

By the Committee on Health, Aging, and Long-Term Care; and
Senator Saunders

317-2401-03

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. 404.056, F.S.; revising
17 requirements for mandatory testing of certain
18 buildings and facilities for radon; amending s.
19 409.814, F.S.; revising eligibility for certain
20 children to participate in the Healthy Kids
21 program and the Medikids program; amending s.
22 409.91188, F.S.; authorizing the agency to
23 contract with private or public entities for
24 health care services; amending s. 456.072,
25 F.S.; providing an additional ground for which
26 disciplinary action may be taken; amending s.
27 456.025, F.S.; revising requirements for
28 tracking continuing education; amending s.
29 456.055, F.S.; providing requirements for
30 claims for services for chiropractic and
31 podiatric health care; amending ss. 460.406,

1 463.006, and 467.009, F.S., relating to
2 licensure; conforming provisions to changes
3 made with respect to an accrediting agency;
4 amending s. 468.302, F.S.; authorizing a
5 nuclear medicine technologist to administer
6 certain X radiation; amending ss. 468.509,
7 468.707, 486.031, and 486.102, F.S., relating
8 to licensure; conforming provisions to changes
9 made with respect to an accrediting agency;
10 amending ss. 489.553 and 489.554, F.S.;
11 revising certification requirements for septic
12 tank contractors; authorizing an inactive
13 registration; amending ss. 490.005 and 491.005,
14 F.S., relating to licensure; conforming
15 provisions to changes made with respect to an
16 accrediting agency; amending s. 499.003, F.S.;
17 redefining the term "compressed medical gas"
18 for purposes of the Florida Drug and Cosmetic
19 Act; amending s. 499.007, F.S.; revising
20 requirements for labeling medicinal drugs;
21 amending s. 499.01, F.S.; authorizing the
22 department to issue a prescription drug
23 manufacturer permit to a nuclear pharmacy that
24 is a health care entity; amending s. 499.0121,
25 F.S.; providing requirements for retaining
26 inventories and records; transferring and
27 renumbering s. 501.122, F.S., relating to the
28 control of nonionizing radiations; amending s.
29 784.081, F.S.; providing for the
30 reclassification of the offense of assault or
31 battery if committed on an employee of the

1 Department of Health or upon a direct services
2 provider of the department; creating s.
3 945.6038, F.S.; authorizing the Correctional
4 Medical Authority to contract with the
5 Department of Children and Family Services to
6 provide assistance in medical quality assurance
7 at certain facilities; repealing s. 381.85, s.
8 381.0098(9), s. 385.103(2)(f), ss. 385.205 and
9 385.209, and s. 445.033(7), F.S; relating to
10 biomedical and social research, obsolete
11 provisions concerning biomedical waste,
12 rulemaking authority of the department,
13 programs in kidney disease control,
14 dissemination of information on cholesterol
15 health risks, and an exemption for certain
16 evaluations conducted by Workforce Florida,
17 Inc.; providing an effective date.

18

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

20

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

23 17.41 Department of Banking and Finance Tobacco
24 Settlement Clearing Trust Fund.--

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

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

4 20.43 Department of Health.--There is created a
5 Department of Health.

6 (3) The following divisions of the Department of
7 Health are established:

8 (f) Division of Emergency Medical Operations Services
9 ~~and Community Health Resources~~.

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

11 (k) Division of Disability Determinations.

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

15 154.01 County health department delivery system.--

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

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

1 (3) The Department of Health shall enter into
2 contracts with the several counties for the purposes of this
3 part. All contracts shall be negotiated and approved by the
4 appropriate local governing bodies and the appropriate
5 district administrators on behalf of the department. In
6 accordance with federal guidelines, the state may utilize
7 federal funds for county health department services. A
8 standard contract format shall be developed and used by the
9 department in contract negotiations. The contract shall
10 include the three levels of county health department services
11 outlined in subsection (2) above and shall contain a section
12 which stipulates, for the contract year:

13 (a) All revenue sources, including federal, state, and
14 local general revenue, fees, and other cash contributions,
15 which shall be used by the county health department for county
16 health department services;

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

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

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

26 (e) The estimated number of staff positions (full-time
27 equivalent positions) who will work in each type of service
28 area; and

29 (f) The estimated expenditures for each type of
30 service and for each level of service.

31

1 The contract shall also provide for financial and service
2 reporting for each type of service according to standard
3 service and reporting procedures established by the
4 department.

5 Section 4. Section 216.342, Florida Statutes, is
6 created to read:

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

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

17 381.0011 Duties and powers of the Department of
18 Health.--It is the duty of the Department of Health to:

19 (12) Maintain ~~Cooperate with other departments, local~~
20 ~~officials, and private organizations in developing and~~
21 ~~implementing~~ a statewide injury prevention and control
22 program.

23 Section 6. Paragraph (d) of subsection (3) of section
24 381.004, Florida Statutes, is amended to read:

25 381.004 HIV testing.--

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

28 (d) No test result shall be determined as positive,
29 and no positive test result shall be revealed to any person,
30 without corroborating or confirmatory tests being conducted
31 except in the following situations:

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

5 2. Preliminary test results may be released to health
6 care providers and to the person tested when decisions about
7 medical care or treatment of, or recommendation to, the person
8 tested and, in the case of an intrapartum or postpartum woman,
9 when care, treatment, or recommendations regarding her
10 newborn, cannot await the results of confirmatory testing.

11 Positive preliminary HIV test results shall not be
12 characterized to the patient as a diagnosis of HIV infection.
13 Justification for the use of preliminary test results must be
14 documented in the medical record by the health care provider
15 who ordered the test. ~~This subparagraph does not authorize the~~
16 ~~release of preliminary test results for the purpose of routine~~
17 ~~identification of HIV-infected individuals or when HIV testing~~
18 ~~is incidental to the preliminary diagnosis or care of a~~
19 ~~patient. Corroborating or confirmatory testing must be~~
20 ~~conducted as followup to a positive preliminary test.~~

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

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

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

4 381.0065 Onsite sewage treatment and disposal systems;
5 regulation.--

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

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

28 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person
29 may not construct, repair, modify, abandon, or operate an
30 onsite sewage treatment and disposal system without first
31 obtaining a permit approved by the department. The department

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

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

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

26 1. The performance criteria applicable to
27 engineer-designed systems must be limited to those necessary
28 to ensure that such systems do not adversely affect the public
29 health or significantly degrade the groundwater or surface
30 water. Such performance criteria shall include consideration
31 of the quality of system effluent, the proposed total sewage

1 flow per acre, wastewater treatment capabilities of the
2 natural or replaced soil, water quality classification of the
3 potential surface-water-receiving body, and the structural and
4 maintenance viability of the system for the treatment of
5 domestic wastewater. However, performance criteria shall
6 address only the performance of a system and not a system's
7 design.

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

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

1 modification. The department engineer's determination shall
2 prevail over the action of the county health department. The
3 applicant shall be notified in writing of the department's
4 determination and of the applicant's rights to pursue a
5 variance or seek review under the provisions of chapter 120.

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

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

24 Section 8. Paragraph (k) of subsection (2) of section
25 381.0066, Florida Statutes, as amended by section 16 of
26 chapter 2002-402, Laws of Florida, is amended to read:

27 381.0066 Onsite sewage treatment and disposal systems;
28 fees.--

29 (2) The minimum fees in the following fee schedule
30 apply until changed by rule by the department within the
31 following limits:

1 (k) Research: An additional \$5 fee shall be added to
2 each new system construction permit issued ~~during fiscal years~~
3 ~~1996-2003~~ to be used for onsite sewage treatment and disposal
4 system research, demonstration, and training projects. Five
5 dollars from any repair permit fee collected under this
6 section shall be used for funding the hands-on training
7 centers described in s. 381.0065(3)(j).

8
9 The funds collected pursuant to this subsection must be
10 deposited in a trust fund administered by the department, to
11 be used for the purposes stated in this section and ss.
12 381.0065 and 381.00655.

