

Bill No. CS for SB 2750

Amendment No. \_\_\_\_ Barcode 603784

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senator Saunders moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 87, before line 1,		
15			
16	insert:		
17	Section 62. Subsection (5) of section 17.41, Florida		
18	Statutes, is amended to read:		
19	17.41 Department of Banking and Finance Tobacco		
20	Settlement Clearing Trust Fund.--		
21	(5) The department shall disburse funds, by		
22	nonoperating transfer, from the Tobacco Settlement Clearing		
23	Trust Fund to the tobacco settlement trust funds of the		
24	various agencies <u>or the Biomedical Research Trust Fund in the</u>		
25	<u>Department of Health, as appropriate,</u> in amounts equal to the		
26	annual appropriations made from those agencies' trust funds in		
27	the General Appropriations Act.		
28	Section 63. Paragraphs (f) and (j) of subsection (3)		
29	of section 20.43, Florida Statutes, are amended, and paragraph		
30	(k) is added to that section, to read:		
31	20.43 Department of Health.--There is created a		

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1 Department of Health.

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

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

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

7 (k) Division of Disability Determinations.

8 Section 64. Paragraph (a) of subsection (2) and  
9 subsection (3) of section 154.01, Florida Statutes, are  
10 amended to read:

11 154.01 County health department delivery system.--

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

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

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

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

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

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

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

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

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

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

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

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1 Section 65. Section 216.342, Florida Statutes, is  
2 created to read:

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

11 Section 66. Subsection (12) of section 381.0011,  
12 Florida Statutes, is amended to read:

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

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

19 Section 67. Paragraph (d) of subsection (3) of section  
20 381.004, Florida Statutes, is amended to read:

21 381.004 HIV testing.--

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

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

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

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

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

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

28           Section 68. Paragraph (k) of subsection (2) and  
29 paragraph (j) of subsection (4) of section 381.0065, Florida  
30 Statutes, are amended to read:

31           381.0065 Onsite sewage treatment and disposal systems;

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1 regulation.--

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

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

24 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person  
25 may not construct, repair, modify, abandon, or operate an  
26 onsite sewage treatment and disposal system without first  
27 obtaining a permit approved by the department. The department  
28 may issue permits to carry out this section, but shall not  
29 make the issuance of such permits contingent upon prior  
30 approval by the Department of Environmental Protection. A  
31 construction permit is valid for 18 months from the issuance

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

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

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

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



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

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

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

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1 variance or seek review under the provisions of chapter 120.

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

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

20           Section 69. Paragraph (k) of subsection (2) of section  
21 381.0066, Florida Statutes, as amended by section 16 of  
22 chapter 2002-402, Laws of Florida, is amended to read:

23           381.0066 Onsite sewage treatment and disposal systems;  
24 fees.--

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

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

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

4

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

9 Section 70. Paragraph (a) of subsection (2) of section  
10 381.0072, Florida Statutes, is amended to read:

11 381.0072 Food service protection.--It shall be the  
12 duty of the Department of Health to adopt and enforce  
13 sanitation rules consistent with law to ensure the protection  
14 of the public from food-borne illness. These rules shall  
15 provide the standards and requirements for the storage,  
16 preparation, serving, or display of food in food service  
17 establishments as defined in this section and which are not  
18 permitted or licensed under chapter 500 or chapter 509.

19 (2) DUTIES.--

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

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

23 Section 71. Section 381.104, Florida Statutes, is  
24 created to read:

25 381.104 Employee health and wellness program.--

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

31 (2) Each state agency may dedicate resources to

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

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

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

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

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

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1 prior to any change in the employee's activities.

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

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

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

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

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

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

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

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

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

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

6           Section 72. Section 381.86, Florida Statutes, is  
7 created to read:

8           381.86 Review Council for Human Subjects.--

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

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

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

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

25           (5) The department shall charge for costs incurred by  
26 the council for research oversight according to a fee  
27 schedule, except that fees shall be waived for any student who  
28 is a candidate for a degree at a university located in this  
29 state. The fee schedule shall provide for fees for initial  
30 review, amendments, and continuing review. The department  
31 shall adopt rules necessary to comply with federal

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1 requirements and this section. Such rules shall also prescribe  
2 procedures for requesting council review.

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

7 Section 73. Paragraphs (b) and (c) of subsection (3)  
8 of section 381.89, Florida Statutes, are amended to read:

9 381.89 Regulation of tanning facilities.--

10 (3)

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

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

26 Section 74. Subsection (3) and paragraph (a) of  
27 subsection (7) of section 381.90, Florida Statutes, are  
28 amended to read:

29 381.90 Health Information Systems Council; legislative  
30 intent; creation, appointment, duties.--

31 (3) The council shall be composed of the following



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1 members or their senior executive-level designees:

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

28  
29 Representatives of the Federal Government may serve without  
30 voting rights.

31 (7) The council's duties and responsibilities include,

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1 but are not limited to, the following:

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

8 Section 75. Subsections (1) and (2), paragraphs (f)  
9 and (g) of subsection (3), and subsection (5) of section  
10 383.14, Florida Statutes, are amended to read:

11 383.14 Screening for metabolic disorders, other  
12 hereditary and congenital disorders, and environmental risk  
13 factors.--

14 (1) SCREENING REQUIREMENTS.--To help ensure access to  
15 the maternal and child health care system, the Department of  
16 Health shall promote the screening of all newborns ~~infants~~  
17 born in Florida for phenylketonuria and other metabolic,  
18 hereditary, and congenital disorders known to result in  
19 significant impairment of health or intellect, as screening  
20 programs accepted by current medical practice become available  
21 and practical in the judgment of the department. The  
22 department shall also promote the identification and screening  
23 of all newborns ~~infants~~ born in this state and their families  
24 for environmental risk factors such as low income, poor  
25 education, maternal and family stress, emotional instability,  
26 substance abuse, and other high-risk conditions associated  
27 with increased risk of infant mortality and morbidity to  
28 provide early intervention, remediation, and prevention  
29 services, including, but not limited to, parent support and  
30 training programs, home visitation, and case management.  
31 Identification, perinatal screening, and intervention efforts

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1 shall begin prior to and immediately following the birth of  
2 the child by the attending health care provider. Such efforts  
3 shall be conducted in hospitals, perinatal centers, county  
4 health departments, school health programs that provide  
5 prenatal care, and birthing centers, and reported to the  
6 Office of Vital Statistics.

