

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

309-2537-03

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; creating s. 154.317,  
8 F.S.; establishing reimbursement procedures and  
9 guidelines for the reimbursement of trauma  
10 centers by counties; providing for the payment  
11 into the Medicaid Grants and Donations Trust  
12 Fund and the use of certain funds; repealing s.  
13 381.85, s. 381.0098(9), s. 385.103(2)(f), ss.  
14 385.205 and 385.209, and s. 445.033(7), F.S;  
15 relating to biomedical and social research,  
16 obsolete provisions concerning biomedical  
17 waste, rulemaking authority of the department,  
18 programs in kidney disease control,  
19 dissemination of information on cholesterol  
20 health risks, and an exemption for certain  
21 evaluations conducted by Workforce Florida,  
22 Inc.; providing an effective date.

23

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

25

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

28 17.41 Department of Banking and Finance Tobacco  
29 Settlement Clearing Trust Fund.--

30 (5) The department shall disburse funds, by  
31 nonoperating transfer, from the Tobacco Settlement Clearing

1 Trust Fund to the tobacco settlement trust funds of the  
2 various agencies or the Biomedical Research Trust Fund in the  
3 Department of Health, as appropriate, in amounts equal to the  
4 annual appropriations made from those agencies' trust funds in  
5 the General Appropriations Act.

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

9 20.43 Department of Health.--There is created a  
10 Department of Health.

11 (3) The following divisions of the Department of  
12 Health are established:

13 (f) Division of Emergency Medical Operations Services  
14 ~~and Community Health Resources.~~

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

16 (k) Division of Disability Determinations.

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

20 154.01 County health department delivery system.--

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

24 (a) "Environmental health services" are those services  
25 which are organized and operated to protect the health of the  
26 general public by monitoring and regulating activities in the  
27 environment which may contribute to the occurrence or  
28 transmission of disease. Environmental health services shall  
29 be supported by available federal, state, and local funds and  
30 shall include those services mandated on a state or federal  
31 level. Examples of environmental health services include, but

1 are not limited to, food hygiene, investigations of elevated  
2 blood lead levels, safe drinking water supply, sewage and  
3 solid waste disposal, swimming pools, group care facilities,  
4 migrant labor camps, toxic material control, radiological  
5 health, occupational health, and entomology.

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

18 (a) All revenue sources, including federal, state, and  
19 local general revenue, fees, and other cash contributions,  
20 which shall be used by the county health department for county  
21 health department services;

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

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

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

31



1 (e) The estimated number of staff positions (full-time  
2 equivalent positions) who will work in each type of service  
3 area; and

4 (f) The estimated expenditures for each type of  
5 service and for each level of service.  
6

7 The contract shall also provide for financial and service  
8 reporting for each type of service according to standard  
9 service and reporting procedures established by the  
10 department.

11 Section 4. Section 216.342, Florida Statutes, is  
12 created to read:

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

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

23 381.0011 Duties and powers of the Department of  
24 Health.--It is the duty of the Department of Health to:

25 (12) Maintain ~~Cooperate with other departments, local~~  
26 ~~officials, and private organizations in developing and~~  
27 ~~implementing~~ a statewide injury prevention and control  
28 program.

29 Section 6. Paragraph (d) of subsection (3) of section  
30 381.004, Florida Statutes, is amended to read:

31 381.004 HIV testing.--

1           (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED  
2 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

3           (d) No test result shall be determined as positive,  
4 and no positive test result shall be revealed to any person,  
5 without corroborating or confirmatory tests being conducted  
6 except in the following situations:

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

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

27           3. A positive rapid test result is preliminary and may  
28 be released in accordance with the manufacturer's  
29 instructions, as approved by the United States Food and Drug  
30 Administration. A positive rapid test result shall be subject  
31

1 to confirmatory testing for purposes of diagnosis and  
2 reporting of HIV infection.

3  
4 Results shall be communicated to the patient according to  
5 statute regardless of the outcome. Except as provided in this  
6 section, test results are confidential and exempt from the  
7 provisions of s. 119.07(1).

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

11 381.0065 Onsite sewage treatment and disposal systems;  
12 regulation.--

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

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

1 considered a permanent nontidal surface water body. The  
2 boundary of a permanent nontidal surface water body shall be  
3 the mean annual flood line.

4 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person  
5 may not construct, repair, modify, abandon, or operate an  
6 onsite sewage treatment and disposal system without first  
7 obtaining a permit approved by the department. The department  
8 may issue permits to carry out this section, but shall not  
9 make the issuance of such permits contingent upon prior  
10 approval by the Department of Environmental Protection. A  
11 construction permit is valid for 18 months from the issuance  
12 date and may be extended by the department for one 90-day  
13 period under rules adopted by the department. A repair permit  
14 is valid for 90 days from the date of issuance. An operating  
15 permit must be obtained prior to the use of any aerobic  
16 treatment unit or if the establishment generates commercial  
17 waste. Buildings or establishments that use an aerobic  
18 treatment unit or generate commercial waste shall be inspected  
19 by the department at least annually to assure compliance with  
20 the terms of the operating permit. The operating permit for a  
21 commercial wastewater system is valid for 1 year from the date  
22 of issuance and must be renewed annually. The operating permit  
23 for an aerobic treatment unit is valid for 2 years from the  
24 date of issuance and must be renewed every 2 years. If all  
25 information pertaining to the siting, location, and  
26 installation conditions or repair of an onsite sewage  
27 treatment and disposal system remains the same, a construction  
28 or repair permit for the onsite sewage treatment and disposal  
29 system may be transferred to another person, if the transferee  
30 files, within 60 days after the transfer of ownership, an  
31 amended application providing all corrected information and

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

27 (j) An onsite sewage treatment and disposal system for  
28 a single-family residence that is designed by a professional  
29 engineer registered in the state and certified by such  
30 engineer as complying with performance criteria adopted by the  
31

1 department must be approved by the department subject to the  
2 following:

3         1. The performance criteria applicable to  
4 engineer-designed systems must be limited to those necessary  
5 to ensure that such systems do not adversely affect the public  
6 health or significantly degrade the groundwater or surface  
7 water. Such performance criteria shall include consideration  
8 of the quality of system effluent, the proposed total sewage  
9 flow per acre, wastewater treatment capabilities of the  
10 natural or replaced soil, water quality classification of the  
11 potential surface-water-receiving body, and the structural and  
12 maintenance viability of the system for the treatment of  
13 domestic wastewater. However, performance criteria shall  
14 address only the performance of a system and not a system's  
15 design.

16         2. The technical review and advisory panel shall  
17 assist the department in the development of performance  
18 criteria applicable to engineer-designed systems. ~~Workshops~~  
19 ~~on the development of the rules delineating such criteria~~  
20 ~~shall commence not later than September 1, 1996, and the~~  
21 ~~department shall advertise such rules for public hearing no~~  
22 ~~later than October 1, 1997.~~

23         3. A person electing to utilize an engineer-designed  
24 system shall, upon completion of the system design, submit  
25 such design, certified by a registered professional engineer,  
26 to the county health department. The county health department  
27 may utilize an outside consultant to review the  
28 engineer-designed system, with the actual cost of such review  
29 to be borne by the applicant. Within 5 working days after  
30 receiving an engineer-designed system permit application, the  
31 county health department shall request additional information

1 | if the application is not complete. Within 15 working days  
2 | after receiving a complete application for an  
3 | engineer-designed system, the county health department either  
4 | shall issue the permit or, if it determines that the system  
5 | does not comply with the performance criteria, shall notify  
6 | the applicant of that determination and refer the application  
7 | to the department for a determination as to whether the system  
8 | should be approved, disapproved, or approved with  
9 | modification. The department engineer's determination shall  
10 | prevail over the action of the county health department. The  
11 | applicant shall be notified in writing of the department's  
12 | determination and of the applicant's rights to pursue a  
13 | variance or seek review under the provisions of chapter 120.

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

28 |         5. If an engineer-designed system fails to properly  
29 | function or fails to meet performance standards, the system  
30 | shall be re-engineered, if necessary, to bring the system into  
31 | compliance with the provisions of this section.

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

4           381.0066 Onsite sewage treatment and disposal systems;  
5 fees.--

6           (2) The minimum fees in the following fee schedule  
7 apply until changed by rule by the department within the  
8 following limits:

9           (k) Research: An additional \$5 fee shall be added to  
10 each new system construction permit issued ~~during fiscal years~~  
11 ~~1996-2003~~ to be used for onsite sewage treatment and disposal  
12 system research, demonstration, and training projects. Five  
13 dollars from any repair permit fee collected under this  
14 section shall be used for funding the hands-on training  
15 centers described in s. 381.0065(3)(j).

16  
17 The funds collected pursuant to this subsection must be  
18 deposited in a trust fund administered by the department, to  
19 be used for the purposes stated in this section and ss.  
20 381.0065 and 381.00655.