13 Section 9. Paragraph (a) of subsection (2) of section
14 381.0072, Florida Statutes, is amended to read:

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

23 (2) DUTIES.--

24 (a) The department shall adopt rules, including
25 definitions of terms which are consistent with law prescribing
26 minimum sanitation standards and manager certification
27 requirements as prescribed in s. 509.039, and which shall be
28 enforced in food service establishments as defined in this
29 section. The sanitation standards must address the
30 construction, operation, and maintenance of the establishment;
31 lighting, ventilation, laundry rooms, lockers, use and storage

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

27 Section 10. Section 381.104, Florida Statutes, is
28 created to read:

29 381.104 Employee health and wellness program.--

30 (1) Each state agency may allocate, from existing
31 resources, the necessary funding and facilities for the

1 development and maintenance of an employee health and wellness
2 program and may seek additional funding from other sources to
3 support the program for the benefit of the agency's employees.

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

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

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

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

24 (6) Each state agency participating in the program
25 must use an employee health and wellness activity agreement
26 form, which must be completed and signed by the employee,
27 signed by the employee's immediate supervisor, and kept in the
28 employee's personnel file prior to participating in any
29 activity. This form shall be developed by the Department of
30 Health. It is the responsibility of the employee to complete
31 the form, including the time of the workday the wellness

1 activity will be observed and on which days of the week,
2 obtain the signature of his or her supervisor, and submit the
3 form to the personnel office. The employee must submit a
4 revised employee health and wellness activity agreement form
5 prior to any change in the employee's activities.

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

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

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

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

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

24 (c) Review and offer recommendations on environmental
25 and social support policies that pertain to improving the
26 health of employees.

27 (d) Link the employee health and wellness program to
28 programs such as the employee assistance program and other
29 related programs to help employees balance work and family.

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

1 (10) Each agency that develops and implements an
2 employee health and wellness program shall include and
3 document an evaluation and improvement process to help enhance
4 the program's efficiency and effectiveness over time.

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

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

12 381.86 Review Council for Human Subjects.--

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

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

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

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

29 (5) The department shall charge for costs incurred by
30 the council for research oversight according to a fee
31 schedule, except that fees shall be waived for any student who

1 is a candidate for a degree at a university located in this
2 state. The fee schedule shall provide for fees for initial
3 review, amendments, and continuing review. The department
4 shall adopt rules necessary to comply with federal
5 requirements and this section. Such rules shall also prescribe
6 procedures for requesting council review.

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

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

13 381.89 Regulation of tanning facilities.--

14 (3)

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

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

30
31

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

4 381.90 Health Information Systems Council; legislative
5 intent; creation, appointment, duties.--

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

8 (a) The Secretary of ~~the Department of~~ Health;

9 (b) The Executive Director ~~secretary~~ of the Department
10 of Veterans' Affairs ~~Business and Professional Regulation~~;

11 (c) The Secretary of ~~the Department of~~ Children and
12 Family Services;

13 (d) The Secretary of Health Care Administration;

14 (e) The Secretary of ~~the Department of~~ Corrections;

15 (f) The Attorney General;

16 (g) The Executive Director of the Correctional Medical
17 Authority;

18 (h) Two members representing county health
19 departments, one from a small county and one from a large
20 county, appointed by the Governor;

21 (i) A representative from the Florida Association of
22 Counties;

23 (j) The Chief Financial Officer ~~State Treasurer and~~
24 ~~Insurance Commissioner~~;

25 (k) A representative from the Florida Healthy Kids
26 Corporation;

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

29 (m) The Commissioner of Education;

30 (n) The Secretary of ~~the Department of~~ Elderly
31 Affairs; and

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

3
4 Representatives of the Federal Government may serve without
5 voting rights.

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

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

14 Section 14. Subsections (1) and (2), paragraphs (f)
15 and (g) of subsection (3), and subsection (5) of section
16 383.14, Florida Statutes, are amended to read:

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

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

1 substance abuse, and other high-risk conditions associated
2 with increased risk of infant mortality and morbidity to
3 provide early intervention, remediation, and prevention
4 services, including, but not limited to, parent support and
5 training programs, home visitation, and case management.
6 Identification, perinatal screening, and intervention efforts
7 shall begin prior to and immediately following the birth of
8 the child by the attending health care provider. Such efforts
9 shall be conducted in hospitals, perinatal centers, county
10 health departments, school health programs that provide
11 prenatal care, and birthing centers, and reported to the
12 Office of Vital Statistics.

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

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

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

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

1 newborn ~~infant~~ born in this state to be screened for
2 environmental risk factors that place children and their
3 families at risk for increased morbidity, mortality, and other
4 negative outcomes. The department shall adopt such additional
5 rules as are found necessary for the administration of this
6 section, including rules providing definitions of terms, rules
7 relating to the methods used and time or times for testing as
8 accepted medical practice indicates, rules relating to
9 charging and collecting fees for screenings authorized by this
10 section, and rules requiring mandatory reporting of the
11 results of tests and screenings for these conditions to the
12 department.

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

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

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

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

1 2. As part of the department's legislative budget
2 request prepared pursuant to chapter 216, the department shall
3 submit a certification by the department's inspector general,
4 or the director of auditing within the inspector general's
5 office, of the annual costs of the uniform testing and
6 reporting procedures of the newborn ~~infant~~ screening program.
7 In certifying the annual costs, the department's inspector
8 general or the director of auditing within the inspector
9 general's office shall calculate the direct costs of the
10 uniform testing and reporting procedures, including applicable
11 administrative costs. Administrative costs shall be limited to
12 those department costs which are reasonably and directly
13 associated with the administration of the uniform testing and
14 reporting procedures of the newborn ~~infant~~ screening program.

15
16 All provisions of this subsection must be coordinated with the
17 provisions and plans established under this chapter, chapter
18 411, and Pub. L. No. 99-457.

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

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

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

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

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

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

20 384.25 Reporting required.--

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

28 (a)~~(2)~~ The department shall adopt rules specifying the
29 information required in and a minimum time period for
30 reporting a sexually transmissible disease. In adopting such
31 rules, the department shall consider the need for information,

1 | protections for the privacy and confidentiality of the
2 | patient, and the practical ability of persons and laboratories
3 | to report in a reasonable fashion. To ensure the
4 | confidentiality of persons infected with the human
5 | immunodeficiency virus (HIV), reporting of HIV infection and
6 | acquired immune deficiency syndrome (AIDS) must be conducted
7 | using a system ~~the HIV/AIDS Reporting System (HARS)~~ developed
8 | by the Centers for Disease Control and Prevention of the
9 | United States Public Health Service or an equivalent system.

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

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

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

27 | (3) The department shall adopt rules requiring each
28 | physician and laboratory to report any newborn or infant up to
29 | 18 months of age who has been exposed to HIV. The rules may
30 | include the method and time period for reporting, information
31 |

1 to be included in the report, requirements for enforcement,
2 and followup activities by the department.

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

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

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

14 385.204 Insulin; purchase, distribution; penalty for
15 fraudulent application for and obtaining of insulin.--

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

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

28 391.021 Definitions.--When used in this act, unless
29 the context clearly indicates otherwise:

30 (2) "Children with special health care needs" means
31 those children under the age of 21 years who have, or are at

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

13 Section 18. Section 391.025, Florida Statutes, is
14 amended to read:

15 391.025 Applicability and scope.--

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

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

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

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

24 (1)~~(2)~~ The Children's Medical Services program
25 consists of the following components:

26 (a) The newborn ~~infant metabolic~~ screening program
27 established in s. 383.14.

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

30 (c) A federal or state program authorized by the
31 Legislature.

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. Subsection (4) is added to section
16 391.035, 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 Section 21. Subsection (4) is added to section
27 391.055, Florida Statutes, to read:

28 391.055 Service delivery systems.--

29 (4) If a newborn has a presumptively abnormal
30 screening result for metabolic or other hereditary and
31 congenital disorders which is identified through the newborn

1 screening program pursuant to s. 383.14, the newborn shall be
2 referred to the Children's Medical Services network for
3 confirmatory testing, medical management, or medical referral.

4 Section 22. Section 391.309, Florida Statutes, is
5 created to read:

6 391.309 Florida Infants and Toddlers Early
7 Intervention Program.--The Department of Health may implement
8 and administer Part C of the federal Individuals with
9 Disabilities Education Act (IDEA), which shall be known as the
10 Florida Infants and Toddlers Early Intervention Program.

11 (1) The department, jointly with the Department of
12 Education, shall annually prepare a grant application to the
13 United States Department of Education for funding early
14 intervention services for infants and toddlers with
15 disabilities, ages birth through 36 months, and their families
16 pursuant to Part C of the federal Individuals with
17 Disabilities Education Act.