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

15 (b) Postnatal screening.--A risk factor analysis using  
16 the department's designated risk assessment instrument shall  
17 also be conducted as part of the medical screening process  
18 upon the birth of a child and submitted to the department's  
19 Office of Vital Statistics for recording and other purposes  
20 provided for in this chapter. The department's screening  
21 process for risk assessment shall include a scoring mechanism  
22 and procedures that establish thresholds for notification,  
23 further assessment, referral, and eligibility for services by  
24 professionals or paraprofessionals consistent with the level  
25 of risk. Procedures for developing and using the screening  
26 instrument, notification, referral, and care coordination  
27 services, reporting requirements, management information, and  
28 maintenance of a computer-driven registry in the Office of  
29 Vital Statistics which ensures privacy safeguards must be  
30 consistent with the provisions and plans established under  
31 chapter 411, Pub. L. No. 99-457, and this chapter. Procedures

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1 established for reporting information and maintaining a  
2 confidential registry must include a mechanism for a  
3 centralized information depository at the state and county  
4 levels. The department shall coordinate with existing risk  
5 assessment systems and information registries. The department  
6 must ensure, to the maximum extent possible, that the  
7 screening information registry is integrated with the  
8 department's automated data systems, including the Florida  
9 On-line Recipient Integrated Data Access (FLORIDA) system.  
10 Tests and screenings must be performed by the State Public  
11 Health Laboratory, in coordination with Children's Medical  
12 Services, at such times and in such manner as is prescribed by  
13 the department after consultation with the Genetics and  
14 Newborn Infant Screening Advisory Council and the State  
15 Coordinating Council for School Readiness Programs.

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

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1 relating to the methods used and time or times for testing as  
2 accepted medical practice indicates, rules relating to  
3 charging and collecting fees for screenings authorized by this  
4 section, and rules requiring mandatory reporting of the  
5 results of tests and screenings for these conditions to the  
6 department.

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

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

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

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

26 2. As part of the department's legislative budget  
27 request prepared pursuant to chapter 216, the department shall  
28 submit a certification by the department's inspector general,  
29 or the director of auditing within the inspector general's  
30 office, of the annual costs of the uniform testing and  
31 reporting procedures of the ~~newborn~~ ~~infant~~ screening program.

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

9  
10 All provisions of this subsection must be coordinated with the  
11 provisions and plans established under this chapter, chapter  
12 411, and Pub. L. No. 99-457.

13 (5) ADVISORY COUNCIL.--There is established a Genetics  
14 and Newborn ~~Infant~~ Screening Advisory Council made up of 12  
15 members appointed by the Secretary of Health. The council  
16 shall be composed of two consumer members, three practicing  
17 pediatricians, at least one of whom must be a pediatric  
18 hematologist, one representative from each of the four medical  
19 schools in the state, the Secretary of Health or his or her  
20 designee, one representative from the Department of Health  
21 representing Children's Medical Services, and one  
22 representative from the Developmental Disabilities Program  
23 Office of the Department of Children and Family Services. All  
24 appointments shall be for a term of 4 years. The chairperson  
25 of the council shall be elected from the membership of the  
26 council and shall serve for a period of 2 years. The council  
27 shall meet at least semiannually or upon the call of the  
28 chairperson. The council may establish ad hoc or temporary  
29 technical advisory groups to assist the council with specific  
30 topics which come before the council. Council members shall  
31 serve without pay. Pursuant to the provisions of s. 112.061,

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1 the council members are entitled to be reimbursed for per diem  
 2 and travel expenses. It is the purpose of the council to  
 3 advise the department about:

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

6 (b) Procedures for collection and transmission of  
 7 specimens and recording of results; and

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

12 Section 76. Section 384.25, Florida Statutes, is  
 13 amended to read:

14 384.25 Reporting required.--

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

22 ~~(a)(2)~~ The department shall adopt rules specifying the  
 23 information required in and a minimum time period for  
 24 reporting a sexually transmissible disease. In adopting such  
 25 rules, the department shall consider the need for information,  
 26 protections for the privacy and confidentiality of the  
 27 patient, and the practical ability of persons and laboratories  
 28 to report in a reasonable fashion. To ensure the  
 29 confidentiality of persons infected with the human  
 30 immunodeficiency virus (HIV), reporting of HIV infection and  
 31 acquired immune deficiency syndrome (AIDS) must be conducted

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1 using ~~a system~~ ~~the HIV/AIDS Reporting System (HARS)~~ developed  
2 by the Centers for Disease Control and Prevention of the  
3 United States Public Health Service or an equivalent system.

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

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

17 ~~(2)(5)~~ After notification of the test subject ~~under~~  
18 ~~subsection (4)~~, the department may, with the consent of the  
19 test subject, notify school superintendents of students and  
20 school personnel whose HIV tests are positive.

21 ~~(3)~~ The department shall adopt rules requiring each  
22 physician and laboratory to report any newborn or infant up to  
23 18 months of age who has been exposed to HIV. The rules may  
24 include the method and time period for reporting, information  
25 to be included in the report, requirements for enforcement,  
26 and followup activities by the department.

27 ~~(4)(6)~~ The department shall by February 1 of each year  
28 submit to the Legislature an annual report relating to all  
29 information obtained pursuant to this section.

30 ~~(5)(7)~~ Each person who violates the provisions of this  
31 section or the rules adopted hereunder may be fined by the



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1 department up to \$500 for each offense. The department shall  
2 report each violation of this section to the regulatory agency  
3 responsible for licensing each health care professional and  
4 each laboratory to which these provisions apply.

5 Section 77. Subsection (1) of section 385.204, Florida  
6 Statutes, is amended to read:

7 385.204 Insulin; purchase, distribution; penalty for  
8 fraudulent application for and obtaining of insulin.--

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

19 Section 78. Subsection (2) of section 391.021, Florida  
20 Statutes, is amended to read:

21 391.021 Definitions.--When used in this act, unless  
22 the context clearly indicates otherwise:

23 (2) "Children with special health care needs" means  
24 those children under the age of 21 years who have, or are at  
25 increased risk for, chronic physical, developmental,  
26 behavioral, or emotional conditions and who also require  
27 health care and related services of a type or amount beyond  
28 that which is generally required by children ~~whose serious or~~  
29 ~~chronic physical or developmental conditions require extensive~~  
30 ~~preventive and maintenance care beyond that required by~~  
31 ~~typically healthy children. Health care utilization by these~~

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1 ~~children exceeds the statistically expected usage of the~~  
 2 ~~normal child adjusted for chronological age. These children~~  
 3 ~~often need complex care requiring multiple providers,~~  
 4 ~~rehabilitation services, and specialized equipment in a number~~  
 5 ~~of different settings.~~

6 Section 79. Section 391.025, Florida Statutes, is  
 7 amended to read:

8 391.025 Applicability and scope.--

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

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

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

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

17 ~~(1)(2)~~ The Children's Medical Services program  
 18 consists of the following components:

19 (a) The newborn ~~infant metabolic~~ screening program  
 20 established in s. 383.14.