21           Section 9. Paragraph (a) of subsection (2) of section  
22 381.0072, Florida Statutes, is amended to read:

23           381.0072 Food service protection.--It shall be the  
24 duty of the Department of Health to adopt and enforce  
25 sanitation rules consistent with law to ensure the protection  
26 of the public from food-borne illness. These rules shall  
27 provide the standards and requirements for the storage,  
28 preparation, serving, or display of food in food service  
29 establishments as defined in this section and which are not  
30 permitted or licensed under chapter 500 or chapter 509.

31           (2) DUTIES.--



1           (a) The department shall adopt rules, including  
2 definitions of terms which are consistent with law prescribing  
3 minimum sanitation standards and manager certification  
4 requirements as prescribed in s. 509.039, and which shall be  
5 enforced in food service establishments as defined in this  
6 section. The sanitation standards must address the  
7 construction, operation, and maintenance of the establishment;  
8 lighting, ventilation, laundry rooms, lockers, use and storage  
9 of toxic materials and cleaning compounds, and first-aid  
10 supplies; plan review; design, construction, installation,  
11 location, maintenance, sanitation, and storage of food  
12 equipment and utensils; employee training, health, hygiene,  
13 and work practices; food supplies, preparation, storage,  
14 transportation, and service, including access to the areas  
15 where food is stored or prepared; and sanitary facilities and  
16 controls, including water supply and sewage disposal; plumbing  
17 and toilet facilities; garbage and refuse collection, storage,  
18 and disposal; and vermin control. Public and private schools  
19 if the food service is operated by school employees, hospitals  
20 licensed under chapter 395, nursing homes licensed under part  
21 II of chapter 400, child care facilities as defined in s.  
22 402.301, ~~and~~ residential facilities colocated with a nursing  
23 home or hospital if all food is prepared in a central kitchen  
24 that complies with nursing or hospital regulations, and bars  
25 and lounges shall be exempt from the rules developed for  
26 manager certification. The department shall administer a  
27 comprehensive inspection, monitoring, and sampling program to  
28 ensure such standards are maintained. With respect to food  
29 service establishments permitted or licensed under chapter 500  
30 or chapter 509, the department shall assist the Division of  
31 Hotels and Restaurants of the Department of Business and

1 Professional Regulation and the Department of Agriculture and  
2 Consumer Services with rulemaking by providing technical  
3 information.

4 Section 10. Section 381.104, Florida Statutes, is  
5 created to read:

6 381.104 Employee health and wellness program.--

7 (1) Each state agency may allocate, from existing  
8 resources, the necessary funding and facilities for the  
9 development and maintenance of an employee health and wellness  
10 program and may seek additional funding from other sources to  
11 support the program for the benefit of the agency's employees.

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

17 (3) Each state agency may establish an employee health  
18 and wellness coordinator and an advisory committee to guide  
19 the development of an operational plan, including the  
20 collection of data, to plan events and activities, and to  
21 oversee program evaluation and the allocation of funds.

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

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

1           (6) Each state agency participating in the program  
2 must use an employee health and wellness activity agreement  
3 form, which must be completed and signed by the employee,  
4 signed by the employee's immediate supervisor, and kept in the  
5 employee's personnel file prior to participating in any  
6 activity. This form shall be developed by the Department of  
7 Health. It is the responsibility of the employee to complete  
8 the form, including the time of the workday the wellness  
9 activity will be observed and on which days of the week,  
10 obtain the signature of his or her supervisor, and submit the  
11 form to the personnel office. The employee must submit a  
12 revised employee health and wellness activity agreement form  
13 prior to any change in the employee's activities.

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

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

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

21           (a) Enter into an agreement or contract with other  
22 state agencies, including a state-supported college or  
23 university, or with a local or federal department,  
24 institution, commission, agency, or private enterprise to  
25 present, collaborate, or participate jointly in health or  
26 fitness education or activity programs.

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

1           (c) Review and offer recommendations on environmental  
2 and social support policies that pertain to improving the  
3 health of employees.

4           (d) Link the employee health and wellness program to  
5 programs such as the employee assistance program and other  
6 related programs to help employees balance work and family.

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

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

13           (11) The Department of Health shall provide model  
14 program guidelines for the employee health and wellness  
15 program and shall provide ongoing technical assistance to  
16 other state agencies to assist in developing the agency's  
17 employee health and wellness program.

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

20           381.86 Review Council for Human Subjects.--

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

29           (2) Consistent with federal requirements the Secretary  
30 of Health shall determine and appoint the membership on the  
31 council and designate the chair.

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

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

6           (5) The department shall charge for costs incurred by  
7 the council for research oversight according to a fee  
8 schedule, except that fees shall be waived for any student who  
9 is a candidate for a degree at a university located in this  
10 state. The fee schedule shall provide for fees for initial  
11 review, amendments, and continuing review. The department  
12 shall adopt rules necessary to comply with federal  
13 requirements and this section. Such rules shall also prescribe  
14 procedures for requesting council review.

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

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

21           381.89 Regulation of tanning facilities.--

22           (3)

23           (b) The department shall establish procedures for the  
24 issuance and annual renewal of licenses and shall establish  
25 annual license and renewal fees and late payment fees in an  
26 amount necessary to cover the expenses of administering this  
27 section. Annual license and renewal fees may not ~~shall be not~~  
28 ~~less than \$125 nor~~ more than \$250 per tanning device and a  
29 maximum total fee per individual tanning facility may be set  
30 by rule. ~~Effective October 1, 1991, the fee amount shall be~~  
31 ~~the minimum fee proscribed in this paragraph and such fee~~

1 ~~amount shall remain in effect until the effective date of a~~  
2 ~~fee schedule adopted by the department.~~

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

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

10 381.90 Health Information Systems Council; legislative  
11 intent; creation, appointment, duties.--

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

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

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

17 (c) The Secretary of ~~the Department of~~ Children and  
18 Family Services;

19 (d) The Secretary of Health Care Administration;

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

21 (f) The Attorney General;

22 (g) The Executive Director of the Correctional Medical  
23 Authority;

24 (h) Two members representing county health  
25 departments, one from a small county and one from a large  
26 county, appointed by the Governor;

27 (i) A representative from the Florida Association of  
28 Counties;

29 (j) The Chief Financial Officer ~~State Treasurer and~~  
30 ~~Insurance Commissioner~~;

31

1 (k) A representative from the Florida Healthy Kids  
2 Corporation;

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

5 (m) The Commissioner of Education;

6 (n) The Secretary of ~~the Department of~~ Elderly  
7 Affairs; and

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

10

11 Representatives of the Federal Government may serve without  
12 voting rights.

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

15 (a) By June ~~March~~ 1 of each year, to develop and  
16 approve a strategic plan pursuant to the requirements set  
17 forth in s. 186.022~~(9)~~. Copies of the plan shall be  
18 transmitted electronically or in writing to the Executive  
19 Office of the Governor, the Speaker of the House of  
20 Representatives, and the President of the Senate.

21 Section 14. Subsections (1) and (2), paragraphs (f)  
22 and (g) of subsection (3), and subsection (5) of section  
23 383.14, Florida Statutes, are amended to read:

24 383.14 Screening for metabolic disorders, other  
25 hereditary and congenital disorders, and environmental risk  
26 factors.--

27 (1) SCREENING REQUIREMENTS.--To help ensure access to  
28 the maternal and child health care system, the Department of  
29 Health shall promote the screening of all newborns ~~infants~~  
30 born in Florida for phenylketonuria and other metabolic,  
31 hereditary, and congenital disorders known to result in

1 significant impairment of health or intellect, as screening  
2 programs accepted by current medical practice become available  
3 and practical in the judgment of the department. The  
4 department shall also promote the identification and screening  
5 of all newborns ~~infants~~ born in this state and their families  
6 for environmental risk factors such as low income, poor  
7 education, maternal and family stress, emotional instability,  
8 substance abuse, and other high-risk conditions associated  
9 with increased risk of infant mortality and morbidity to  
10 provide early intervention, remediation, and prevention  
11 services, including, but not limited to, parent support and  
12 training programs, home visitation, and case management.  
13 Identification, perinatal screening, and intervention efforts  
14 shall begin prior to and immediately following the birth of  
15 the child by the attending health care provider. Such efforts  
16 shall be conducted in hospitals, perinatal centers, county  
17 health departments, school health programs that provide  
18 prenatal care, and birthing centers, and reported to the  
19 Office of Vital Statistics.

20 (a) Prenatal screening.--The department shall develop  
21 a multilevel screening process that includes a risk assessment  
22 instrument to identify women at risk for a preterm birth or  
23 other high-risk condition. The primary health care provider  
24 shall complete the risk assessment instrument and report the  
25 results to the Office of Vital Statistics so that the woman  
26 may immediately be notified and referred to appropriate  
27 health, education, and social services.