18 (2) The department shall ensure that no early
19 intervention provider participating in the program provides
20 both core and required services without a waiver from the
21 Deputy Secretary for Children's Medical Services or his or her
22 designee, as expressed in the contract between the department
23 and the provider. For purposes of this section, "core"
24 services are limited to child find and referral services,
25 family support planning, service coordination, and
26 multidisciplinary evaluation.

27 Section 23. Section 394.9151, Florida Statutes, is
28 amended to read:

29 394.9151 Contract authority.--The Department of
30 Children and Family Services may contract with a private
31 entity or state agency for use of and operation of facilities

1 to comply with the requirements of this act. The department of
2 ~~Children and Family Services~~ may also contract with the
3 Correctional Privatization Commission as defined in chapter
4 957 to issue a request for proposals and monitor contract
5 compliance for these services. The department may enter into
6 an agreement or may contract with the Correctional Medical
7 Authority, as defined in chapter 945, to conduct surveys of
8 medical services and to provide medical quality assurance and
9 improvement assistance at secure confinement and treatment
10 facilities for persons confined under this chapter.

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

13 395.404 Review of trauma registry data;
14 confidentiality and limited release.--

15 (2) Notwithstanding the provisions of s. 381.74, each
16 trauma center and acute care hospital shall submit severe
17 disability and head-injury registry data to the department as
18 provided by rule. Each trauma center and acute care hospital
19 shall continue to provide initial notification of any person
20 who has a moderate-to-severe brain or spinal cord injury
21 ~~persons who have severe disabilities and head injuries to the~~
22 brain and spinal cord injury central registry of the
23 Department of Health within timeframes provided in s. 381.74
24 ~~chapter 413~~. Such initial notification shall be made in the
25 manner prescribed by the Department of Health for the purpose
26 of providing timely ~~vocational~~ rehabilitation and transitional
27 services to an individual who sustains traumatic
28 moderate-to-severe brain or spinal cord injury to enable such
29 individual to return to his or her community ~~services to the~~
30 ~~severely disabled or head-injured person.~~

31

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

3 401.113 Department; powers and duties.--

4 (2)(a) The department shall annually dispense funds
5 contained in the Emergency Medical Services Trust Fund as
6 follows:

7 1.(a) Forty-five percent of such moneys must be
8 divided among the counties according to the proportion of the
9 combined amount deposited in the trust fund from the county.
10 These funds may not be used to match grant funds as identified
11 in subparagraph 2 ~~paragraph (b)~~. An individual board of county
12 commissioners may distribute these funds to emergency medical
13 service organizations within the county, as it deems
14 appropriate.

15 2.(b) Forty percent of such moneys must be used by the
16 department for making matching grants to local agencies,
17 municipalities, and emergency medical services organizations
18 for the purpose of conducting research, increasing existing
19 levels of emergency medical services, evaluation, community
20 education, injury prevention programs, and training in
21 cardiopulmonary resuscitation and other lifesaving and first
22 aid techniques.

23 a.1. At least 90 percent of these moneys must be made
24 available on a cash matching basis. A grant made under this
25 subparagraph must be contingent upon the recipient providing a
26 cash sum equal to 25 percent of the total department-approved
27 grant amount.

28 b.2. No more than 10 percent of these moneys must be
29 made available to rural emergency medical services, and
30 notwithstanding the restrictions specified in subsection (1),
31 these moneys may be used for improvement, expansion, or

1 continuation of services provided. A grant made under this
2 subparagraph must be contingent upon the recipient providing a
3 cash sum equal to no more than 10 percent of the total
4 department-approved grant amount.

5
6 The department shall develop procedures and standards for
7 grant disbursement under this paragraph based on the need for
8 emergency medical services, the requirements of the population
9 to be served, and the objectives of the state emergency
10 medical services plan.

11 3.(c) Fifteen percent of such moneys must be used by
12 the department for capital equipment outlay, personnel,
13 community education, evaluation, and other costs associated
14 with the administration of this chapter. Any moneys not
15 annually used for this purpose must be used for making
16 additional rural grant funds available.

17 (b) Notwithstanding any other law to the contrary, any
18 interest generated from grant funds may be expended by the
19 grantee on the budget items approved by the department.
20 Grantees receiving funds, which require a match, may not
21 expend interest funds until all match requirements have been
22 satisfied. Such grantees shall return to the department any
23 interest and grant funds not expended at the conclusion of the
24 grant period. All such returned funds shall be used by the
25 department for additional matching grant awards.

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

28 401.211 Legislative intent.--The Legislature
29 recognizes that the systematic provision of emergency medical
30 services saves lives and reduces disability associated with
31 illness and injury. In addition, that system of care must be

1 equally capable of assessing, treating, and transporting
2 children, adults, and frail elderly persons. Further, it is
3 the intent of the Legislature to encourage the development and
4 maintenance of emergency medical services because such
5 services are essential to the health and well-being of all
6 citizens of the state. The Legislature also recognizes that
7 the establishment of a statewide comprehensive injury
8 prevention program supports state and community health systems
9 by further enhancing the total delivery system of emergency
10 medical services and reduces injuries for all persons.The
11 purpose of this part is to protect and enhance the public
12 health, welfare, and safety through the establishment of an
13 emergency medical services state plan, an advisory council, a
14 comprehensive statewide injury prevention and control program,
15 minimum standards for emergency medical services personnel,
16 vehicles, services and medical direction, and the
17 establishment of a statewide inspection program created to
18 monitor the quality of patient care delivered by each licensed
19 service and appropriately certified personnel.

20 Section 27. Section 401.243, Florida Statutes, is
21 created to read:

22 401.243 Injury prevention and control.--The injury
23 prevention and control program is responsible for the
24 statewide coordination and expansion of injury prevention and
25 control activities. The duties of the department may include,
26 but not be limited to, data collection, surveillance,
27 education, and the promotion of interventions. The department
28 may:

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

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

4 (3) Adopt rules related to the activities of the
5 program, including, but not limited to, those needed for
6 implementation of injury prevention and control activities,
7 data collection, surveillance, education, promotion of
8 interventions, and for assistance to other entities.

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

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

14 401.27 Personnel; standards and certification.--

15 (3) Any person who desires to be certified or
16 recertified as an emergency medical technician or paramedic
17 must apply to the department under oath on forms provided by
18 the department which shall contain such information as the
19 department reasonably requires, which may include affirmative
20 evidence of ability to comply with applicable laws and rules.
21 The department may accept electronically submitted
22 applications. If an application is submitted electronically,
23 the department may require supplemental materials, including
24 an original signature of the applicant and documentation
25 verifying eligibility for certification to be submitted in a
26 nonelectronic format.The department shall determine whether
27 the applicant meets the requirements specified in this section
28 and in rules of the department and shall issue a certificate
29 to any person who meets such requirements.

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

- 1 (a) Have completed an appropriate training course as
2 follows:
- 3 1. For an emergency medical technician, an emergency
4 medical technician training course equivalent to the most
5 recent emergency medical technician basic training course of
6 the United States Department of Transportation as approved by
7 the department;
- 8 2. For a paramedic, a paramedic training program
9 equivalent to the most recent paramedic course of the United
10 States Department of Transportation as approved by the
11 department;
- 12 (b) Certify ~~under oath~~ that he or she is not addicted
13 to alcohol or any controlled substance;
- 14 (c) Certify ~~under oath~~ that he or she is free from any
15 physical or mental defect or disease that might impair the
16 applicant's ability to perform his or her duties;
- 17 (d) Within 1 year after course completion have passed
18 an examination developed or required by the department;
- 19 (e)1. For an emergency medical technician, hold either
20 a current American Heart Association cardiopulmonary
21 resuscitation course card or an American Red Cross
22 cardiopulmonary resuscitation course card or its equivalent as
23 defined by department rule;
- 24 2. For a paramedic, hold a certificate of successful
25 course completion in advanced cardiac life support from the
26 American Heart Association or its equivalent as defined by
27 department rule;
- 28 (f) Submit the certification fee and the nonrefundable
29 examination fee prescribed in s. 401.34, which examination fee
30 will be required for each examination administered to an
31 applicant; and

1 (g) Submit a completed application to the department,
2 which application documents compliance with paragraphs (a),
3 (b), (c), (e), (f), (g), and, if applicable, (d). The
4 application must be submitted so as to be received by the
5 department at least 30 calendar days before the next regularly
6 scheduled examination for which the applicant desires to be
7 scheduled.