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

23 (c) A federal or state program authorized by the  
 24 Legislature.

25 (d) The developmental evaluation and intervention  
 26 program, including the infants and toddlers early intervention  
 27 program.

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

29 ~~(2)(3)~~ The Children's Medical Services program shall  
 30 not be deemed an insurer and is not subject to the licensing  
 31 requirements of the Florida Insurance Code or the rules of the

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1 Department of Insurance, when providing services to children  
2 who receive Medicaid benefits, other Medicaid-eligible  
3 children with special health care needs, and children  
4 participating in the Florida Kidcare program.

5 Section 80. Subsection (2) of section 391.029, Florida  
6 Statutes, is amended to read:

7 391.029 Program eligibility.--

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

10 (a) A high-risk pregnant female who is eligible for  
11 Medicaid.

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

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

17 (3) Subject to the availability of funds, the  
18 following individuals may receive services through the  
19 program:

20 (a)(d) Children ~~A child~~ with special health care needs  
21 from birth to age 21 years whose family income is above  
22 financial eligibility requirements under Title XXI of the  
23 Social Security Act and whose projected annual cost of care  
24 adjusts the family income to Medicaid financial criteria. In  
25 cases where the family income is adjusted based on a projected  
26 annual cost of care, the family shall participate financially  
27 in the cost of care based on criteria established by the  
28 department.

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

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1 ~~health care needs.~~

2

3 ~~The department may continue to serve certain children with~~  
4 ~~special health care needs who are 21 years of age or older and~~  
5 ~~who were receiving services from the program prior to April 1,~~  
6 ~~1998. Such children may be served by the department until~~  
7 ~~July 1, 2000.~~

8 Section 81. Subsection (4) is added to section  
9 391.035, Florida Statutes, to read:

10 391.035 Provider qualifications.--

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

19 Section 82. Subsection (4) is added to section  
20 391.055, Florida Statutes, to read:

21 391.055 Service delivery systems.--

22 (4) If a newborn has a presumptively abnormal  
23 screening result for metabolic or other hereditary and  
24 congenital disorders which is identified through the newborn  
25 screening program pursuant to s. 383.14, the newborn shall be  
26 referred to the Children's Medical Services network for  
27 confirmatory testing, medical management, or medical referral.

28 Section 83. Section 391.309, Florida Statutes, is  
29 created to read:

30 391.309 Florida Infants and Toddlers Early  
31 Intervention Program.--The Department of Health may implement

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1 and administer Part C of the federal Individuals with  
2 Disabilities Education Act (IDEA), which shall be known as the  
3 Florida Infants and Toddlers Early Intervention Program.

4 (1) The department, jointly with the Department of  
5 Education, shall annually prepare a grant application to the  
6 United States Department of Education for funding early  
7 intervention services for infants and toddlers with  
8 disabilities, ages birth through 36 months, and their families  
9 pursuant to Part C of the federal Individuals with  
10 Disabilities Education Act.

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

20 Section 84. Section 394.9151, Florida Statutes, is  
21 amended to read:

22 394.9151 Contract authority.--The Department of  
23 Children and Family Services may contract with a private  
24 entity or state agency for use of and operation of facilities  
25 to comply with the requirements of this act. The department of  
26 ~~Children and Family Services~~ may also contract with the  
27 Correctional Privatization Commission as defined in chapter  
28 957 to issue a request for proposals and monitor contract  
29 compliance for these services. The department may enter into  
30 an agreement or may contract with the Correctional Medical  
31 Authority, as defined in chapter 945, to conduct surveys of

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1 medical services and to provide medical quality assurance and  
2 improvement assistance at secure confinement and treatment  
3 facilities for persons confined under this chapter.

4 Section 85. Subsection (2) of section 395.404, Florida  
5 Statutes, is amended to read:

6 395.404 Review of trauma registry data;  
7 confidentiality and limited release.--

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

24 Section 86. Subsection (2) of section 401.113, Florida  
25 Statutes, is amended to read:

26 401.113 Department; powers and duties.--

27 (2)(a) The department shall annually dispense funds  
28 contained in the Emergency Medical Services Trust Fund as  
29 follows:

30 1.(a) Forty-five percent of such moneys must be  
31 divided among the counties according to the proportion of the

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1 combined amount deposited in the trust fund from the county.  
2 These funds may not be used to match grant funds as identified  
3 in subparagraph 2 ~~paragraph (b)~~. An individual board of county  
4 commissioners may distribute these funds to emergency medical  
5 service organizations within the county, as it deems  
6 appropriate.

7 ~~2.(b)~~ Forty percent of such moneys must be used by the  
8 department for making matching grants to local agencies,  
9 municipalities, and emergency medical services organizations  
10 for the purpose of conducting research, increasing existing  
11 levels of emergency medical services, evaluation, community  
12 education, injury prevention programs, and training in  
13 cardiopulmonary resuscitation and other lifesaving and first  
14 aid techniques.

15 ~~a.1.~~ At least 90 percent of these moneys must be made  
16 available on a cash matching basis. A grant made under this  
17 subparagraph must be contingent upon the recipient providing a  
18 cash sum equal to 25 percent of the total department-approved  
19 grant amount.

20 ~~b.2.~~ No more than 10 percent of these moneys must be  
21 made available to rural emergency medical services, and  
22 notwithstanding the restrictions specified in subsection (1),  
23 these moneys may be used for improvement, expansion, or  
24 continuation of services provided. A grant made under this  
25 subparagraph must be contingent upon the recipient providing a  
26 cash sum equal to no more than 10 percent of the total  
27 department-approved grant amount.

28  
29 The department shall develop procedures and standards for  
30 grant disbursement under this paragraph based on the need for  
31 emergency medical services, the requirements of the population

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1 to be served, and the objectives of the state emergency  
 2 medical services plan.

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

9 (b) Notwithstanding any other law to the contrary, any  
 10 interest generated from grant funds may be expended by the  
 11 grantee on the budget items approved by the department.  
 12 Grantees receiving funds, which require a match, may not  
 13 expend interest funds until all match requirements have been  
 14 satisfied. Such grantees shall return to the department any  
 15 interest and grant funds not expended at the conclusion of the  
 16 grant period. All such returned funds shall be used by the  
 17 department for additional matching grant awards.