28 (b) Postnatal screening.--A risk factor analysis using  
29 the department's designated risk assessment instrument shall  
30 also be conducted as part of the medical screening process  
31 upon the birth of a child and submitted to the department's



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

29 (2) RULES.--After consultation with the Genetics and  
30 Newborn ~~Infant~~ Screening Advisory Council, the department  
31 shall adopt and enforce rules requiring that every newborn

1 ~~infant~~ born in this state shall, prior to becoming 2 weeks of  
2 age, be subjected to a test for phenylketonuria and, at the  
3 appropriate age, be tested for such other metabolic diseases  
4 and hereditary or congenital disorders as the department may  
5 deem necessary from time to time. After consultation with the  
6 State Coordinating Council for School Readiness Programs, the  
7 department shall also adopt and enforce rules requiring every  
8 newborn ~~infant~~ born in this state to be screened for  
9 environmental risk factors that place children and their  
10 families at risk for increased morbidity, mortality, and other  
11 negative outcomes. The department shall adopt such additional  
12 rules as are found necessary for the administration of this  
13 section, including rules providing definitions of terms, rules  
14 relating to the methods used and time or times for testing as  
15 accepted medical practice indicates, rules relating to  
16 charging and collecting fees for screenings authorized by this  
17 section, and rules requiring mandatory reporting of the  
18 results of tests and screenings for these conditions to the  
19 department.

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

23 (f) Promote the availability of genetic studies and  
24 counseling in order that the parents, siblings, and affected  
25 newborns ~~infants~~ may benefit from available knowledge of the  
26 condition.

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

29 1. A fee of \$20 will be charged for each live birth,  
30 as recorded by the Office of Vital Statistics, occurring in a  
31 hospital licensed under part I of chapter 395 or a birth

1 center licensed under s. 383.305, up to 3,000 live births per  
2 licensed hospital per year or over 60 births per birth center  
3 per year. The department shall calculate the annual  
4 assessment for each hospital and birth center, and this  
5 assessment must be paid in equal amounts quarterly. Quarterly,  
6 the department shall generate and mail to each hospital and  
7 birth center a statement of the amount due.

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

22  
23 All provisions of this subsection must be coordinated with the  
24 provisions and plans established under this chapter, chapter  
25 411, and Pub. L. No. 99-457.

26         (5) ADVISORY COUNCIL.--There is established a Genetics  
27 and Newborn ~~Infant~~ Screening Advisory Council made up of 12  
28 members appointed by the Secretary of Health. The council  
29 shall be composed of two consumer members, three practicing  
30 pediatricians, at least one of whom must be a pediatric  
31 hematologist, one representative from each of the four medical

1 schools in the state, the Secretary of Health or his or her  
2 designee, one representative from the Department of Health  
3 representing Children's Medical Services, and one  
4 representative from the Developmental Disabilities Program  
5 Office of the Department of Children and Family Services. All  
6 appointments shall be for a term of 4 years. The chairperson  
7 of the council shall be elected from the membership of the  
8 council and shall serve for a period of 2 years. The council  
9 shall meet at least semiannually or upon the call of the  
10 chairperson. The council may establish ad hoc or temporary  
11 technical advisory groups to assist the council with specific  
12 topics which come before the council. Council members shall  
13 serve without pay. Pursuant to the provisions of s. 112.061,  
14 the council members are entitled to be reimbursed for per diem  
15 and travel expenses. It is the purpose of the council to  
16 advise the department about:

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

19 (b) Procedures for collection and transmission of  
20 specimens and recording of results; and

21 (c) Methods whereby screening programs and genetics  
22 services for children now provided or proposed to be offered  
23 in the state may be more effectively evaluated, coordinated,  
24 and consolidated.

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

27 384.25 Reporting required.--

28 (1) Each person who makes a diagnosis of or treats a  
29 person with a sexually transmissible disease and each  
30 laboratory that performs a test for a sexually transmissible  
31 disease which concludes with a positive result shall report

1 such facts as may be required by the department by rule,  
2 within a time period as specified by rule of the department,  
3 but in no case to exceed 2 weeks.

4 (a)~~(2)~~ The department shall adopt rules specifying the  
5 information required in and a minimum time period for  
6 reporting a sexually transmissible disease. In adopting such  
7 rules, the department shall consider the need for information,  
8 protections for the privacy and confidentiality of the  
9 patient, and the practical ability of persons and laboratories  
10 to report in a reasonable fashion. To ensure the  
11 confidentiality of persons infected with the human  
12 immunodeficiency virus (HIV), reporting of HIV infection and  
13 acquired immune deficiency syndrome (AIDS) must be conducted  
14 using a system ~~the HIV/AIDS Reporting System (HARS)~~ developed  
15 by the Centers for Disease Control and Prevention of the  
16 United States Public Health Service or an equivalent system.

17 (b)~~(3)~~ The department shall require reporting of  
18 ~~physician diagnosed~~ cases of AIDS and HIV infection consistent  
19 with based upon diagnostic criteria for surveillance-case  
20 definition for HIV/AIDS reporting from the Centers for Disease  
21 Control and Prevention.

22 (c)~~(4)~~ The department shall ~~may~~ require physician and  
23 laboratory reporting of HIV infection. ~~However, only reports~~  
24 ~~of HIV infection identified on or after the effective date of~~  
25 ~~the rule developed by the department pursuant to this~~  
26 ~~subsection shall be accepted.~~ The Reporting may not affect or  
27 relate to anonymous HIV testing programs conducted pursuant to  
28 s. 381.004(4) ~~or to university-based medical research~~  
29 ~~protocols as determined by the department.~~

30 (2)~~(5)~~ After notification of the test subject ~~under~~  
31 ~~subsection (4)~~, the department may, with the consent of the

1 test subject, notify school superintendents of students and  
2 school personnel whose HIV tests are positive.

3 (3) The department shall adopt rules requiring each  
4 physician and laboratory to report any newborn or infant up to  
5 18 months of age who has been exposed to HIV. The rules may  
6 include the method and time period for reporting, information  
7 to be included in the report, requirements for enforcement,  
8 and followup activities by the department.

9 ~~(4)(6)~~ The department shall by February 1 of each year  
10 submit to the Legislature an annual report relating to all  
11 information obtained pursuant to this section.

12 ~~(5)(7)~~ Each person who violates the provisions of this  
13 section or the rules adopted hereunder may be fined by the  
14 department up to \$500 for each offense. The department shall  
15 report each violation of this section to the regulatory agency  
16 responsible for licensing each health care professional and  
17 each laboratory to which these provisions apply.

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

20 385.204 Insulin; purchase, distribution; penalty for  
21 fraudulent application for and obtaining of insulin.--

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

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

3           391.021 Definitions.--When used in this act, unless  
4 the context clearly indicates otherwise:

5           (2) "Children with special health care needs" means  
6 those children under the age of 21 years who have, or are at  
7 increased risk for, chronic physical, developmental,  
8 behavioral, or emotional conditions and who also require  
9 health care and related services of a type or amount beyond  
10 that which is generally required by children ~~whose serious or~~  
11 ~~chronic physical or developmental conditions require extensive~~  
12 ~~preventive and maintenance care beyond that required by~~  
13 ~~typically healthy children. Health care utilization by these~~  
14 ~~children exceeds the statistically expected usage of the~~  
15 ~~normal child adjusted for chronological age. These children~~  
16 ~~often need complex care requiring multiple providers,~~  
17 ~~rehabilitation services, and specialized equipment in a number~~  
18 ~~of different settings.~~

19           Section 18. Section 391.025, Florida Statutes, is  
20 amended to read:

21           391.025 Applicability and scope.--

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

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

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

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

30           (1)(2) The Children's Medical Services program  
31 consists of the following components:

1 (a) The newborn ~~infant metabolic~~ screening program  
2 established in s. 383.14.

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

5 (c) A federal or state program authorized by the  
6 Legislature.

7 (d) The developmental evaluation and intervention  
8 program, including the infants and toddlers early intervention  
9 program.

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

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

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

20 391.029 Program eligibility.--

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

23 (a) A high-risk pregnant female who is eligible for  
24 Medicaid.

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

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

30  
31



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

4           (a)(d) Children A child with special health care needs  
5 from birth to age 21 years whose family income is above  
6 financial eligibility requirements under Title XXI of the  
7 Social Security Act and whose projected annual cost of care  
8 adjusts the family income to Medicaid financial criteria. In  
9 cases where the family income is adjusted based on a projected  
10 annual cost of care, the family shall participate financially  
11 in the cost of care based on criteria established by the  
12 department.