8 (5) The certification examination must be offered
9 monthly. The department shall issue an examination admission
10 notice to the applicant advising him or her of the time and
11 place of the examination for which he or she is scheduled.
12 ~~Individuals achieving a passing score on the certification~~
13 ~~examination may be issued a temporary certificate with their~~
14 ~~examination grade report. The department must issue an~~
15 ~~original certification within 45 days after the examination.~~
16 Examination questions and answers are not subject to discovery
17 but may be introduced into evidence and considered only in
18 camera in any administrative proceeding under chapter 120. If
19 an administrative hearing is held, the department shall
20 provide challenged examination questions and answers to the
21 administrative law judge. The department shall establish by
22 rule the procedure by which an applicant, and the applicant's
23 attorney, may review examination questions and answers in
24 accordance with s. 119.07(3)(a).

25 (13) ~~The department shall adopt a standard state~~
26 ~~insignia for emergency medical technicians and paramedics. The~~
27 ~~department shall establish by rule the requirements to display~~
28 ~~the state emergency medical technician and paramedic insignia.~~
29 ~~The rules may not require a person to wear the standard~~
30 ~~insignia but must require that~~ If a person wears any insignia
31 that identifies the person as a certified emergency medical

1 technician or paramedic in this state, the insignia must ~~be~~
2 ~~the standard state insignia adopted under this section. The~~
3 ~~insignia must~~ denote the individual's level of certification
4 at which he or she is functioning.

5 (14)(a) An applicant for initial certification under
6 this section must submit information and a set of fingerprints
7 to the Department of Health on a form and under procedures
8 specified by the department, along with payment in an amount
9 equal to the costs incurred by the Department of Health for a
10 a statewide criminal history check and a national criminal
11 history check of the applicant.

12 (b) An applicant for renewed certification who has not
13 previously submitted a set of fingerprints to the Department
14 of Health must submit information required to perform a
15 statewide criminal background check and a set of fingerprints
16 to the department for a national criminal history check as a
17 condition of the initial renewal of his or her certificate
18 after July 1, 2003. The applicant must submit the fingerprints
19 on a form and under procedures specified by the department for
20 a national criminal history check, along with payment in an
21 amount equal to the costs incurred by the department. For
22 subsequent renewals, the department shall, by rule, adopt an
23 application form that includes a sworn oath or affirmation
24 attesting to the existence of any criminal convictions,
25 regardless of plea or adjudication, which have occurred since
26 the previous certification. If there has been a criminal
27 conviction, the provisions of this subsection shall apply. The
28 department shall notify current certificateholders of their
29 requirement to undergo a criminal history background screening
30 sufficiently in advance of the 2004 biennial expiration for
31 the certificateholder to provide the required information

1 prior to submission of the renewal certification application.
2 Eligibility for renewal may not be denied by the department
3 for the first renewal application subsequent to enactment of
4 this subsection for delays created in obtaining the criminal
5 history from the Department of Law Enforcement, the Federal
6 Bureau of Investigation, or the Division of State Fire Marshal
7 if the applicant has submitted the required criminal
8 background screening information or affidavit and fees with
9 the renewal certification application.

10 (c) Pursuant to the requirements of s. 120.60,
11 applications for certification must be processed within 90
12 days after receipt of a completed application. Applications
13 for certification are not complete until the criminal history
14 and certified copies of all court documents for those
15 applications with prior criminal convictions, pursuant to this
16 section, have been received by the department.

17 (d) The department shall submit the fingerprints and
18 information required for a statewide criminal history check to
19 the Department of Law Enforcement, and the Department of Law
20 Enforcement shall forward the fingerprints to the Federal
21 Bureau of Investigation for a national criminal history check
22 of the applicant.

23 (e) If an applicant has undergone a criminal history
24 check as a condition of employment or certification as a
25 firefighter under s. 633.34, the Division of State Fire
26 Marshal of the Department of Financial Services shall provide
27 the criminal history information regarding the applicant
28 seeking certification or renewal of certification under this
29 section to the department. Any applicant for initial
30 certification or renewal of certification who has already
31 submitted a set of fingerprints and information to the

1 Division of State Fire Marshal of the Department of Financial
2 Services for the criminal history check required for
3 employment and certification of firefighters under s. 633.34
4 within 2 years prior to application under this section is not
5 required to provide to the department a subsequent set of
6 fingerprints or other duplicate information required for a
7 criminal history check if the applicant submits an affidavit
8 in a form prescribed by the department attesting that he or
9 she has been a state resident for the previous 2 years.

10 (f) Notwithstanding the grounds for certification
11 denial outlined in s. 401.411, an applicant must not have been
12 found guilty of, regardless of plea or adjudication, any
13 offense prohibited under any of the following provisions of
14 the Florida Statutes or under any similar statute of another
15 jurisdiction:

16 1. Section 415.111, relating to abuse, neglect, or
17 exploitation of a vulnerable adult.

18 2. Section 782.04, relating to murder.

19 3. Section 782.07, relating to manslaughter,
20 aggravated manslaughter of an elderly person or disabled
21 adult, or aggravated manslaughter of a child.

22 4. Section 782.071, relating to vehicular homicide.

23 5. Section 782.09, relating to killing of an unborn
24 child by injury to the mother.

25 6. Section 784.011, relating to assault, if the victim
26 of the offense was a minor.

27 7. Section 784.021, relating to aggravated assault.

28 8. Section 784.03, relating to battery, if the victim
29 of the offense was a minor.

30 9. Section 784.045, relating to aggravated battery.

31 10. Section 784.01, relating to kidnapping.

- 1 11. Section 787.02, relating to false imprisonment.
- 2 12. Section 794.011, relating to sexual battery.
- 3 13. Former s. 794.041, relating to prohibited acts of
4 persons in familial or custodial authority.
- 5 14. Chapter 796, relating to prostitution.
- 6 15. Section 798.02, relating to lewd and lascivious
7 behavior.
- 8 16. Chapter 800, relating to lewdness and indecent
9 exposure.
- 10 17. Section 806.01, relating to arson.
- 11 18. Chapter 812, relating to theft, robbery, and
12 related crimes, only if the offense was a felony.
- 13 19. Section 817.563, relating to fraudulent sale of
14 controlled substances, only if the offense was a felony.
- 15 20. Section 825.102, relating to abuse, aggravated
16 abuse, or neglect of an elderly person or disabled adult.
- 17 21. Section 825.1025, relating to lewd or lascivious
18 offenses committed upon or in the presence of an elderly
19 person or disabled adult.
- 20 22. Section 825.103, relating to exploitation of an
21 elderly person or disabled adult, if the offense was a felony.
- 22 23. Section 826.04, relating to incest.
- 23 24. Section 827.03, relating to child abuse,
24 aggravated child abuse, or neglect of a child.
- 25 25. Section 827.04, relating to contributing to the
26 delinquency or dependency of a child.
- 27 26. Former s. 827.05, relating to negligent treatment
28 of children.
- 29 27. Section 827.071, relating to sexual performance by
30 a child.
- 31 28. Chapter 847, relating to obscene literature.

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

4 30. An act that constitutes domestic violence, as
5 defined in s. 741.28.

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

9 1. Felonies committed more than 3 years prior to the
10 date of disqualification;

11 2. Misdemeanors prohibited under any of the Florida
12 Statutes cited in this subsection or under similar statutes of
13 other jurisdictions;

14 3. Offenses that were felonies when committed but that
15 are now misdemeanors;

16 4. Findings of delinquency; or

17 5. Commissions of acts of domestic violence as defined
18 in s. 741.28.

19 (h) For the department to grant an exemption to any
20 applicant under this section, the applicant must demonstrate
21 by clear and convincing evidence that the applicant should not
22 be disqualified from certification or renewed certification.
23 Applicants seeking an exemption have the burden of setting
24 forth sufficient evidence of rehabilitation, including, but
25 not limited to, the circumstances surrounding the criminal
26 incident for which an exemption is sought, the time period
27 that has elapsed since the incident, the nature of the harm
28 caused to the victim, and the history of the applicant since
29 the incident, or any other evidence or circumstances
30 indicating that the applicant will not present a danger if the
31 certification or renewed certification is granted. To make the

1 necessary demonstration, the applicant must request an
2 exemption and submit the required information supporting that
3 request at the time of application so that the department may
4 make a determination in accordance with this section.