18 Section 87. Section 401.211, Florida Statutes, is  
 19 amended to read:

20 401.211 Legislative intent.--The Legislature  
 21 recognizes that the systematic provision of emergency medical  
 22 services saves lives and reduces disability associated with  
 23 illness and injury. In addition, that system of care must be  
 24 equally capable of assessing, treating, and transporting  
 25 children, adults, and frail elderly persons. Further, it is  
 26 the intent of the Legislature to encourage the development and  
 27 maintenance of emergency medical services because such  
 28 services are essential to the health and well-being of all  
 29 citizens of the state. The Legislature also recognizes that  
 30 the establishment of a statewide comprehensive injury  
 31 prevention program supports state and community health systems



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1 by further enhancing the total delivery system of emergency  
2 medical services and reduces injuries for all persons. The  
3 purpose of this part is to protect and enhance the public  
4 health, welfare, and safety through the establishment of an  
5 emergency medical services state plan, an advisory council, a  
6 comprehensive statewide injury prevention and control program,  
7 minimum standards for emergency medical services personnel,  
8 vehicles, services and medical direction, and the  
9 establishment of a statewide inspection program created to  
10 monitor the quality of patient care delivered by each licensed  
11 service and appropriately certified personnel.

12 Section 88. Section 401.243, Florida Statutes, is  
13 created to read:

14 401.243 Injury prevention and control.--The injury  
15 prevention and control program is responsible for the  
16 statewide coordination and expansion of injury prevention and  
17 control activities. The duties of the department may include,  
18 but not be limited to, data collection, surveillance,  
19 education, and the promotion of interventions. The department  
20 may:

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

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

27 (3) Adopt rules related to the activities of the  
28 program, including, but not limited to, those needed for  
29 implementation of injury prevention and control activities,  
30 data collection, surveillance, education, promotion of  
31 interventions, and for assistance to other entities.

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

3           Section 89. Subsections (3), (4), (5), and (13) of  
4 section 401.27, Florida Statutes, are amended, and subsection  
5 (14) is added to that section, to read:

6           401.27 Personnel; standards and certification.--

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

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

24           (a) Have completed an appropriate training course as  
25 follows:

26           1. For an emergency medical technician, an emergency  
27 medical technician training course equivalent to the most  
28 recent emergency medical technician basic training course of  
29 the United States Department of Transportation as approved by  
30 the department;

31           2. For a paramedic, a paramedic training program

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1 equivalent to the most recent paramedic course of the United  
2 States Department of Transportation as approved by the  
3 department;

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

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

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

11 (e)1. For an emergency medical technician, hold either  
12 a current American Heart Association cardiopulmonary  
13 resuscitation course card or an American Red Cross  
14 cardiopulmonary resuscitation course card or its equivalent as  
15 defined by department rule;

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

20 (f) Submit the certification fee and the nonrefundable  
21 examination fee prescribed in s. 401.34, which examination fee  
22 will be required for each examination administered to an  
23 applicant; and

24 (g) Submit a completed application to the department,  
25 which application documents compliance with paragraphs (a),  
26 (b), (c), (e), (f), (g), and, if applicable, (d). The  
27 application must be submitted so as to be received by the  
28 department at least 30 calendar days before the next regularly  
29 scheduled examination for which the applicant desires to be  
30 scheduled.

31 (5) The certification examination must be offered

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

17 (13) ~~The department shall adopt a standard state~~  
18 ~~insignia for emergency medical technicians and paramedics. The~~  
19 ~~department shall establish by rule the requirements to display~~  
20 ~~the state emergency medical technician and paramedic insignia.~~  
21 ~~The rules may not require a person to wear the standard~~  
22 ~~insignia but must require that~~ If a person wears any insignia  
23 that identifies the person as a certified emergency medical  
24 technician or paramedic in this state, the insignia must be  
25 ~~the standard state insignia adopted under this section. The~~  
26 ~~insignia must~~ denote the individual's level of certification  
27 at which he or she is functioning.

28 (14)(a) An applicant for initial certification under  
29 this section must submit information and a set of fingerprints  
30 to the Department of Health on a form and under procedures  
31 specified by the department, along with payment in an amount

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1 equal to the costs incurred by the Department of Health for a  
2 a statewide criminal history check and a national criminal  
3 history check of the applicant.

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

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1 the renewal certification application. A certificate that  
2 expires on December 1, 2004, may be renewed subject to  
3 withdrawal of certificating pending the department's  
4 determination of whether the certificateholder will be granted  
5 an exemption as provided in paragraph (h). The  
6 certificateholder must make timely application for renewal and  
7 request the exemption from denial prior to the expiration of  
8 the certificate.

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

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

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

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

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

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

17 2. Section 782.04, relating to murder.

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

21 4. Section 782.071, relating to vehicular homicide.

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

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

26 7. Section 784.021, relating to aggravated assault.

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

29 9. Section 784.045, relating to aggravated battery.

30 10. Section 784.01, relating to kidnapping.

31 11. Section 787.02, relating to false imprisonment.

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- 1           12. Section 794.011, relating to sexual battery.
- 2           13. Former s. 794.041, relating to prohibited acts of
- 3 persons in familial or custodial authority.
- 4           14. Chapter 796, relating to prostitution.
- 5           15. Section 798.02, relating to lewd and lascivious
- 6 behavior.
- 7           16. Chapter 800, relating to lewdness and indecent
- 8 exposure.
- 9           17. Section 806.01, relating to arson.
- 10          18. Chapter 812, relating to theft, robbery, and
- 11 related crimes, only if the offense was a felony.
- 12          19. Section 817.563, relating to fraudulent sale of
- 13 controlled substances, only if the offense was a felony.
- 14          20. Section 825.102, relating to abuse, aggravated
- 15 abuse, or neglect of an elderly person or disabled adult.
- 16          21. Section 825.1025, relating to lewd or lascivious
- 17 offenses committed upon or in the presence of an elderly
- 18 person or disabled adult.
- 19          22. Section 825.103, relating to exploitation of an
- 20 elderly person or disabled adult, if the offense was a felony.
- 21          23. Section 826.04, relating to incest.
- 22          24. Section 827.03, relating to child abuse,
- 23 aggravated child abuse, or neglect of a child.
- 24          25. Section 827.04, relating to contributing to the
- 25 delinquency or dependency of a child.
- 26          26. Former s. 827.05, relating to negligent treatment
- 27 of children.
- 28          27. Section 827.071, relating to sexual performance by
- 29 a child.
- 30          28. Chapter 847, relating to obscene literature.
- 31          29. Chapter 893, relating to drug abuse prevention and



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1 control, only if the offense was a felony or if any other  
2 person involved in the offense was a minor.