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

17  
18 ~~The department may continue to serve certain children with~~  
19 ~~special health care needs who are 21 years of age or older and~~  
20 ~~who were receiving services from the program prior to April 1,~~  
21 ~~1998. Such children may be served by the department until~~  
22 ~~July 1, 2000.~~

23           Section 20. Subsection (4) is added to section  
24 391.035, Florida Statutes, to read:

25           391.035 Provider qualifications.--

26           (4) Notwithstanding any other provision of law, the  
27 department may contract with health care providers licensed in  
28 another state to provide health services to participants in  
29 the Children's Medical Services program when necessary due to  
30 an emergency, the availability of specialty services, or a  
31 greater convenience to the participant for receiving timely

1 and effective health care services. The department may adopt  
2 rules to administer this subsection.

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

5 391.055 Service delivery systems.--

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

12 Section 22. Section 391.309, Florida Statutes, is  
13 created to read:

14 391.309 Florida Infants and Toddlers Early  
15 Intervention Program.--The Department of Health may implement  
16 and administer Part C of the federal Individuals with  
17 Disabilities Education Act (IDEA), which shall be known as the  
18 Florida Infants and Toddlers Early Intervention Program.

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

26 (2) The department shall ensure that no early  
27 intervention provider participating in the program provides  
28 both core and required services without a waiver from the  
29 Deputy Secretary for Children's Medical Services or his or her  
30 designee, as expressed in the contract between the department  
31 and the provider. For purposes of this section, "core"

1 services are limited to child find and referral services,  
2 family support planning, service coordination, and  
3 multidisciplinary evaluation.

4 Section 23. Section 394.9151, Florida Statutes, is  
5 amended to read:

6 394.9151 Contract authority.--The Department of  
7 Children and Family Services may contract with a private  
8 entity or state agency for use of and operation of facilities  
9 to comply with the requirements of this act. The department of  
10 ~~Children and Family Services~~ may also contract with the  
11 Correctional Privatization Commission as defined in chapter  
12 957 to issue a request for proposals and monitor contract  
13 compliance for these services. The department may enter into  
14 an agreement or may contract with the Correctional Medical  
15 Authority, as defined in chapter 945, to conduct surveys of  
16 medical services and to provide medical quality assurance and  
17 improvement assistance at secure confinement and treatment  
18 facilities for persons confined under this chapter.

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

21 395.404 Review of trauma registry data;  
22 confidentiality and limited release.--

23 (2) Notwithstanding the provisions of s. 381.74, each  
24 trauma center and acute care hospital shall submit severe  
25 disability and head-injury registry data to the department as  
26 provided by rule. Each trauma center and acute care hospital  
27 shall continue to provide initial notification of any person  
28 who has a moderate-to-severe brain or spinal cord injury  
29 ~~persons who have severe disabilities and head injuries to the~~  
30 brain and spinal cord injury central registry of the  
31 Department of Health within timeframes provided in s. 381.74

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

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

10 401.113 Department; powers and duties.--

11 (2)(a) The department shall annually dispense funds  
12 contained in the Emergency Medical Services Trust Fund as  
13 follows:

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

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

30 a.1. At least 90 percent of these moneys must be made  
31 available on a cash matching basis. A grant made under this

1 subparagraph must be contingent upon the recipient providing a  
2 cash sum equal to 25 percent of the total department-approved  
3 grant amount.

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

12  
13 The department shall develop procedures and standards for  
14 grant disbursement under this paragraph based on the need for  
15 emergency medical services, the requirements of the population  
16 to be served, and the objectives of the state emergency  
17 medical services plan.

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

24 (b) Notwithstanding any other law to the contrary, any  
25 interest generated from grant funds may be expended by the  
26 grantee on the budget items approved by the department.  
27 Grantees receiving funds, which require a match, may not  
28 expend interest funds until all match requirements have been  
29 satisfied. Such grantees shall return to the department any  
30 interest and grant funds not expended at the conclusion of the

31

1 grant period. All such returned funds shall be used by the  
2 department for additional matching grant awards.

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

5 401.211 Legislative intent.--The Legislature  
6 recognizes that the systematic provision of emergency medical  
7 services saves lives and reduces disability associated with  
8 illness and injury. In addition, that system of care must be  
9 equally capable of assessing, treating, and transporting  
10 children, adults, and frail elderly persons. Further, it is  
11 the intent of the Legislature to encourage the development and  
12 maintenance of emergency medical services because such  
13 services are essential to the health and well-being of all  
14 citizens of the state. The Legislature also recognizes that  
15 the establishment of a statewide comprehensive injury  
16 prevention program supports state and community health systems  
17 by further enhancing the total delivery system of emergency  
18 medical services and reduces injuries for all persons.The  
19 purpose of this part is to protect and enhance the public  
20 health, welfare, and safety through the establishment of an  
21 emergency medical services state plan, an advisory council, a  
22 comprehensive statewide injury prevention and control program,  
23 minimum standards for emergency medical services personnel,  
24 vehicles, services and medical direction, and the  
25 establishment of a statewide inspection program created to  
26 monitor the quality of patient care delivered by each licensed  
27 service and appropriately certified personnel.

28 Section 27. Section 401.243, Florida Statutes, is  
29 created to read:

30 401.243 Injury prevention and control.--The injury  
31 prevention and control program is responsible for the

1 statewide coordination and expansion of injury prevention and  
2 control activities. The duties of the department may include,  
3 but not be limited to, data collection, surveillance,  
4 education, and the promotion of interventions. The department  
5 may:

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

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

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

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

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

22 401.27 Personnel; standards and certification.--

23 (3) Any person who desires to be certified or  
24 recertified as an emergency medical technician or paramedic  
25 must apply to the department under oath on forms provided by  
26 the department which shall contain such information as the  
27 department reasonably requires, which may include affirmative  
28 evidence of ability to comply with applicable laws and rules.  
29 The department may accept electronically submitted  
30 applications. If an application is submitted electronically,  
31 the department may require supplemental materials, including

1 an original signature of the applicant and documentation  
2 verifying eligibility for certification to be submitted in a  
3 nonelectronic format.The department shall determine whether  
4 the applicant meets the requirements specified in this section  
5 and in rules of the department and shall issue a certificate  
6 to any person who meets such requirements.

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

9 (a) Have completed an appropriate training course as  
10 follows:

11 1. For an emergency medical technician, an emergency  
12 medical technician training course equivalent to the most  
13 recent emergency medical technician basic training course of  
14 the United States Department of Transportation as approved by  
15 the department;

16 2. For a paramedic, a paramedic training program  
17 equivalent to the most recent paramedic course of the United  
18 States Department of Transportation as approved by the  
19 department;

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

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

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

27 (e)1. For an emergency medical technician, hold either  
28 a current American Heart Association cardiopulmonary  
29 resuscitation course card or an American Red Cross  
30 cardiopulmonary resuscitation course card or its equivalent as  
31 defined by department rule;



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

5           (f) Submit the certification fee and the nonrefundable  
6 examination fee prescribed in s. 401.34, which examination fee  
7 will be required for each examination administered to an  
8 applicant; and

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

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

1 attorney, may review examination questions and answers in  
2 accordance with s. 119.07(3)(a).

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

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

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

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

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

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

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

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

25           1. Section 415.111, relating to abuse, neglect, or  
26 exploitation of a vulnerable adult.

27           2. Section 782.04, relating to murder.

28           3. Section 782.07, relating to manslaughter,  
29 aggravated manslaughter of an elderly person or disabled  
30 adult, or aggravated manslaughter of a child.

31           4. Section 782.071, relating to vehicular homicide.

- 1           5. Section 782.09, relating to killing of an unborn  
2 child by injury to the mother.
- 3           6. Section 784.011, relating to assault, if the victim  
4 of the offense was a minor.
- 5           7. Section 784.021, relating to aggravated assault.
- 6           8. Section 784.03, relating to battery, if the victim  
7 of the offense was a minor.
- 8           9. Section 784.045, relating to aggravated battery.
- 9           10. Section 784.01, relating to kidnapping.
- 10          11. Section 787.02, relating to false imprisonment.
- 11          12. Section 794.011, relating to sexual battery.
- 12          13. Former s. 794.041, relating to prohibited acts of  
13 persons in familial or custodial authority.
- 14          14. Chapter 796, relating to prostitution.
- 15          15. Section 798.02, relating to lewd and lascivious  
16 behavior.
- 17          16. Chapter 800, relating to lewdness and indecent  
18 exposure.
- 19          17. Section 806.01, relating to arson.
- 20          18. Chapter 812, relating to theft, robbery, and  
21 related crimes, only if the offense was a felony.
- 22          19. Section 817.563, relating to fraudulent sale of  
23 controlled substances, only if the offense was a felony.
- 24          20. Section 825.102, relating to abuse, aggravated  
25 abuse, or neglect of an elderly person or disabled adult.
- 26          21. Section 825.1025, relating to lewd or lascivious  
27 offenses committed upon or in the presence of an elderly  
28 person or disabled adult.
- 29          22. Section 825.103, relating to exploitation of an  
30 elderly person or disabled adult, if the offense was a felony.
- 31          23. Section 826.04, relating to incest.