5 (i) Denial of certification or renewed certification
6 under paragraph (f) may not be removed from, nor may an
7 exemption be granted to, any applicant who is found guilty of,
8 regardless of plea or adjudication, any felony covered by
9 paragraph (f) solely by reason of any pardon, executive
10 clemency, or restoration of civil rights.

11 (k) If an applicant has undergone a criminal history
12 check as a condition of employment or licensing under any
13 Florida Statute within 2 years prior to application under this
14 section, the applicant may submit a copy of the official
15 Florida criminal history record or national criminal history
16 record produced under that requirement in lieu of the
17 fingerprint card required in paragraphs (a) and (b). The
18 department shall determine if the submission meets its
19 requirements, and, if not, the applicant shall be required to
20 comply with the provisions of this section. The department may
21 share criminal history background information with local,
22 state, and federal agencies for purposes of licensing or
23 employment background checks.

24 Section 29. Subsection (6) is added to section
25 401.2701, Florida Statutes, to read:

26 401.2701 Emergency medical services training
27 programs.--

28 (6) Training programs approved by the department
29 shall, at initiation of an emergency medical technician or
30 paramedic course, advise students of the certification and
31 regulatory requirements of this chapter, including, but not

1 limited to, the criminal history background screening
2 requirement for initial and renewal certification under s.
3 401.27. The department shall prescribe by rule the required
4 content of this component of the course.

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

7 401.2715 Recertification training of emergency medical
8 technicians and paramedics.--

9 (2) Any individual, institution, school, corporation,
10 or governmental entity may conduct emergency medical
11 technician or paramedic recertification training upon
12 application to the department and payment of a nonrefundable
13 fee to be deposited into the Emergency Medical Services Trust
14 Fund. Institutions conducting department-approved educational
15 programs as provided in this chapter and licensed ambulance
16 services are exempt from the application process and payment
17 of fees. The department shall adopt rules for the application
18 and payment of a fee not to exceed the actual cost of
19 administering this approval process. Upon application, the
20 department shall recognize any entity in this state which has
21 approval from the Continuing Education Coordinating Board for
22 Emergency Medical Services for courses in cardiopulmonary
23 resuscitation or advanced cardiac life support for
24 equivalency.

25 Section 31. Subsection (4) of section 404.056, Florida
26 Statutes, is amended to read:

27 404.056 Environmental radiation standards and
28 projects; certification of persons performing measurement or
29 mitigation services; mandatory testing; notification on real
30 estate documents; rules.--

31

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

27 Section 32. Subsection (5) of section 409.814, Florida
28 Statutes, is amended to read:

29 409.814 Eligibility.--A child whose family income is
30 equal to or below 200 percent of the federal poverty level is
31 eligible for the Florida Kidcare program as provided in this

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

30 (5) A child whose family income is above 200 percent
31 of the federal poverty level or a child who is excluded under

1 the provisions of subsection (4) may participate in the
2 Florida Healthy Kids program or the Medikids program, Kidcare
3 ~~program, excluding the Medicaid program, but is~~ subject to the
4 following provisions:

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

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

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

24 (d) Children described in this subsection are not
25 counted in the annual enrollment ceiling for the Florida
26 Kidcare program.

27 Section 33. Section 409.91188, Florida Statutes, is
28 amended to read:

29 409.91188 Specialty prepaid health plans for Medicaid
30 recipients with HIV or AIDS.--

31

1 (1) The Agency for Health Care Administration shall
2 issue a request for proposal or intent to implement a is
3 ~~authorized to contract with specialty prepaid health plans~~
4 authorized pursuant to subsection (2) of this section and to
5 pay them on a prepaid ~~capitated~~ basis to provide Medicaid
6 benefits to Medicaid-eligible recipients who have human
7 immunodeficiency syndrome (HIV) or acquired immunodeficiency
8 syndrome (AIDS). The agency shall apply for or amend existing
9 applications for ~~and is authorized to implement~~ federal
10 waivers or other necessary federal authorization to implement
11 the prepaid health plans authorized by this section. The
12 agency shall procure the specialty prepaid health plans
13 through a competitive procurement. In awarding a contract to a
14 managed care plan, the agency shall take into account price,
15 quality, accessibility, linkages to community-based
16 organizations, and the comprehensiveness of the benefit
17 package offered by the plan. The agency may bid the HIV/AIDS
18 specialty plans on a ~~county, regional, or~~ statewide basis.
19 ~~Qualified plans must be licensed under chapter 641.~~The agency
20 shall monitor and evaluate the implementation of this waiver
21 program if it is approved by the Federal Government and shall
22 report on its status to the President of the Senate and the
23 Speaker of the House of Representatives by February 1, 2001.
24 To improve coordination of medical care delivery and to
25 increase cost efficiency for the Medicaid program in treating
26 HIV disease, the Agency for Health Care Administration shall
27 seek all necessary federal waivers to allow participation in
28 the Medipass HIV disease management program for Medicare
29 beneficiaries who test positive for HIV infection and who also
30 qualify for Medicaid benefits such as prescription medications
31 not covered by Medicare.

1 (2) The agency may contract with any public or private
2 entity authorized by this section on a prepaid or fixed-sum
3 basis for the provision of health care services to recipients.

4 An entity may provide prepaid services to recipients, either
5 directly or through arrangements with other entities. Each
6 entity shall:

7 (a) Be organized primarily for the purpose of
8 providing health care or other services of the type regularly
9 offered to Medicaid recipients in compliance with federal
10 laws.

11 (b) Ensure that services meet the standards set by the
12 agency for quality, appropriateness, and timeliness.

13 (c) Make provisions satisfactory to the agency for
14 insolvency protection and ensure that neither enrolled
15 Medicaid recipients nor the agency is liable for the debts of
16 the entity.

17 (d) Provide to the agency a financial plan that
18 ensures fiscal soundness and that may include provisions
19 pursuant to which the entity and the agency share in the risk
20 of providing health care services. The contractual arrangement
21 between an entity and the agency shall provide for risk
22 sharing. The agency may bear the cost of providing certain
23 services when those costs exceed established risk limits or
24 arrangements whereby certain services are specifically
25 excluded under the terms of the contract between an entity and
26 the agency.

27 (e) Provide, through contract or otherwise, for
28 periodic review of its medical facilities and services, as
29 required by the agency.

30 (f) Furnish evidence satisfactory to the agency of
31 adequate liability insurance coverage or an adequate plan of

1 self-insurance to respond to claims for injuries arising out
2 of the furnishing of health care.

3 (g) Provides organizational, operational, financial,
4 and other information required by the agency.

5 Section 34. Paragraph (dd) is added to subsection (1)
6 of section 456.072, Florida Statutes, to read:

7 456.072 Grounds for discipline; penalties;
8 enforcement.--

9 (1) The following acts shall constitute grounds for
10 which the disciplinary actions specified in subsection (2) may
11 be taken:

12 (dd) Being terminated from an impaired practitioner
13 program that is overseen by an impaired practitioner
14 consultant as described in s. 456.076 for failure to comply
15 with the terms of the monitoring or treatment contract entered
16 into by the licensee without good cause.

17 Section 35. Subsection (7) of section 456.025, Florida
18 Statutes, is amended to read:

19 456.025 Fees; receipts; disposition.--

20 (7) Each board, or the department if there is no
21 board, shall establish, by rule, a fee not to exceed \$250 for
22 anyone seeking approval to provide continuing education
23 courses or programs and shall establish by rule a biennial
24 renewal fee not to exceed \$250 for the renewal of providership
25 of such courses. The fees collected from continuing education
26 providers shall be used for the purposes of reviewing course
27 provider applications, monitoring the integrity of the courses
28 provided, and covering legal expenses incurred as a result of
29 not granting or renewing a providership, ~~and developing and~~
30 ~~maintaining an electronic continuing education tracking~~
31 ~~system. The department shall implement an electronic~~

1 ~~continuing education tracking system for each new biennial~~
2 ~~renewal cycle for which electronic renewals are implemented~~
3 ~~after the effective date of this act and shall integrate such~~
4 ~~system into the licensure and renewal system. All approved~~
5 ~~continuing education providers shall provide information on~~
6 ~~course attendance to the department necessary to implement the~~
7 ~~electronic tracking system. The department shall, by rule,~~
8 ~~specify the form and procedures by which the information is to~~
9 ~~be submitted.~~

10 Section 36. Section 456.055, Florida Statutes, is
11 amended to read:

12 456.055 Chiropractic and podiatric health care; denial
13 of payment; limitation.--

14 (1) A chiropractic physician licensed under chapter
15 460 or a podiatric physician licensed under chapter 461 shall
16 not be denied payment for treatment rendered solely on the
17 basis that the chiropractic physician or podiatric physician
18 is not a member of a particular preferred provider
19 organization or exclusive provider organization which is
20 composed only of physicians licensed under the same chapter.

