health care entity for the purpose

1 of manufacturing prescription drugs used in positron emission
2 tomography or other radiopharmaceuticals, as listed in a rule
3 adopted by the department pursuant to this paragraph. The
4 purpose of this exemption is to assure availability of
5 state-of-the-art pharmaceuticals that would pose a significant
6 danger to the public health if manufactured at a separate
7 establishment address other than the nuclear pharmacy from
8 which the prescription drugs are dispensed.

9 Section 50. Paragraph (b) of subsection (6) of section
10 499.0121, Florida Statutes, is amended to read:

11 499.0121 Storage and handling of prescription drugs;
12 recordkeeping.--The department shall adopt rules to implement
13 this section as necessary to protect the public health,
14 safety, and welfare. Such rules shall include, but not be
15 limited to, requirements for the storage and handling of
16 prescription drugs and for the establishment and maintenance
17 of prescription drug distribution records.

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

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

26
27 For the purposes of this subsection, the term "authorized
28 distributors of record" means those distributors with whom a
29 manufacturer has established an ongoing relationship to
30 distribute the manufacturer's products.

31

1 Section 51. Section 501.122, Florida Statutes, is
2 transferred and renumbered as section 404.24, Florida
3 Statutes.

4 Section 52. Section 784.081, Florida Statutes, is
5 amended to read:

6 784.081 Assault or battery on specified officials or
7 employees; reclassification of offenses.--Whenever a person is
8 charged with committing an assault or aggravated assault or a
9 battery or aggravated battery upon any elected official or
10 employee of: a school district; a private school; the Florida
11 School for the Deaf and the Blind; a university developmental
12 research school; a state university or any other entity of the
13 state system of public education, as defined in s. 1000.04; an
14 employee or protective investigator of the Department of
15 Children and Family Services; ~~or~~ an employee of a lead
16 community-based provider and its direct service contract
17 providers; or an employee of the Department of Health and its
18 direct service contract providers, when the person committing
19 the offense knows or has reason to know the identity or
20 position or employment of the victim, the offense for which
21 the person is charged shall be reclassified as follows:

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

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

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

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

30 Section 53. Section 945.6038, Florida Statutes, is
31 created to read:

1 945.6038 Additional services.--The authority may enter
2 into an agreement or may contract with the Department of
3 Children and Family Services, subject to the availability of
4 funds, to conduct surveys of medical services and to provide
5 medical quality assurance and improvement assistance at secure
6 confinement and treatment facilities for persons confined
7 under part V of chapter 394. The authority may enter into
8 similar agreements with other state agencies, subject to the
9 availability of funds. The authority may not enter any such
10 agreement if to do so would impair the authority's ability to
11 fulfill its obligations under this chapter.

12 Section 54. Section 381.85, subsection (9) of section
13 381.0098, paragraph (f) of subsection (2) of section 385.103,
14 section 385.205, section 385.209, and subsection (7) of
15 section 445.033, Florida Statutes, are repealed.

16 Section 55. This act shall take effect July 1, 2003.

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SENATE SUMMARY

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Revises various laws administered by the Department of Health. Creates the Division of Disability Determinations within the department. Revises duties of the department with respect to injury prevention and control. Revises requirements for the reporting HIV and other test results. Authorizes state agencies to establish employee health and wellness programs. Creates the Review Council for Human Subjects within the Department of Health. Revises the membership of the Health Information Systems Council. Revises requirements for the purchase and distribution of insulin by the department. Establishes the Florida Infants and Toddlers Early Intervention Program. Provides for a statewide comprehensive injury prevention program. Revises eligibility for certain children to participate in the Healthy Kids program and the Medikids program. Revises certification requirements for septic tank contractors. Redefines the term "compressed medical gas" for purposes of the Florida Drug and Cosmetic Act. Provides for the reclassification of the offense of assault or battery if committed on an employee of the Department of Health or upon a direct services provider of the department. (See bill for details.)