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

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

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

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

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

15 4. Findings of delinquency; or

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

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

22 Applicants seeking an exemption have the burden of setting  
23 forth sufficient evidence of rehabilitation, including, but  
24 not limited to, the circumstances surrounding the criminal  
25 incident for which an exemption is sought, the time period  
26 that has elapsed since the incident, the nature of the harm  
27 caused to the victim, and the history of the applicant since  
28 the incident, or any other evidence or circumstances  
29 indicating that the applicant will not present a danger if the  
30 certification or renewed certification is granted. To make the  
31 necessary demonstration, the applicant must request an

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1 exemption and submit the required information supporting that  
 2 request at the time of application in order for the department  
 3 to make a determination in accordance with this section.

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

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

23 Section 90. Subsection (6) is added to section  
 24 401.2701, Florida Statutes, to read:

25 401.2701 Emergency medical services training  
 26 programs.--

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

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1 requirement for initial and renewal certification under s.  
2 401.27. The department shall prescribe by rule the required  
3 content of this component of the course.

4 Section 91. Subsection (2) of section 401.2715,  
5 Florida Statutes, is amended to read:

6 401.2715 Recertification training of emergency medical  
7 technicians and paramedics.--

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

24 Section 92. Subsection (4) of section 404.056, Florida  
25 Statutes, is amended to read:

26 404.056 Environmental radiation standards and  
27 projects; certification of persons performing measurement or  
28 mitigation services; mandatory testing; notification on real  
29 estate documents; rules.--

30 (4) MANDATORY TESTING.--All public and private school  
31 buildings or school sites housing students in kindergarten

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

25 Section 93. Subsection (5) of section 409.814, Florida  
26 Statutes, is amended to read:

27 409.814 Eligibility.--A child whose family income is  
28 equal to or below 200 percent of the federal poverty level is  
29 eligible for the Florida Kidcare program as provided in this  
30 section. In determining the eligibility of such a child, an  
31 assets test is not required. An applicant under 19 years of

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

28 (5) A child whose family income is above 200 percent  
29 of the federal poverty level or a child who is excluded under  
30 the provisions of subsection (4) may participate in the  
31 Florida Healthy Kids program or the Medikids program, Kidcare

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1 ~~program, excluding the Medicaid program, but is~~ subject to the  
2 following provisions:

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

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

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

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

25 Section 94. Section 409.91188, Florida Statutes, is  
26 amended to read:

27 409.91188 Specialty prepaid health plans for Medicaid  
28 recipients with HIV or AIDS.--

29 (1) The Agency for Health Care Administration shall  
30 issue a request for proposal or intent to implement a is  
31 ~~authorized to contract with specialty prepaid health plans~~

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

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

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1 An entity may provide prepaid services to recipients, either  
2 directly or through arrangements with other entities. Each  
3 entity shall:

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

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

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

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

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

27 (f) Furnish evidence satisfactory to the agency of  
28 adequate liability insurance coverage or an adequate plan of  
29 self-insurance to respond to claims for injuries arising out  
30 of the furnishing of health care.

31 (g) Provides organizational, operational, financial,



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1 and other information required by the agency.

2           Section 95. Paragraph (d) of subsection (1) of section  
3 455.227, Florida Statutes, is amended to read:

4           455.227 Grounds for discipline; penalties;  
5 enforcement.--

6           (1) The following acts shall constitute grounds for  
7 which the disciplinary actions specified in subsection (2) may  
8 be taken:

9           (d) Using a Class III or a Class IV laser device or  
10 product, as defined by federal regulations, without having  
11 complied with the rules adopted pursuant to s. 404.24(2)  
12 ~~501.122(2)~~ governing the registration of such devices.

13           Section 96. Subsection (7) of section 456.025, Florida  
14 Statutes, is amended to read:

15           456.025 Fees; receipts; disposition.--

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

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1 ~~continuing education providers shall provide information on~~  
2 ~~course attendance to the department necessary to implement the~~  
3 ~~electronic tracking system. The department shall, by rule,~~  
4 ~~specify the form and procedures by which the information is to~~  
5 ~~be submitted.~~

6 Section 97. Section 456.055, Florida Statutes, is  
7 amended to read:

8 456.055 Chiropractic and podiatric health care; denial  
9 of payment; limitation.--

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

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

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

30 Section 98. Paragraph (d) of subsection (1) of section  
31 460.406, Florida Statutes, is amended to read:

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1           460.406 Licensure by examination.--  
 2           (1) Any person desiring to be licensed as a  
 3 chiropractic physician shall apply to the department to take  
 4 the licensure examination. There shall be an application fee  
 5 set by the board not to exceed \$100 which shall be  
 6 nonrefundable. There shall also be an examination fee not to  
 7 exceed \$500 plus the actual per applicant cost to the  
 8 department for purchase of portions of the examination from  
 9 the National Board of Chiropractic Examiners or a similar  
 10 national organization, which may be refundable if the  
 11 applicant is found ineligible to take the examination. The  
 12 department shall examine each applicant who the board  
 13 certifies has:

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

30           2. Effective July 1, 2000, completed, prior to  
 31 matriculation in a chiropractic college, at least 3 years of

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

15 Section 99. Paragraph (b) of subsection (1) of section  
16 463.006, Florida Statutes, is amended to read:

17 463.006 Licensure and certification by examination.--

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

22 (b) Submitted proof satisfactory to the department  
23 that she or he:

- 24 1. Is at least 18 years of age.
- 25 2. Has graduated from an accredited school or college  
26 of optometry approved by rule of the board.
- 27 3. Is of good moral character.
- 28 4. Has successfully completed at least 110 hours of  
29 transcript-quality coursework and clinical training in general  
30 and ocular pharmacology as determined by the board, at an  
31 institution that:

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1 a. Has facilities for both didactic and clinical  
2 instructions in pharmacology; and

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

8 5. Has completed at least 1 year of supervised  
9 experience in differential diagnosis of eye disease or  
10 disorders as part of the optometric training or in a clinical  
11 setting as part of the optometric experience.

12 Section 100. Subsection (8) of section 467.009,  
13 Florida Statutes, is amended to read:

14 467.009 Midwifery programs; education and training  
15 requirements.--

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

24 Section 101. Paragraph (g) of subsection (3) of  
25 section 468.302, Florida Statutes, is amended to read:

26 468.302 Use of radiation; identification of certified  
27 persons; limitations; exceptions.--

28 (3)

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

31 a. Conduct in vivo and in vitro measurements of

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1 radioactivity and administer radiopharmaceuticals to human  
2 beings for diagnostic and therapeutic purposes.

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

10 2. However, The authority of a nuclear medicine  
11 technologist under this paragraph excludes:

12 a. Radioimmunoassay and other clinical laboratory  
13 testing regulated pursuant to chapter 483.