1           24. Section 827.03, relating to child abuse,  
2 aggravated child abuse, or neglect of a child.

3           25. Section 827.04, relating to contributing to the  
4 delinquency or dependency of a child.

5           26. Former s. 827.05, relating to negligent treatment  
6 of children.

7           27. Section 827.071, relating to sexual performance by  
8 a child.

9           28. Chapter 847, relating to obscene literature.

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

13           30. An act that constitutes domestic violence, as  
14 defined in s. 741.28.

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

18           1. Felonies committed more than 3 years prior to the  
19 date of disqualification;

20           2. Misdemeanors prohibited under any of the Florida  
21 Statutes cited in this subsection or under similar statutes of  
22 other jurisdictions;

23           3. Offenses that were felonies when committed but that  
24 are now misdemeanors;

25           4. Findings of delinquency; or

26           5. Commissions of acts of domestic violence as defined  
27 in s. 741.28.

28           (h) For the department to grant an exemption to any  
29 applicant under this section, the applicant must demonstrate  
30 by clear and convincing evidence that the applicant should not  
31 be disqualified from certification or renewed certification.

1 Applicants seeking an exemption have the burden of setting  
2 forth sufficient evidence of rehabilitation, including, but  
3 not limited to, the circumstances surrounding the criminal  
4 incident for which an exemption is sought, the time period  
5 that has elapsed since the incident, the nature of the harm  
6 caused to the victim, and the history of the applicant since  
7 the incident, or any other evidence or circumstances  
8 indicating that the applicant will not present a danger if the  
9 certification or renewed certification is granted. To make the  
10 necessary demonstration, the applicant must request an  
11 exemption and submit the required information supporting that  
12 request at the time of application so that the department may  
13 make a determination in accordance with this section.

14 (i) Denial of certification or renewed certification  
15 under paragraph (f) may not be removed from, nor may an  
16 exemption be granted to, any applicant who is found guilty of,  
17 regardless of plea or adjudication, any felony covered by  
18 paragraph (f) solely by reason of any pardon, executive  
19 clemency, or restoration of civil rights.

20 (k) If an applicant has undergone a criminal history  
21 check as a condition of employment or licensing under any  
22 Florida Statute within 2 years prior to application under this  
23 section, the applicant may submit a copy of the official  
24 Florida criminal history record or national criminal history  
25 record produced under that requirement in lieu of the  
26 fingerprint card required in paragraphs (a) and (b). The  
27 department shall determine if the submission meets its  
28 requirements, and, if not, the applicant shall be required to  
29 comply with the provisions of this section. The department may  
30 share criminal history background information with local,  
31

1 state, and federal agencies for purposes of licensing or  
2 employment background checks.

3 Section 29. Subsection (6) is added to section  
4 401.2701, Florida Statutes, to read:

5 401.2701 Emergency medical services training  
6 programs.--

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

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

17 401.2715 Recertification training of emergency medical  
18 technicians and paramedics.--

19 (2) Any individual, institution, school, corporation,  
20 or governmental entity may conduct emergency medical  
21 technician or paramedic recertification training upon  
22 application to the department and payment of a nonrefundable  
23 fee to be deposited into the Emergency Medical Services Trust  
24 Fund. Institutions conducting department-approved educational  
25 programs as provided in this chapter and licensed ambulance  
26 services are exempt from the application process and payment  
27 of fees. The department shall adopt rules for the application  
28 and payment of a fee not to exceed the actual cost of  
29 administering this approval process. Upon application, the  
30 department shall recognize any entity in this state which has  
31 approval from the Continuing Education Coordinating Board for



1 Emergency Medical Services for courses in cardiopulmonary  
2 resuscitation or advanced cardiac life support for  
3 equivalency.

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

6 404.056 Environmental radiation standards and  
7 projects; certification of persons performing measurement or  
8 mitigation services; mandatory testing; notification on real  
9 estate documents; rules.--

10 (4) MANDATORY TESTING.--All public and private school  
11 buildings or school sites housing students in kindergarten  
12 through grade 12; all state-owned, state-operated,  
13 state-regulated, or state-licensed 24-hour care facilities;  
14 and all state-licensed day care centers for children or minors  
15 which are located in counties designated within the Department  
16 of Community Affairs' Florida Radon Protection Map Categories  
17 as "Intermediate" or "Elevated Radon Potential" shall be  
18 measured to determine the level of indoor radon, using  
19 measurement procedures established by the department. Initial  
20 measurements ~~Testing~~ shall be performed ~~completed~~ ~~within the~~  
21 ~~first year of construction~~ in 20 percent of the habitable  
22 first floor spaces within any of the regulated buildings.  
23 Initial measurements shall be completed and reported to the  
24 department within 1 ~~by July 1 of the~~ year after the date the  
25 building is opened for occupancy or within 1 year after  
26 license approval for an entity residing in an existing  
27 building. Followup testing must be completed in 5 percent of  
28 the habitable first floor spaces within any of the regulated  
29 buildings after the building has been occupied for 5 years,  
30 and results must be reported to the department by the first  
31 day ~~July 1 of the~~ 6th ~~5th~~ year of occupancy. After radon

1 measurements have been made twice, regulated buildings need  
2 not undergo further testing unless significant structural  
3 changes occur. No funds collected pursuant to s. 553.721 shall  
4 be used to carry out the provisions of this subsection.

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

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

1 following the receipt of a completed application. For  
2 enrollment in the Children's Medical Services network, a  
3 complete application includes the medical or behavioral health  
4 screening. If, after verification, an individual is determined  
5 to be ineligible for coverage, he or she must be disenrolled  
6 from the respective Title XXI-funded Kidcare program  
7 component.

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

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

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

23 (c) The board of directors of the Florida Healthy Kids  
24 Corporation is authorized to place limits on enrollment of  
25 these children in order to avoid adverse selection. In  
26 addition, the board is authorized to offer a reduced benefit  
27 package to these children in order to limit program costs for  
28 such families. The number of children participating in the  
29 Florida Healthy Kids program whose family income exceeds 200  
30 percent of the federal poverty level must not exceed 10  
31

1 percent of total enrollees in the Florida Healthy Kids  
2 program.

3 (d) Children described in this subsection are not  
4 counted in the annual enrollment ceiling for the Florida  
5 Kidcare program.

6 Section 33. Section 409.91188, Florida Statutes, is  
7 amended to read:

8 409.91188 Specialty prepaid health plans for Medicaid  
9 recipients with HIV or AIDS.--

10 (1) The Agency for Health Care Administration shall  
11 issue a request for proposal or intent to implement a ~~is~~  
12 authorized to contract with specialty prepaid health plans  
13 authorized pursuant to subsection (2) of this section and to  
14 pay them on a prepaid ~~capitated~~ basis to provide Medicaid  
15 benefits to Medicaid-eligible recipients who have human  
16 immunodeficiency syndrome (HIV) or acquired immunodeficiency  
17 syndrome (AIDS). The agency shall apply for or amend existing  
18 applications for ~~and is authorized to implement~~ federal  
19 waivers or other necessary federal authorization to implement  
20 the prepaid health plans authorized by this section. The  
21 agency shall procure the specialty prepaid health plans  
22 through a competitive procurement. In awarding a contract to a  
23 managed care plan, the agency shall take into account price,  
24 quality, accessibility, linkages to community-based  
25 organizations, and the comprehensiveness of the benefit  
26 package offered by the plan. The agency may bid the HIV/AIDS  
27 specialty plans on a ~~county, regional, or~~ statewide basis.  
28 ~~Qualified plans must be licensed under chapter 641.~~The agency  
29 shall monitor and evaluate the implementation of this waiver  
30 program if it is approved by the Federal Government and shall  
31 report on its status to the President of the Senate and the

1 Speaker of the House of Representatives by February 1, 2001.  
2 To improve coordination of medical care delivery and to  
3 increase cost efficiency for the Medicaid program in treating  
4 HIV disease, the Agency for Health Care Administration shall  
5 seek all necessary federal waivers to allow participation in  
6 the Medipass HIV disease management program for Medicare  
7 beneficiaries who test positive for HIV infection and who also  
8 qualify for Medicaid benefits such as prescription medications  
9 not covered by Medicare.

10 (2) The agency may contract with any public or private  
11 entity authorized by this section on a prepaid or fixed-sum  
12 basis for the provision of health care services to recipients.  
13 An entity may provide prepaid services to recipients, either  
14 directly or through arrangements with other entities. Each  
15 entity shall:

16 (a) Be organized primarily for the purpose of  
17 providing health care or other services of the type regularly  
18 offered to Medicaid recipients in compliance with federal  
19 laws.

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

22 (c) Make provisions satisfactory to the agency for  
23 insolvency protection and ensure that neither enrolled  
24 Medicaid recipients nor the agency is liable for the debts of  
25 the entity.