21 (2) A claim for payment of a service performed by a
22 health care provider licensed in this state, identified on the
23 claim by a Physicians' Current Procedural Terminology (CPT)
24 code, and submitted under a health insurance policy or health
25 care services plan or submitted to a preferred provider
26 organization, exclusive provider organization, or health
27 maintenance organization in which the health care provider
28 participates, shall be paid in the same amount to all health
29 care providers submitting a claim for payment of a service
30 identified by the same CPT code, regardless of the chapter
31 under which the health care provider is licensed.

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

3 Section 37. Paragraph (d) of subsection (1) of section
4 460.406, Florida Statutes, is amended to read:

5 460.406 Licensure by examination.--

6 (1) Any person desiring to be licensed as a
7 chiropractic physician shall apply to the department to take
8 the licensure examination. There shall be an application fee
9 set by the board not to exceed \$100 which shall be
10 nonrefundable. There shall also be an examination fee not to
11 exceed \$500 plus the actual per applicant cost to the
12 department for purchase of portions of the examination from
13 the National Board of Chiropractic Examiners or a similar
14 national organization, which may be refundable if the
15 applicant is found ineligible to take the examination. The
16 department shall examine each applicant who the board
17 certifies has:

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

1 States Department of Education ~~a member of the Commission on~~
2 ~~Recognition of Postsecondary Accreditation.~~

3 2. Effective July 1, 2000, completed, prior to
4 matriculation in a chiropractic college, at least 3 years of
5 residence college work, consisting of a minimum of 90 semester
6 hours leading to a bachelor's degree in a liberal arts college
7 or university accredited by an accrediting agency recognized
8 and approved by the United States Department of Education.
9 However, prior to being certified by the board to sit for the
10 examination, each applicant who has matriculated in a
11 chiropractic college after July 1, 2000, shall have been
12 granted a bachelor's degree from an institution holding
13 accreditation for that degree from a regional accrediting
14 agency which is recognized by the United States Department of
15 Education. The applicant's chiropractic degree must consist
16 of credits earned in the chiropractic program and may not
17 include academic credit for courses from the bachelor's
18 degree.

19 Section 38. Paragraph (b) of subsection (1) of section
20 463.006, Florida Statutes, is amended to read:

21 463.006 Licensure and certification by examination.--

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

26 (b) Submitted proof satisfactory to the department
27 that she or he:

28 1. Is at least 18 years of age.

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

31 3. Is of good moral character.

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

5 a. Has facilities for both didactic and clinical
6 instructions in pharmacology; and

7 b. Is accredited by a regional or professional
8 accrediting organization that is recognized and approved by
9 the Council for Higher Education Accreditation ~~Commission on~~
10 ~~Recognition of Postsecondary Accreditation~~ or the United
11 States Department of Education.

12 5. Has completed at least 1 year of supervised
13 experience in differential diagnosis of eye disease or
14 disorders as part of the optometric training or in a clinical
15 setting as part of the optometric experience.

16 Section 39. Subsection (8) of section 467.009, Florida
17 Statutes, is amended to read:

18 467.009 Midwifery programs; education and training
19 requirements.--

20 (8) Nonpublic educational institutions that conduct
21 approved midwifery programs shall be accredited by an
22 accrediting agency recognized and approved by the Council for
23 Higher Education Accreditation or the United States Department
24 of Education ~~a member of the Commission on Recognition of~~
25 ~~Postsecondary Accreditation~~ and shall be licensed by the
26 Commission for Independent Education ~~State Board of Nonpublic~~
27 ~~Career Education~~.

28 Section 40. Paragraph (g) of subsection (3) of section
29 468.302, Florida Statutes, is amended to read:

30 468.302 Use of radiation; identification of certified
31 persons; limitations; exceptions.--

1 (3)

2 (g) A person holding a certificate as a nuclear
3 medicine technologist may only:

4 1. Conduct in vivo and in vitro measurements of
5 radioactivity and administer radiopharmaceuticals to human
6 beings for diagnostic and therapeutic purposes.

7 2. Administer X radiation from a combination nuclear
8 medicine-computed tomography device if that radiation is
9 administered as an integral part of a nuclear medicine
10 procedure that uses an automated computed tomography protocol
11 for the purposes of attenuation correction and anatomical
12 localization and the person has received device-specific
13 training on the combination device.

14
15 However, the authority of a nuclear medicine technologist
16 under this paragraph excludes radioimmunoassay and other
17 clinical laboratory testing regulated pursuant to chapter 483.

18 Section 41. Subsection (2) of section 468.509, Florida
19 Statutes, is amended to read:

20 468.509 Dietitian/nutritionist; requirements for
21 licensure.--

22 (2) The agency shall examine any applicant who the
23 board certifies has completed the application form and
24 remitted the application and examination fees specified in s.
25 468.508 and who:

26 (a)1. Possesses a baccalaureate or postbaccalaureate
27 degree with a major course of study in human nutrition, food
28 and nutrition, dietetics, or food management, or an equivalent
29 major course of study, from a school or program accredited, at
30 the time of the applicant's graduation, by the appropriate
31 accrediting agency recognized by the Council for Higher

1 Education Accreditation or Commission on Recognition of
2 ~~Postsecondary Accreditation~~ and the United States Department
3 of Education; and

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

7 (b)1. Has an academic degree, from a foreign country,
8 that has been validated by an accrediting agency approved by
9 the United States Department of Education as equivalent to the
10 baccalaureate or postbaccalaureate degree conferred by a
11 regionally accredited college or university in the United
12 States;

13 2. Has completed a major course of study in human
14 nutrition, food and nutrition, dietetics, or food management;
15 and

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

19 Section 42. Paragraph (a) of subsection (1) of section
20 468.707, Florida Statutes, is amended to read:

21 468.707 Licensure by examination; requirements.--

22 (1) Any person desiring to be licensed as an athletic
23 trainer shall apply to the department on a form approved by
24 the department.

25 (a) The department shall license each applicant who:

26 1. Has completed the application form and remitted the
27 required fees.

28 2. Is at least 21 years of age.

29 3. Has obtained a baccalaureate degree from a college
30 or university accredited by an accrediting agency recognized
31 and approved by the United States Department of Education or

1 the Council for Higher Education Accreditation or Commission
2 ~~on Recognition of Postsecondary Accreditation~~ approved by the
3 board.

4 4. Has completed coursework from a college or
5 university accredited by an accrediting agency recognized and
6 approved by the United States Department of Education or the
7 Council for Higher Education Accreditation Commission on
8 ~~Recognition of Postsecondary Accreditation~~, or approved by the
9 board, in each of the following areas, as provided by rule:
10 health, human anatomy, kinesiology/biomechanics, human
11 physiology, physiology of exercise, basic athletic training,
12 and advanced athletic training.

13 5. Has current certification in standard first aid and
14 cardiovascular pulmonary resuscitation from the American Red
15 Cross or an equivalent certification as determined by the
16 board.

17 6. Has, within 2 of the preceding 5 years, attained a
18 minimum of 800 hours of athletic training experience under the
19 direct supervision of a licensed athletic trainer or an
20 athletic trainer certified by the National Athletic Trainers'
21 Association or a comparable national athletic standards
22 organization.

23 7. Has passed an examination administered or approved
24 by the board.