14 b. Creating or modifying automated computed tomography  
15 protocols.

16 c. Any other operation of a computed tomography  
17 device, especially for the purposes of stand-alone diagnostic  
18 imaging, which is regulated pursuant to the general  
19 radiographic scope in this part.

20 Section 102. Subsection (2) of section 468.509,  
21 Florida Statutes, is amended to read:

22 468.509 Dietitian/nutritionist; requirements for  
23 licensure.--

24 (2) The agency shall examine any applicant who the  
25 board certifies has completed the application form and  
26 remitted the application and examination fees specified in s.  
27 468.508 and who:

28 (a)1. Possesses a baccalaureate or postbaccalaureate  
29 degree with a major course of study in human nutrition, food  
30 and nutrition, dietetics, or food management, or an equivalent  
31 major course of study, from a school or program accredited, at

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1 the time of the applicant's graduation, by the appropriate  
2 accrediting agency recognized by the Council for Higher  
3 Education Accreditation or ~~Commission on Recognition of~~  
4 ~~Postsecondary Accreditation~~ and the United States Department  
5 of Education; and

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

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

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

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

21           Section 103. Paragraph (a) of subsection (1) of  
22 section 468.707, Florida Statutes, is amended to read:

23           468.707 Licensure by examination; requirements.--

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

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

28           1. Has completed the application form and remitted the  
29 required fees.

30           2. Is at least 21 years of age.

31           3. Has obtained a baccalaureate degree from a college

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1 or university accredited by an accrediting agency recognized  
2 and approved by the United States Department of Education or  
3 the Council for Higher Education Accreditation or Commission  
4 ~~on Recognition of Postsecondary Accreditation~~ approved by the  
5 board.

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

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

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

25           7. Has passed an examination administered or approved  
26 by the board.

27           Section 104. Section 486.031, Florida Statutes, is  
28 amended to read:

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



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- 1           (1) Be at least 18 years old;
- 2           (2) Be of good moral character; and
- 3           (3)(a) Have been graduated from a school of physical
- 4 therapy which has been approved for the educational
- 5 preparation of physical therapists by the appropriate
- 6 accrediting agency recognized by the Council for Higher
- 7 Education Accreditation ~~Commission on Recognition of~~
- 8 ~~Postsecondary Accreditation~~ or the United States Department of
- 9 Education at the time of her or his graduation and have
- 10 passed, to the satisfaction of the board, the American
- 11 Registry Examination prior to 1971 or a national examination
- 12 approved by the board to determine her or his fitness for
- 13 practice as a physical therapist as hereinafter provided;
- 14           (b) Have received a diploma from a program in physical
- 15 therapy in a foreign country and have educational credentials
- 16 deemed equivalent to those required for the educational
- 17 preparation of physical therapists in this country, as
- 18 recognized by the appropriate agency as identified by the
- 19 board, and have passed to the satisfaction of the board an
- 20 examination to determine her or his fitness for practice as a
- 21 physical therapist as hereinafter provided; or
- 22           (c) Be entitled to licensure without examination as
- 23 provided in s. 486.081.
- 24           Section 105. Section 486.102, Florida Statutes, is
- 25 amended to read:
- 26           486.102 Physical therapist assistant; licensing
- 27 requirements.--To be eligible for licensing by the board as a
- 28 physical therapist assistant, an applicant must:
- 29           (1) Be at least 18 years old;
- 30           (2) Be of good moral character; and
- 31           (3)(a) Have been graduated from a school giving a

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1 course of not less than 2 years for physical therapist  
2 assistants, which has been approved for the educational  
3 preparation of physical therapist assistants by the  
4 appropriate accrediting agency recognized by the Council for  
5 Higher Education Accreditation ~~Commission on Recognition of~~  
6 ~~Postsecondary Accreditation~~ or the United States Department of  
7 Education at the time of her or his graduation and have passed  
8 to the satisfaction of the board an examination to determine  
9 her or his fitness for practice as a physical therapist  
10 assistant as hereinafter provided;

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

20 (c) Be entitled to licensure without examination as  
21 provided in s. 486.107.

22 Section 106. Paragraph (a) of subsection (5) of  
23 section 489.553, Florida Statutes, is amended to read:

24 489.553 Administration of part; registration  
25 qualifications; examination.--

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

28 (a) Have been a registered septic tank contractor in  
29 Florida for at least 3 years or a plumbing contractor  
30 certified under part I of this chapter who has provided septic  
31 tank contracting services for at least 3 years. The 3 years

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1 must immediately precede the date of application and may not  
 2 be interrupted by any probation, suspension, or revocation  
 3 imposed by the licensing agency.

4 Section 107. Section 489.554, Florida Statutes, is  
 5 amended to read:

6 489.554 Registration renewal.--

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

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

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

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

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1 prescribe by rule the method for a master septic tank  
2 contractor whose registration has reverted to registered  
3 septic tank contractor status to apply for master septic tank  
4 contractor status.

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

9 Section 108. Paragraph (b) of subsection (2) of  
10 section 490.005, Florida Statutes, is amended to read:

11 490.005 Licensure by examination.--

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

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

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

30 2. Has had a minimum of 3 years of experience in  
31 school psychology, 2 years of which must be supervised by an

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

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

8 Section 109. Paragraph (b) of subsection (3) and  
 9 paragraph (b) of subsection (4) of section 491.005, Florida  
 10 Statutes, are amended to read:

11 491.005 Licensure by examination.--

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

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

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

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

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

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

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

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

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

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

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

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

30 (b)1. Has a minimum of an earned master's degree from  
31 a mental health counseling program accredited by the Council



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1 for the Accreditation of Counseling and Related Educational  
2 Programs that consists of at least 60 semester hours or 80  
3 quarter hours of clinical and didactic instruction, including  
4 a course in human sexuality and a course in substance abuse.  
5 If the master's degree is earned from a program related to the  
6 practice of mental health counseling that is not accredited by  
7 the Council for the Accreditation of Counseling and Related  
8 Educational Programs, then the coursework and practicum,  
9 internship, or fieldwork must consist of at least 60 semester  
10 hours or 80 quarter hours and meet the following requirements:

11 a. Thirty-three semester hours or 44 quarter hours of  
12 graduate coursework, which must include a minimum of 3  
13 semester hours or 4 quarter hours of graduate-level coursework  
14 in each of the following 11 content areas: counseling theories  
15 and practice; human growth and development; diagnosis and  
16 treatment of psychopathology; human sexuality; group theories  
17 and practice; individual evaluation and assessment; career and  
18 lifestyle assessment; research and program evaluation; social  
19 and cultural foundations; counseling in community settings;  
20 and substance abuse. Courses in research, thesis or  
21 dissertation work, practicums, internships, or fieldwork may  
22 not be applied toward this requirement.