26 (d) Provide to the agency a financial plan that  
27 ensures fiscal soundness and that may include provisions  
28 pursuant to which the entity and the agency share in the risk  
29 of providing health care services. The contractual arrangement  
30 between an entity and the agency shall provide for risk  
31 sharing. The agency may bear the cost of providing certain

1 services when those costs exceed established risk limits or  
2 arrangements whereby certain services are specifically  
3 excluded under the terms of the contract between an entity and  
4 the agency.

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

8 (f) Furnish evidence satisfactory to the agency of  
9 adequate liability insurance coverage or an adequate plan of  
10 self-insurance to respond to claims for injuries arising out  
11 of the furnishing of health care.

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

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

16 456.072 Grounds for discipline; penalties;  
17 enforcement.--

18 (1) The following acts shall constitute grounds for  
19 which the disciplinary actions specified in subsection (2) may  
20 be taken:

21 (dd) Being terminated from an impaired practitioner  
22 program that is overseen by an impaired practitioner  
23 consultant as described in s. 456.076 for failure to comply  
24 with the terms of the monitoring or treatment contract entered  
25 into by the licensee without good cause.

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

28 456.025 Fees; receipts; disposition.--

29 (7) Each board, or the department if there is no  
30 board, shall establish, by rule, a fee not to exceed \$250 for  
31 anyone seeking approval to provide continuing education

1 courses or programs and shall establish by rule a biennial  
2 renewal fee not to exceed \$250 for the renewal of providership  
3 of such courses. The fees collected from continuing education  
4 providers shall be used for the purposes of reviewing course  
5 provider applications, monitoring the integrity of the courses  
6 provided, and covering legal expenses incurred as a result of  
7 not granting or renewing a providership, ~~and developing and~~  
8 ~~maintaining an electronic continuing education tracking~~  
9 ~~system. The department shall implement an electronic~~  
10 ~~continuing education tracking system for each new biennial~~  
11 ~~renewal cycle for which electronic renewals are implemented~~  
12 ~~after the effective date of this act and shall integrate such~~  
13 ~~system into the licensure and renewal system. All approved~~  
14 ~~continuing education providers shall provide information on~~  
15 ~~course attendance to the department necessary to implement the~~  
16 ~~electronic tracking system. The department shall, by rule,~~  
17 ~~specify the form and procedures by which the information is to~~  
18 ~~be submitted.~~

19 Section 36. Section 456.055, Florida Statutes, is  
20 amended to read:

21 456.055 Chiropractic and podiatric health care; denial  
22 of payment; limitation.--

23 (1) A chiropractic physician licensed under chapter  
24 460 or a podiatric physician licensed under chapter 461 shall  
25 not be denied payment for treatment rendered solely on the  
26 basis that the chiropractic physician or podiatric physician  
27 is not a member of a particular preferred provider  
28 organization or exclusive provider organization which is  
29 composed only of physicians licensed under the same chapter.

30 (2) A claim for payment of a service performed by a  
31 health care provider licensed in this state, identified on the

1 claim by a Physicians' Current Procedural Terminology (CPT)  
2 code, and submitted under a health insurance policy or health  
3 care services plan or submitted to a preferred provider  
4 organization, exclusive provider organization, or health  
5 maintenance organization in which the health care provider  
6 participates, shall be paid in the same amount to all health  
7 care providers submitting a claim for payment of a service  
8 identified by the same CPT code, regardless of the chapter  
9 under which the health care provider is licensed.

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

12 Section 37. Paragraph (d) of subsection (1) of section  
13 460.406, Florida Statutes, is amended to read:

14 460.406 Licensure by examination.--

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

27 (d)1. For an applicant who has matriculated in a  
28 chiropractic college prior to July 2, 1990, completed at least  
29 2 years of residence college work, consisting of a minimum of  
30 one-half the work acceptable for a bachelor's degree granted  
31 on the basis of a 4-year period of study, in a college or



1 university accredited by an accrediting agency recognized and  
2 approved by the United States Department of Education.  
3 However, prior to being certified by the board to sit for the  
4 examination, each applicant who has matriculated in a  
5 chiropractic college after July 1, 1990, shall have been  
6 granted a bachelor's degree, based upon 4 academic years of  
7 study, by a college or university accredited by a regional  
8 accrediting agency which is recognized and approved by the  
9 Council for Higher Education Accreditation or the United  
10 States Department of Education ~~a member of the Commission on~~  
11 ~~Recognition of Postsecondary Accreditation.~~

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

28           Section 38. Paragraph (b) of subsection (1) of section  
29 463.006, Florida Statutes, is amended to read:

30           463.006 Licensure and certification by examination.--  
31

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

5           (b) Submitted proof satisfactory to the department  
6 that she or he:

7           1. Is at least 18 years of age.

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

10          3. Is of good moral character.

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

15           a. Has facilities for both didactic and clinical  
16 instructions in pharmacology; and

17           b. Is accredited by a regional or professional  
18 accrediting organization that is recognized and approved by  
19 the Council for Higher Education Accreditation ~~Commission on~~  
20 ~~Recognition of Postsecondary Accreditation~~ or the United  
21 States Department of Education.

22          5. Has completed at least 1 year of supervised  
23 experience in differential diagnosis of eye disease or  
24 disorders as part of the optometric training or in a clinical  
25 setting as part of the optometric experience.

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

28           467.009 Midwifery programs; education and training  
29 requirements.--

30          (8) Nonpublic educational institutions that conduct  
31 approved midwifery programs shall be accredited by an

1 accrediting agency recognized and approved by the Council for  
2 Higher Education Accreditation or the United States Department  
3 of Education ~~a member of the Commission on Recognition of~~  
4 ~~Postsecondary Accreditation~~ and shall be licensed by the  
5 Commission for Independent Education ~~State Board of Nonpublic~~  
6 ~~Career Education.~~

7 Section 40. Paragraph (g) of subsection (3) of section  
8 468.302, Florida Statutes, is amended to read:

9 468.302 Use of radiation; identification of certified  
10 persons; limitations; exceptions.--

11 (3)

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

14 a. Conduct in vivo and in vitro measurements of  
15 radioactivity and administer radiopharmaceuticals to human  
16 beings for diagnostic and therapeutic purposes.

17 b. Administer X radiation from a combination nuclear  
18 medicine-computed tomography device if that radiation is  
19 administered as an integral part of a nuclear medicine  
20 procedure that uses an automated computed tomography protocol  
21 for the purposes of attenuation correction and anatomical  
22 localization and the person has received device-specific  
23 training on the combination device.

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

26 a. Radioimmunoassay and other clinical laboratory  
27 testing regulated pursuant to chapter 483.

28 b. Creating or modifying automated computed tomography  
29 protocols.

30 c. Any other operation of a computed tomography  
31 device, especially for the purposes of stand-alone diagnostic

1 imaging, which is regulated pursuant to the general  
2 radiographic scope in this part.

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

5 468.509 Dietitian/nutritionist; requirements for  
6 licensure.--

7 (2) The agency shall examine any applicant who the  
8 board certifies has completed the application form and  
9 remitted the application and examination fees specified in s.  
10 468.508 and who:

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

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

23 (b)1. Has an academic degree, from a foreign country,  
24 that has been validated by an accrediting agency approved by  
25 the United States Department of Education as equivalent to the  
26 baccalaureate or postbaccalaureate degree conferred by a  
27 regionally accredited college or university in the United  
28 States;

29 2. Has completed a major course of study in human  
30 nutrition, food and nutrition, dietetics, or food management;  
31 and

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

4           Section 42. Paragraph (a) of subsection (1) of section  
5 468.707, Florida Statutes, is amended to read:

6           468.707 Licensure by examination; requirements.--

7           (1) Any person desiring to be licensed as an athletic  
8 trainer shall apply to the department on a form approved by  
9 the department.

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

11           1. Has completed the application form and remitted the  
12 required fees.

13           2. Is at least 21 years of age.

14           3. Has obtained a baccalaureate degree from a college  
15 or university accredited by an accrediting agency recognized  
16 and approved by the United States Department of Education or  
17 the Council for Higher Education Accreditation or ~~Commission~~  
18 ~~on Recognition of Postsecondary Accreditation~~ approved by the  
19 board.

20           4. Has completed coursework from a college or  
21 university accredited by an accrediting agency recognized and  
22 approved by the United States Department of Education or the  
23 Council for Higher Education Accreditation ~~Commission on~~  
24 ~~Recognition of Postsecondary Accreditation~~, or approved by the  
25 board, in each of the following areas, as provided by rule:  
26 health, human anatomy, kinesiology/biomechanics, human  
27 physiology, physiology of exercise, basic athletic training,  
28 and advanced athletic training.