25 Section 43. Section 486.031, Florida Statutes, is
26 amended to read:

27 486.031 Physical therapist; licensing
28 requirements.--To be eligible for licensing as a physical
29 therapist, an applicant must:

30 (1) Be at least 18 years old;

31 (2) Be of good moral character; and

1 (3)(a) Have been graduated from a school of physical
2 therapy which has been approved for the educational
3 preparation of physical therapists by the appropriate
4 accrediting agency recognized by the Council for Higher
5 Education Accreditation Commission on Recognition of
6 ~~Postsecondary Accreditation~~ or the United States Department of
7 Education at the time of her or his graduation and have
8 passed, to the satisfaction of the board, the American
9 Registry Examination prior to 1971 or a national examination
10 approved by the board to determine her or his fitness for
11 practice as a physical therapist as hereinafter provided;

12 (b) Have received a diploma from a program in physical
13 therapy in a foreign country and have educational credentials
14 deemed equivalent to those required for the educational
15 preparation of physical therapists in this country, as
16 recognized by the appropriate agency as identified by the
17 board, and have passed to the satisfaction of the board an
18 examination to determine her or his fitness for practice as a
19 physical therapist as hereinafter provided; or

20 (c) Be entitled to licensure without examination as
21 provided in s. 486.081.

22 Section 44. Section 486.102, Florida Statutes, is
23 amended to read:

24 486.102 Physical therapist assistant; licensing
25 requirements.--To be eligible for licensing by the board as a
26 physical therapist assistant, an applicant must:

27 (1) Be at least 18 years old;

28 (2) Be of good moral character; and

29 (3)(a) Have been graduated from a school giving a
30 course of not less than 2 years for physical therapist
31 assistants, which has been approved for the educational

1 preparation of physical therapist assistants by the
2 appropriate accrediting agency recognized by the Council for
3 Higher Education Accreditation ~~Commission on Recognition of~~
4 ~~Postsecondary Accreditation~~ or the United States Department of
5 Education at the time of her or his graduation and have passed
6 to the satisfaction of the board an examination to determine
7 her or his fitness for practice as a physical therapist
8 assistant as hereinafter provided;

9 (b) Have been graduated from a school giving a course
10 for physical therapist assistants in a foreign country and
11 have educational credentials deemed equivalent to those
12 required for the educational preparation of physical therapist
13 assistants in this country, as recognized by the appropriate
14 agency as identified by the board, and passed to the
15 satisfaction of the board an examination to determine her or
16 his fitness for practice as a physical therapist assistant as
17 hereinafter provided; or

18 (c) Be entitled to licensure without examination as
19 provided in s. 486.107.

20 Section 45. Paragraph (a) of subsection (5) of section
21 489.553, Florida Statutes, is amended to read:

22 489.553 Administration of part; registration
23 qualifications; examination.--

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

26 (a) Have been a registered septic tank contractor in
27 Florida for at least 3 years or a plumbing contractor
28 certified under part I of this chapter who has provided septic
29 tank contracting services for at least 3 years. The 3 years
30 must immediately precede the date of application and may not
31

1 be interrupted by any probation, suspension, or revocation
2 imposed by the licensing agency.

3 Section 46. Section 489.554, Florida Statutes, is
4 amended to read:

5 489.554 Registration renewal.--

6 (1) The department shall prescribe by rule the method
7 for approval of continuing education courses, and for renewal
8 of annual registration, for inactive status for late filing of
9 a renewal application, for allowing a contractor to hold his
10 or her registration in inactive status for a specified period,
11 and for reactivating a license.

12 (2) At a minimum, annual renewal shall include
13 continuing education requirements of not less than 6 classroom
14 hours annually for septic tank contractors and not less than
15 12 classroom hours annually for master septic tank
16 contractors. The 12 classroom hours of continuing education
17 required for master septic tank contractors may include the 6
18 classroom hours required for septic tank contractors, but at a
19 minimum must include 6 classroom hours of approved master
20 septic tank contractor coursework.

21 (3) A certificate of registration shall become
22 inactive if a renewal application is not filed in a timely
23 manner. A certificate that has become inactive may be
24 reactivated under this section by application to the
25 department. A licensed contractor may apply to the department
26 for voluntary inactive status at any time during the period of
27 registration.

28 (4) A master septic tank contractor may elect to
29 revert to registered septic tank contractor status at any time
30 during the period of registration. The department shall
31 prescribe by rule the method for a master septic tank

1 contractor whose registration has reverted to registered
2 septic tank contractor status to apply for master septic tank
3 contractor status.

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

8 Section 47. Paragraph (b) of subsection (2) of section
9 490.005, Florida Statutes, is amended to read:

10 490.005 Licensure by examination.--

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

15 (b) Submitted satisfactory proof to the department
16 that the applicant:

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

29 2. Has had a minimum of 3 years of experience in
30 school psychology, 2 years of which must be supervised by an
31 individual who is a licensed school psychologist or who has

1 otherwise qualified as a school psychologist supervisor, by
2 education and experience, as set forth by rule of the
3 department. A doctoral internship may be applied toward the
4 supervision requirement.

5 3. Has passed an examination provided by the
6 department.

7 Section 48. Paragraph (b) of subsection (3) and
8 paragraph (b) of subsection (4) of section 491.005, Florida
9 Statutes, are amended to read:

10 491.005 Licensure by examination.--

11 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification of
12 documentation and payment of a fee not to exceed \$200, as set
13 by board rule, plus the actual cost to the department for the
14 purchase of the examination from the Association of Marital
15 and Family Therapy Regulatory Board, or similar national
16 organization, the department shall issue a license as a
17 marriage and family therapist to an applicant who the board
18 certifies:

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

22 a. Thirty-six semester hours or 48 quarter hours of
23 graduate coursework, which must include a minimum of 3
24 semester hours or 4 quarter hours of graduate-level course
25 credits in each of the following nine areas: dynamics of
26 marriage and family systems; marriage therapy and counseling
27 theory and techniques; family therapy and counseling theory
28 and techniques; individual human development theories
29 throughout the life cycle; personality theory or general
30 counseling theory and techniques; psychopathology; human
31 sexuality theory and counseling techniques; psychosocial

1 theory; and substance abuse theory and counseling techniques.
2 Courses in research, evaluation, appraisal, assessment, or
3 testing theories and procedures; thesis or dissertation work;
4 or practicums, internships, or fieldwork may not be applied
5 toward this requirement.

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

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

20 d. A minimum of one supervised clinical practicum,
21 internship, or field experience in a marriage and family
22 counseling setting, during which the student provided 180
23 direct client contact hours of marriage and family therapy
24 services under the supervision of an individual who met the
25 requirements for supervision under paragraph (c). This
26 requirement may be met by a supervised practice experience
27 which took place outside the academic arena, but which is
28 certified as equivalent to a graduate-level practicum or
29 internship program which required a minimum of 180 direct
30 client contact hours of marriage and family therapy services
31 currently offered within an academic program of a college or

1 university accredited by an accrediting agency approved by the
2 United States Department of Education, or an institution which
3 is publicly recognized as a member in good standing with the
4 Association of Universities and Colleges of Canada or a
5 training institution accredited by the Commission on
6 Accreditation for Marriage and Family Therapy Education
7 recognized by the United States Department of Education.
8 Certification shall be required from an official of such
9 college, university, or training institution.

10 2. If the course title which appears on the
11 applicant's transcript does not clearly identify the content
12 of the coursework, the applicant shall be required to provide
13 additional documentation, including, but not limited to, a
14 syllabus or catalog description published for the course.

15
16 The required master's degree must have been received in an
17 institution of higher education which at the time the
18 applicant graduated was: fully accredited by a regional
19 accrediting body recognized by the Council for Higher
20 Education Accreditation or the United States Department of
21 Education Commission on Recognition of Postsecondary
22 ~~Accreditation~~; publicly recognized as a member in good
23 standing with the Association of Universities and Colleges of
24 Canada; or an institution of higher education located outside
25 the United States and Canada, which at the time the applicant
26 was enrolled and at the time the applicant graduated
27 maintained a standard of training substantially equivalent to
28 the standards of training of those institutions in the United
29 States which are accredited by a regional accrediting body
30 recognized by the Council for Higher Education Accreditation
31 or the United States Department of Education Commission on

1 ~~Recognition of Postsecondary Accreditation.~~ Such foreign
2 education and training must have been received in an
3 institution or program of higher education officially
4 recognized by the government of the country in which it is
5 located as an institution or program to train students to
6 practice as professional marriage and family therapists or
7 psychotherapists. The burden of establishing that the
8 requirements of this provision have been met shall be upon the
9 applicant, and the board shall require documentation, such as,
10 but not limited to, an evaluation by a foreign equivalency
11 determination service, as evidence that the applicant's
12 graduate degree program and education were equivalent to an
13 accredited program in this country. An applicant with a
14 master's degree from a program which did not emphasize
15 marriage and family therapy may complete the coursework
16 requirement in a training institution fully accredited by the
17 Commission on Accreditation for Marriage and Family Therapy
18 Education recognized by the United States Department of
19 Education.