23 b. A minimum of 3 semester hours or 4 quarter hours of  
24 graduate-level coursework in legal, ethical, and professional  
25 standards issues in the practice of mental health counseling,  
26 which includes goals, objectives, and practices of  
27 professional counseling organizations, codes of ethics, legal  
28 considerations, standards of preparation, certifications and  
29 licensing, and the role identity and professional obligations  
30 of mental health counselors. Courses in research, thesis or  
31 dissertation work, practicums, internships, or fieldwork may

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1 not be applied toward this requirement.

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

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

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

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

12 Section 110. Subsection (6) of section 499.003,  
13 Florida Statutes, is amended to read:

14 499.003 Definitions of terms used in ss.  
15 499.001-499.081.--As used in ss. 499.001-499.081, the term:  
16 (6) "Compressed medical gas" means any liquefied or  
17 vaporized gas that is classified as a prescription drug or  
18 medical device, whether it is alone or in combination with  
19 other gases.

20 Section 111. Subsection (2) of section 499.007,  
21 Florida Statutes, is amended to read:

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

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

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

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1 is, or is intended to be, dispensed or administered to the  
 2 patient and requires no further manufacturing or processing  
 3 other than packaging, reconstitution, and labeling; and

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

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

26 Section 112. Paragraph (e) of subsection (1) of  
 27 section 499.01, Florida Statutes, is amended to read:

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

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

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1 on forms furnished by the department.

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

17 Section 113. Paragraph (b) of subsection (6) of  
 18 section 499.0121, Florida Statutes, is amended to read:

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

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

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

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

3

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

8 Section 114. Section 501.122, Florida Statutes, is  
9 transferred and renumbered as section 404.24, Florida  
10 Statutes.

11 Section 115. Section 784.081, Florida Statutes, is  
12 amended to read:

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

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

31 (2) In the case of aggravated assault, from a felony

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1 of the third degree to a felony of the second degree.

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

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

6 Section 116. Section 945.6038, Florida Statutes, is  
7 created to read:

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

19 Section 117. Section 154.317, Florida Statutes, is  
20 created to read:

21 154.317 County financial responsibility for trauma  
22 care.--

23 (1) Notwithstanding ss. 154.301-154.316, each county  
24 shall participate in supporting a regionalized system of  
25 trauma care which provides reimbursement to hospitals that are  
26 trauma centers, approved in accordance with s. 395.4025.  
27 Financial responsibility shall be limited to uninsured or  
28 underinsured inpatients with primary or secondary diagnoses of  
29 DRG 484-487. For purposes of this section, the term  
30 "underinsured" means insurance coverage for a person who is an  
31 inpatient which is inadequate to cover the cost of that

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1 patient's care.  
2       (2) Payment levels may not exceed the statewide  
3 average cost per trauma patient in each level of designated  
4 trauma center. Initial payment rates, subject to annual  
5 updates by the Agency for Health Care Administration, are:  
6       (a) Level I: \$14,000 per trauma patient;  
7       (b) Level II: \$9,000 per trauma patient; and  
8       (c) Pediatric: \$6,000 per trauma patient.  
9       (3) Counties shall be designated as responsible for  
10 payment if:  
11       (a) The county of residence has unspent funds received  
12 under this part at the end of the fiscal year in which the  
13 hospitalization occurs, but in no case shall the county's  
14 responsibility exceed the amount of spent funds.  
15       (b) The responsible county is exempt based on the  
16 following criteria:  
17           1. The county population in the most recent United  
18 States Census totals fewer than 30,000 residents and the  
19 proportion of county residents with incomes below the poverty  
20 level exceeds 20 percent;  
21           2. The property tax rate, including special districts  
22 and municipal service taxes, of the county equals or exceeds  
23 10 mills; or  
24           3. The responsible county is currently contributing to  
25 the financial support of a regional trauma system through  
26 direct funding of trauma care, tax district support for  
27 hospitals in the county designated as trauma centers, or under  
28 the terms of an intergovernmental agreement with other  
29 counties in the trauma region or a written agreement with the  
30 nearest trauma center.  
31       (c) Residence in the county at the time of the



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1 hospitalization is verified by:

2 1. Current active driver's license;

3 2. Mortgage, lease, or rental receipt or letter from a  
4 landlord;

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

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

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

12 6. Voter registration; or

13 7. Proof of children enrolled in public schools within  
14 the county.

15 (4) Each county shall pay the amount specified in this  
16 section, as determined by the Agency for Health Care  
17 Administration, into the Medicaid Grants and Donations Trust  
18 Fund. These funds shall be used in special Medicaid payments  
19 to enhance the public funds available for federal matching  
20 purposes. The total special Medicaid payments funded by these  
21 county payments shall be paid to state-approved trauma centers  
22 and shall be distributed in accordance with the General  
23 Appropriations Act or other legislation related to  
24 appropriations.

25 Section 118. Section 381.85, subsection (9) of section  
26 381.0098, paragraph (f) of subsection (2) of section 385.103,  
27 section 385.205, section 385.209, and subsection (7) of  
28 section 445.033, Florida Statutes, are repealed.

29 Section 119. Section 57 of chapter 98-288, Laws of  
30 Florida, is repealed.

31

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1 (Redesignate subsequent sections.)

2

3

4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 8, line 30, after the semicolon,

7

8 insert:

9 amending s. 17.41, F.S.; providing for funds  
10 from the tobacco settlement to be transferred  
11 to the Biomedical Trust Fund within the  
12 Department of Health Services and Community  
13 Health Resources and the Division of Health  
14 Awareness and Tobacco; amending s. 20.43, F.S.;  
15 establishing the Division of Disability  
16 Determinations within the Department of Health  
17 and renaming the Division of Emergency Medical  
18 Services and Community Health Resources and the  
19 Division of Health Awareness and Tobacco;  
20 amending s. 154.01, F.S.; providing for  
21 environmental health services to include  
22 investigations of elevated blood lead levels;  
23 authorizing the expenditure of funds for such  
24 investigations; creating s. 216.342, F.S.;  
25 authorizing the expenditure of funds in the  
26 United States Trust Fund for the operation of  
27 the Division of Disability Determinations;  
28 amending s. 381.0011, F.S.; revising duties of  
29 the department with respect to injury  
30 prevention and control; amending s. 381.004,  
31 F.S.; revising requirements for the release of