29           5. Has current certification in standard first aid and  
30 cardiovascular pulmonary resuscitation from the American Red  
31

1 Cross or an equivalent certification as determined by the  
2 board.

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

9           7. Has passed an examination administered or approved  
10 by the board.

11           Section 43. Section 486.031, Florida Statutes, is  
12 amended to read:

13           486.031 Physical therapist; licensing  
14 requirements.--To be eligible for licensing as a physical  
15 therapist, an applicant must:

16           (1) Be at least 18 years old;

17           (2) Be of good moral character; and

18           (3)(a) Have been graduated from a school of physical  
19 therapy which has been approved for the educational  
20 preparation of physical therapists by the appropriate  
21 accrediting agency recognized by the Council for Higher  
22 Education Accreditation Commission on Recognition of  
23 ~~Postsecondary Accreditation~~ or the United States Department of  
24 Education at the time of her or his graduation and have  
25 passed, to the satisfaction of the board, the American  
26 Registry Examination prior to 1971 or a national examination  
27 approved by the board to determine her or his fitness for  
28 practice as a physical therapist as hereinafter provided;  
29           (b) Have received a diploma from a program in physical  
30 therapy in a foreign country and have educational credentials  
31 deemed equivalent to those required for the educational

1 preparation of physical therapists in this country, as  
2 recognized by the appropriate agency as identified by the  
3 board, and have passed to the satisfaction of the board an  
4 examination to determine her or his fitness for practice as a  
5 physical therapist as hereinafter provided; or

6 (c) Be entitled to licensure without examination as  
7 provided in s. 486.081.

8 Section 44. Section 486.102, Florida Statutes, is  
9 amended to read:

10 486.102 Physical therapist assistant; licensing  
11 requirements.--To be eligible for licensing by the board as a  
12 physical therapist assistant, an applicant must:

13 (1) Be at least 18 years old;

14 (2) Be of good moral character; and

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

26 (b) Have been graduated from a school giving a course  
27 for physical therapist assistants in a foreign country and  
28 have educational credentials deemed equivalent to those  
29 required for the educational preparation of physical therapist  
30 assistants in this country, as recognized by the appropriate  
31 agency as identified by the board, and passed to the

1 satisfaction of the board an examination to determine her or  
2 his fitness for practice as a physical therapist assistant as  
3 hereinafter provided; or

4 (c) Be entitled to licensure without examination as  
5 provided in s. 486.107.

6 Section 45. Paragraph (a) of subsection (5) of section  
7 489.553, Florida Statutes, is amended to read:

8 489.553 Administration of part; registration  
9 qualifications; examination.--

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

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

19 Section 46. Section 489.554, Florida Statutes, is  
20 amended to read:

21 489.554 Registration renewal.--

22 (1) The department shall prescribe by rule the method  
23 for approval of continuing education courses, ~~and~~ for renewal  
24 of annual registration, for inactive status for late filing of  
25 a renewal application, for allowing a contractor to hold his  
26 or her registration in inactive status for a specified period,  
27 and for reactivating a license.

28 (2) At a minimum, annual renewal shall include  
29 continuing education requirements of not less than 6 classroom  
30 hours annually for septic tank contractors and not less than  
31 12 classroom hours annually for master septic tank



1 contractors. The 12 classroom hours of continuing education  
2 required for master septic tank contractors may include the 6  
3 classroom hours required for septic tank contractors, but at a  
4 minimum must include 6 classroom hours of approved master  
5 septic tank contractor coursework.

6 (3) A certificate of registration shall become  
7 inactive if a renewal application is not filed in a timely  
8 manner. A certificate that has become inactive may be  
9 reactivated under this section by application to the  
10 department. A licensed contractor may apply to the department  
11 for voluntary inactive status at any time during the period of  
12 registration.

13 (4) A master septic tank contractor may elect to  
14 revert to registered septic tank contractor status at any time  
15 during the period of registration. The department shall  
16 prescribe by rule the method for a master septic tank  
17 contractor whose registration has reverted to registered  
18 septic tank contractor status to apply for master septic tank  
19 contractor status.

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

24 Section 47. Paragraph (b) of subsection (2) of section  
25 490.005, Florida Statutes, is amended to read:

26 490.005 Licensure by examination.--

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

31

1 (b) Submitted satisfactory proof to the department  
2 that the applicant:

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

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

22 3. Has passed an examination provided by the  
23 department.

24 Section 48. Paragraph (b) of subsection (3) and  
25 paragraph (b) of subsection (4) of section 491.005, Florida  
26 Statutes, are amended to read:

27 491.005 Licensure by examination.--

28 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification of  
29 documentation and payment of a fee not to exceed \$200, as set  
30 by board rule, plus the actual cost to the department for the  
31 purchase of the examination from the Association of Marital

1 and Family Therapy Regulatory Board, or similar national  
2 organization, the department shall issue a license as a  
3 marriage and family therapist to an applicant who the board  
4 certifies:

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

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

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

28 c. A minimum of one graduate-level course of 3  
29 semester hours or 4 quarter hours in diagnosis, appraisal,  
30 assessment, and testing for individual or interpersonal  
31 disorder or dysfunction; and a minimum of one 3-semester-hour

1 or 4-quarter-hour graduate-level course in behavioral research  
2 which focuses on the interpretation and application of  
3 research data as it applies to clinical practice. Credit for  
4 thesis or dissertation work, practicums, internships, or  
5 fieldwork may not be applied toward this requirement.

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

27 2. If the course title which appears on the  
28 applicant's transcript does not clearly identify the content  
29 of the coursework, the applicant shall be required to provide  
30 additional documentation, including, but not limited to, a  
31 syllabus or catalog description published for the course.

1  
2 The required master's degree must have been received in an  
3 institution of higher education which at the time the  
4 applicant graduated was: fully accredited by a regional  
5 accrediting body recognized by the Council for Higher  
6 Education Accreditation or the United States Department of  
7 Education Commission on Recognition of Postsecondary  
8 ~~Accreditation~~; publicly recognized as a member in good  
9 standing with the Association of Universities and Colleges of  
10 Canada; or an institution of higher education located outside  
11 the United States and Canada, which at the time the applicant  
12 was enrolled and at the time the applicant graduated  
13 maintained a standard of training substantially equivalent to  
14 the standards of training of those institutions in the United  
15 States which are accredited by a regional accrediting body  
16 recognized by the Council for Higher Education Accreditation  
17 or the United States Department of Education Commission on  
18 ~~Recognition of Postsecondary Accreditation~~. Such foreign  
19 education and training must have been received in an  
20 institution or program of higher education officially  
21 recognized by the government of the country in which it is  
22 located as an institution or program to train students to  
23 practice as professional marriage and family therapists or  
24 psychotherapists. The burden of establishing that the  
25 requirements of this provision have been met shall be upon the  
26 applicant, and the board shall require documentation, such as,  
27 but not limited to, an evaluation by a foreign equivalency  
28 determination service, as evidence that the applicant's  
29 graduate degree program and education were equivalent to an  
30 accredited program in this country. An applicant with a  
31 master's degree from a program which did not emphasize

1 marriage and family therapy may complete the coursework  
2 requirement in a training institution fully accredited by the  
3 Commission on Accreditation for Marriage and Family Therapy  
4 Education recognized by the United States Department of  
5 Education.

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

15 (b)1. Has a minimum of an earned master's degree from  
16 a mental health counseling program accredited by the Council  
17 for the Accreditation of Counseling and Related Educational  
18 Programs that consists of at least 60 semester hours or 80  
19 quarter hours of clinical and didactic instruction, including  
20 a course in human sexuality and a course in substance abuse.  
21 If the master's degree is earned from a program related to the  
22 practice of mental health counseling that is not accredited by  
23 the Council for the Accreditation of Counseling and Related  
24 Educational Programs, then the coursework and practicum,  
25 internship, or fieldwork must consist of at least 60 semester  
26 hours or 80 quarter hours and meet the following requirements:

27 a. Thirty-three semester hours or 44 quarter hours of  
28 graduate coursework, which must include a minimum of 3  
29 semester hours or 4 quarter hours of graduate-level coursework  
30 in each of the following 11 content areas: counseling theories  
31 and practice; human growth and development; diagnosis and

1 treatment of psychopathology; human sexuality; group theories  
2 and practice; individual evaluation and assessment; career and  
3 lifestyle assessment; research and program evaluation; social  
4 and cultural foundations; counseling in community settings;  
5 and substance abuse. Courses in research, thesis or  
6 dissertation work, practicums, internships, or fieldwork may  
7 not be applied toward this requirement.

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

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

25         2. If the course title which appears on the  
26 applicant's transcript does not clearly identify the content  
27 of the coursework, the applicant shall be required to provide  
28 additional documentation, including, but not limited to, a  
29 syllabus or catalog description published for the course.