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

29 (b)1. Has a minimum of an earned master's degree from
30 a mental health counseling program accredited by the Council
31 for the Accreditation of Counseling and Related Educational

1 Programs that consists of at least 60 semester hours or 80
2 quarter hours of clinical and didactic instruction, including
3 a course in human sexuality and a course in substance abuse.
4 If the master's degree is earned from a program related to the
5 practice of mental health counseling that is not accredited by
6 the Council for the Accreditation of Counseling and Related
7 Educational Programs, then the coursework and practicum,
8 internship, or fieldwork must consist of at least 60 semester
9 hours or 80 quarter hours and meet the following requirements:
10 a. Thirty-three semester hours or 44 quarter hours of
11 graduate coursework, which must include a minimum of 3
12 semester hours or 4 quarter hours of graduate-level coursework
13 in each of the following 11 content areas: counseling theories
14 and practice; human growth and development; diagnosis and
15 treatment of psychopathology; human sexuality; group theories
16 and practice; individual evaluation and assessment; career and
17 lifestyle assessment; research and program evaluation; social
18 and cultural foundations; counseling in community settings;
19 and substance abuse. Courses in research, thesis or
20 dissertation work, practicums, internships, or fieldwork may
21 not be applied toward this requirement.
22 b. A minimum of 3 semester hours or 4 quarter hours of
23 graduate-level coursework in legal, ethical, and professional
24 standards issues in the practice of mental health counseling,
25 which includes goals, objectives, and practices of
26 professional counseling organizations, codes of ethics, legal
27 considerations, standards of preparation, certifications and
28 licensing, and the role identity and professional obligations
29 of mental health counselors. Courses in research, thesis or
30 dissertation work, practicums, internships, or fieldwork may
31 not be applied toward this requirement.

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

8 2. If the course title which appears on the
9 applicant's transcript does not clearly identify the content
10 of the coursework, the applicant shall be required to provide
11 additional documentation, including, but not limited to, a
12 syllabus or catalog description published for the course.

13
14 Education and training in mental health counseling must have
15 been received in an institution of higher education which at
16 the time the applicant graduated was: fully accredited by a
17 regional accrediting body recognized by the Council for Higher
18 Education Accreditation or the United States Department of
19 Education Commission on Recognition of Postsecondary
20 Accreditation; publicly recognized as a member in good
21 standing with the Association of Universities and Colleges of
22 Canada; or an institution of higher education located outside
23 the United States and Canada, which at the time the applicant
24 was enrolled and at the time the applicant graduated
25 maintained a standard of training substantially equivalent to
26 the standards of training of those institutions in the United
27 States which are accredited by a regional accrediting body
28 recognized by the Council for Higher Education Accreditation
29 or the United States Department of Education Commission on
30 Recognition of Postsecondary Accreditation. Such foreign
31 education and training must have been received in an

1 institution or program of higher education officially
2 recognized by the government of the country in which it is
3 located as an institution or program to train students to
4 practice as mental health counselors. The burden of
5 establishing that the requirements of this provision have been
6 met shall be upon the applicant, and the board shall require
7 documentation, such as, but not limited to, an evaluation by a
8 foreign equivalency determination service, as evidence that
9 the applicant's graduate degree program and education were
10 equivalent to an accredited program in this country.

11 Section 49. Subsection (6) of section 499.003, Florida
12 Statutes, is amended to read:

13 499.003 Definitions of terms used in ss.
14 499.001-499.081.--As used in ss. 499.001-499.081, the term:

15 (6) "Compressed medical gas" means any liquefied or
16 vaporized gas that is classified as a prescription drug or
17 medical device, whether it is alone or in combination with
18 other gases.

19 Section 50. Subsection (2) of section 499.007, Florida
20 Statutes, is amended to read:

21 499.007 Misbranded drug or device.--A drug or device
22 is misbranded:

23 (2) Unless, if in package form, it bears a label
24 containing:

25 (a) The name and place of business of the manufacturer
26 or distributor; ~~in addition, for a medicinal drug, as defined~~
27 ~~in s. 499.003, the label must contain the name and place of~~
28 ~~business of the manufacturer~~ of the finished dosage form of
29 the drug. For the purpose of this paragraph, the finished
30 dosage form of a medicinal drug is that form of the drug which
31 is, or is intended to be, dispensed or administered to the

1 patient and requires no further manufacturing or processing
2 other than packaging, reconstitution, and labeling; and

3 (b) An accurate statement of the quantity of the
4 contents in terms of weight, measure, or numerical count;
5 however, under this section, reasonable variations are
6 permitted, and the department shall establish by rule
7 exemptions for small packages.

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

25 Section 51. Paragraph (e) of subsection (1) of section
26 499.01, Florida Statutes, is amended to read:

27 499.01 Permits; applications; renewal; general
28 requirements.--

29 (1) Any person that is required under ss.
30 499.001-499.081 to have a permit must apply to the department
31 on forms furnished by the department.

1 (e) The department may not issue a permit for a
2 prescription drug manufacturer, prescription drug wholesaler,
3 or retail pharmacy wholesaler may not be issued to the address
4 of a health care entity, except as provided in this paragraph.
5 The department may issue a prescription drug manufacturer
6 permit to an applicant at the same address as a licensed
7 nuclear pharmacy that is a health care entity for the purpose
8 of manufacturing prescription drugs used in positron emission
9 tomography or other radiopharmaceuticals, as listed in a rule
10 adopted by the department pursuant to this paragraph. The
11 purpose of this exemption is to assure availability of
12 state-of-the-art pharmaceuticals that would pose a significant
13 danger to the public health if manufactured at a separate
14 establishment address other than the nuclear pharmacy from
15 which the prescription drugs are dispensed.

16 Section 52. Paragraph (b) of subsection (6) of section
17 499.0121, Florida Statutes, is amended to read:

18 499.0121 Storage and handling of prescription drugs;
19 recordkeeping.--The department shall adopt rules to implement
20 this section as necessary to protect the public health,
21 safety, and welfare. Such rules shall include, but not be
22 limited to, requirements for the storage and handling of
23 prescription drugs and for the establishment and maintenance
24 of prescription drug distribution records.

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

28 (b) Inventories and records must be made available for
29 inspection and photocopying by authorized federal, state, or
30 local officials for a period of 2 years following disposition
31

1 of the drugs or 3 years after the date the inventory or record
2 was created, whichever is longer.

3
4 For the purposes of this subsection, the term "authorized
5 distributors of record" means those distributors with whom a
6 manufacturer has established an ongoing relationship to
7 distribute the manufacturer's products.

8 Section 53. Section 501.122, Florida Statutes, is
9 transferred and renumbered as section 404.24, Florida
10 Statutes.

11 Section 54. Section 784.081, Florida Statutes, is
12 amended to read:

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

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

31

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

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

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

7 Section 55. Section 945.6038, Florida Statutes, is
8 created to read:

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

20 Section 56. Section 381.85, subsection (9) of section
21 381.0098, paragraph (f) of subsection (2) of section 385.103,
22 section 385.205, section 385.209, and subsection (7) of
23 section 445.033, Florida Statutes, are repealed.

24 Section 57. This act shall take effect July 1, 2003.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 2738
4 The Committee Substitute differs from SB 2738 in the following
5 ways:
6 The procedure for investigating emergency medical services
7 complaints is not changed.
8 Children's Medical Services physicians are not granted
9 sovereign immunity.
10 The Agency for Health Care Administration must, rather than
11 may, issue a request for proposals to implement a specialty
12 prepaid health plan for Medicaid-eligible recipients who have
13 HIV/AIDS. The health plan would not have to be licensed as a
14 health maintenance organization. The agency could bid on a
15 statewide basis, rather than a county or regional basis.
16 It will be grounds for discipline when an impaired health care
17 practitioner fails to comply with the terms of a treatment
18 program and is terminated from the program for failure to
19 comply.
20 Professional boards and the Department of Health are not
21 required to develop an electronic system for tracking
22 continuing education.
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