30  
31

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

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

31



1           499.003 Definitions of terms used in ss.  
2 499.001-499.081.--As used in ss. 499.001-499.081, the term:  
3           (6) "Compressed medical gas" means any liquefied or  
4 vaporized gas that is classified as a prescription drug or  
5 medical device, whether it is alone or in combination with  
6 other gases.  
7           Section 50. Subsection (2) of section 499.007, Florida  
8 Statutes, is amended to read:  
9           499.007 Misbranded drug or device.--A drug or device  
10 is misbranded:  
11           (2) Unless, if in package form, it bears a label  
12 containing:  
13           (a) The name and place of business of the manufacturer  
14 or distributor; ~~in addition, for a medicinal drug, as defined~~  
15 ~~in s. 499.003, the label must contain the name and place of~~  
16 ~~business of the manufacturer~~ of the finished dosage form of  
17 the drug. For the purpose of this paragraph, the finished  
18 dosage form of a medicinal drug is that form of the drug which  
19 is, or is intended to be, dispensed or administered to the  
20 patient and requires no further manufacturing or processing  
21 other than packaging, reconstitution, and labeling; and  
22           (b) An accurate statement of the quantity of the  
23 contents in terms of weight, measure, or numerical count;  
24 however, under this section, reasonable variations are  
25 permitted, and the department shall establish by rule  
26 exemptions for small packages.  
27  
28 A drug dispensed by filling or refilling a written or oral  
29 prescription of a practitioner licensed by law to prescribe  
30 such drug is exempt from the requirements of this section,  
31 except subsections (1), (8), (10), and (11) and the packaging

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

13 Section 51. Paragraph (e) of subsection (1) of section  
14 499.01, Florida Statutes, is amended to read:

15 499.01 Permits; applications; renewal; general  
16 requirements.--

17 (1) Any person that is required under ss.  
18 499.001-499.081 to have a permit must apply to the department  
19 on forms furnished by the department.

20 (e) The department may not issue a permit for a  
21 prescription drug manufacturer, prescription drug wholesaler,  
22 or retail pharmacy wholesaler may not be issued to the address  
23 of a health care entity, except as provided in this paragraph.  
24 The department may issue a prescription drug manufacturer  
25 permit to an applicant at the same address as a licensed  
26 nuclear pharmacy that is a health care entity for the purpose  
27 of manufacturing prescription drugs used in positron emission  
28 tomography or other radiopharmaceuticals, as listed in a rule  
29 adopted by the department pursuant to this paragraph. The  
30 purpose of this exemption is to assure availability of  
31 state-of-the-art pharmaceuticals that would pose a significant

1 danger to the public health if manufactured at a separate  
2 establishment address other than the nuclear pharmacy from  
3 which the prescription drugs are dispensed.

4 Section 52. Paragraph (b) of subsection (6) of section  
5 499.0121, Florida Statutes, is amended to read:

6 499.0121 Storage and handling of prescription drugs;  
7 recordkeeping.--The department shall adopt rules to implement  
8 this section as necessary to protect the public health,  
9 safety, and welfare. Such rules shall include, but not be  
10 limited to, requirements for the storage and handling of  
11 prescription drugs and for the establishment and maintenance  
12 of prescription drug distribution records.

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

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

21  
22 For the purposes of this subsection, the term "authorized  
23 distributors of record" means those distributors with whom a  
24 manufacturer has established an ongoing relationship to  
25 distribute the manufacturer's products.

26 Section 53. Section 501.122, Florida Statutes, is  
27 transferred and renumbered as section 404.24, Florida  
28 Statutes.

29 Section 54. Section 784.081, Florida Statutes, is  
30 amended to read:

31

1           784.081 Assault or battery on specified officials or  
2 employees; reclassification of offenses.--Whenever a person is  
3 charged with committing an assault or aggravated assault or a  
4 battery or aggravated battery upon any elected official or  
5 employee of: a school district; a private school; the Florida  
6 School for the Deaf and the Blind; a university developmental  
7 research school; a state university or any other entity of the  
8 state system of public education, as defined in s. 1000.04; an  
9 employee or protective investigator of the Department of  
10 Children and Family Services; ~~or~~ an employee of a lead  
11 community-based provider and its direct service contract  
12 providers; or an employee of the Department of Health and its  
13 direct service contract providers, when the person committing  
14 the offense knows or has reason to know the identity or  
15 position or employment of the victim, the offense for which  
16 the person is charged shall be reclassified as follows:

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

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

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

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

25           Section 55. Section 945.6038, Florida Statutes, is  
26 created to read:

27           945.6038 Additional services.--The authority may enter  
28 into an agreement or may contract with the Department of  
29 Children and Family Services, subject to the availability of  
30 funds, to conduct surveys of medical services and to provide  
31 medical quality assurance and improvement assistance at secure

1 confinement and treatment facilities for persons confined  
2 under part V of chapter 394. The authority may enter into  
3 similar agreements with other state agencies, subject to the  
4 availability of funds. The authority may not enter any such  
5 agreement if to do so would impair the authority's ability to  
6 fulfill its obligations under this chapter.

7 Section 56. Section 154.317, Florida Statutes, is  
8 created to read:

9 154.317 County financial responsibility for trauma  
10 care.--

11 (1) Notwithstanding ss. 154.301-154.316, each county  
12 shall participate in supporting a regionalized system of  
13 trauma care which provides reimbursement to hospitals that are  
14 trauma centers, approved in accordance with s. 395.4025.  
15 Financial responsibility shall be limited to uninsured or  
16 underinsured inpatients with primary or secondary diagnoses of  
17 DRG 484-487. For purposes of this section, the term  
18 "underinsured" means insurance coverage for a person who is an  
19 inpatient which is inadequate to cover the cost of that  
20 patient's care.

21 (2) Payment levels may not exceed the statewide  
22 average cost per trauma patient in each level of designated  
23 trauma center. Initial payment rates, subject to annual  
24 updates by the Agency for Health Care Administration, are:

25 (a) Level I: \$14,000 per trauma patient;

26 (b) Level II: \$9,000 per trauma patient; and

27 (c) Pediatric: \$6,000 per trauma patient.

28 (3) Counties shall be designated as responsible for  
29 payment if:

30  
31

1           (a) The county of residence has unspent funds received  
2 under this part at the end of the fiscal year in which the  
3 hospitalization occurs.

4           (b) The responsible county is exempt based on the  
5 following criteria:

6           1. The county population in the most recent United  
7 States Census totals fewer than 30,000 residents and the  
8 proportion of county residents with incomes below the poverty  
9 level exceeds 20 percent;

10           2. The property tax rate, including special districts  
11 and municipal service taxes, of the county equals or exceeds  
12 10 mills; or

13           3. The responsible county is currently contributing to  
14 the financial support of a regional trauma system through  
15 direct funding of trauma care, tax district support for  
16 hospitals in the county designated as trauma centers, or under  
17 the terms of an intergovernmental agreement with other  
18 counties in the trauma region or a written agreement with the  
19 nearest trauma center.

20           (c) Residence in the county at the time of the  
21 hospitalization is verified by:

22           1. Current active driver's license;

23           2. Mortgage, lease, or rental receipt or letter from a  
24 landlord;

25           3. Water, electric, or other public utility bill in  
26 the name of the patient or a family member at a residential  
27 address within the county;

28           4. A state, county, or federal document mailed to the  
29 patient at a residential address within the county;

30           5. Vehicle registration in the name of the patient or  
31 a family member at a residential address within the county;

1           6. Voter registration; or  
2           7. Proof of children enrolled in public schools within  
3 the county.

4           (4) Each county shall pay the amount specified in this  
5 section, as determined by the Agency for Health Care  
6 Administration, into the Medicaid Grants and Donations Trust  
7 Fund. These funds shall be used in special Medicaid payments  
8 to enhance the public funds available for federal matching  
9 purposes. The total special Medicaid payments funded by these  
10 county payments shall be paid to state-approved trauma centers  
11 and shall be distributed in accordance with the General  
12 Appropriations Act or other legislation related to  
13 appropriations.

14           Section 57. Section 381.85, subsection (9) of section  
15 381.0098, paragraph (f) of subsection (2) of section 385.103,  
16 section 385.205, section 385.209, and subsection (7) of  
17 section 445.033, Florida Statutes, are repealed.

18           Section 58. This act shall take effect July 1, 2003.

19

20           STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
21           COMMITTEE SUBSTITUTE FOR  
22           CS for Senate Bill 2738

23

24           The Committee Substitute creates a county financial  
25           responsibility for trauma care and provides that funds are to  
26           be paid into the Grants and Donations Trust Fund. The Agency  
27           for Health Care Administration must distribute funds for  
28           special Medicaid payments to state-approved trauma centers in  
29           accordance with the General Appropriations Act or other  
30           legislation.

31           Clarifies limitations on procedures that may be conducted by  
            nuclear medicine technologists and identifies exceptions to  
            their authority.