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1 HIV test results; amending s. 381.0065, F.S.,  
2 relating to onsite sewage treatment and  
3 disposal systems; clarifying a definition;  
4 deleting obsolete provisions; amending s.  
5 381.0066, F.S.; deleting a limitation on the  
6 period for imposing a fee on new sewage system  
7 construction; amending s. 381.0072, F.S.;  
8 clarifying provisions governing the authority  
9 of the department to adopt and enforce  
10 sanitation rules; creating s. 381.104, F.S.;  
11 authorizing state agencies to establish  
12 employee health and wellness programs;  
13 providing requirements for the programs;  
14 requiring the use of an employee health and  
15 wellness activity agreement form; requiring an  
16 evaluation and improvement process for the  
17 program; requiring the department to provide  
18 model program guidelines; creating s. 381.86,  
19 F.S.; creating the Review Council for Human  
20 Subjects within the Department of Health;  
21 providing duties and membership; providing for  
22 reimbursement for per diem and travel expenses;  
23 requiring the department to charge for costs  
24 incurred by the council for research oversight;  
25 providing an exception; requiring the  
26 department to adopt rules; amending s. 381.89,  
27 F.S.; revising the fees imposed for the  
28 licensure of tanning facilities; amending s.  
29 381.90, F.S.; revising the membership of the  
30 Health Information Systems Council; revising  
31 the date for submitting an annual plan;

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1           amending s. 383.14, F.S.; clarifying provisions  
2           with respect to the screening of newborns;  
3           amending s. 384.25, F.S.; revising requirements  
4           for the reporting of sexually transmissible  
5           disease; requiring the department to adopt  
6           rules; amending s. 385.204, F.S.; revising  
7           requirements for the purchase and distribution  
8           of insulin by the department; amending s.  
9           391.021, F.S.; redefining the term "children  
10          with special health care needs" for purposes of  
11          the Children's Medical Services Act; amending  
12          s. 391.025, F.S.; revising applicability and  
13          scope of the act; amending s. 391.029, F.S.;  
14          revising requirements for program eligibility;  
15          amending s. 391.035, F.S.; authorizing the  
16          department to contract for services provided  
17          under the act; amending s. 391.055, F.S.;  
18          requiring the referral of a newborn having a  
19          certain abnormal screening result; creating s.  
20          391.309, F.S.; establishing the Florida Infants  
21          and Toddlers Early Intervention Program;  
22          providing requirements for the department under  
23          the program; requiring certain federal waivers;  
24          amending s. 394.9151, F.S.; authorizing the  
25          Department of Children and Family Services to  
26          contract with the Correctional Medical  
27          Authority for medical quality assurance  
28          assistance at certain facilities; amending s.  
29          395.404, F.S.; revising requirements for  
30          reports to the department concerning brain or  
31          spinal cord injuries; amending s. 401.113,

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1 F.S.; providing for the use of funds generated  
2 from interest on certain grant moneys; amending  
3 s. 401.211, F.S.; providing legislative intent  
4 with respect to a statewide comprehensive  
5 injury prevention program; creating s. 401.243,  
6 F.S.; providing duties of the department in  
7 operating the program; amending s. 401.27,  
8 F.S.; authorizing electronically submitted  
9 applications for certification or  
10 recertification as an emergency medical  
11 technician or a paramedic; revising  
12 requirements for an insignia identifying such  
13 person; requiring the screening of applicants  
14 through the Department of Law Enforcement;  
15 amending s. 401.2701, F.S., relating to  
16 emergency medical services training programs;  
17 requiring that students be notified of certain  
18 regulatory and screening requirements;  
19 requiring the department to adopt rules;  
20 amending s. 401.2715, F.S.; providing for  
21 approval of continuing education courses;  
22 amending s. 404.056, F.S.; revising  
23 requirements for mandatory testing of certain  
24 buildings and facilities for radon; amending s.  
25 409.814, F.S.; revising eligibility for certain  
26 children to participate in the Healthy Kids  
27 program and the Medikids program; amending s.  
28 409.91188, F.S.; authorizing the agency to  
29 contract with private or public entities for  
30 health care services; amending s. 455.227,  
31 F.S.; conforming a cross-reference; amending s.

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1 456.025, F.S.; revising requirements for  
2 tracking continuing education; amending s.  
3 456.055, F.S.; providing requirements for  
4 claims for services for chiropractic and  
5 podiatric health care; amending ss. 460.406,  
6 463.006, and 467.009, F.S., relating to  
7 licensure; conforming provisions to changes  
8 made with respect to an accrediting agency;  
9 amending s. 468.302, F.S.; authorizing a  
10 nuclear medicine technologist to administer  
11 certain X radiation; amending ss. 468.509,  
12 468.707, 486.031, and 486.102, F.S., relating  
13 to licensure; conforming provisions to changes  
14 made with respect to an accrediting agency;  
15 amending ss. 489.553 and 489.554, F.S.;  
16 revising certification requirements for septic  
17 tank contractors; authorizing an inactive  
18 registration; amending ss. 490.005 and 491.005,  
19 F.S., relating to licensure; conforming  
20 provisions to changes made with respect to an  
21 accrediting agency; amending s. 499.003, F.S.;  
22 redefining the term "compressed medical gas"  
23 for purposes of the Florida Drug and Cosmetic  
24 Act; amending s. 499.007, F.S.; revising  
25 requirements for labeling medicinal drugs;  
26 amending s. 499.01, F.S.; authorizing the  
27 department to issue a prescription drug  
28 manufacturer permit to a nuclear pharmacy that  
29 is a health care entity; amending s. 499.0121,  
30 F.S.; providing requirements for retaining  
31 inventories and records; transferring and

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1 renumbering s. 501.122, F.S., relating to the  
2 control of nonionizing radiations; amending s.  
3 784.081, F.S.; providing for the  
4 reclassification of the offense of assault or  
5 battery if committed on an employee of the  
6 Department of Health or upon a direct services  
7 provider of the department; creating s.  
8 945.6038, F.S.; authorizing the Correctional  
9 Medical Authority to contract with the  
10 Department of Children and Family Services to  
11 provide assistance in medical quality assurance  
12 at certain facilities; creating s. 154.317,  
13 F.S.; establishing reimbursement procedures and  
14 guidelines for the reimbursement of trauma  
15 centers by counties; providing for the payment  
16 into the Medicaid Grants and Donations Trust  
17 Fund and the use of certain funds; repealing s.  
18 381.85, s. 381.0098(9), s. 385.103(2)(f), ss.  
19 385.205 and 385.209, and s. 445.033(7), F.S;  
20 relating to biomedical and social research,  
21 obsolete provisions concerning biomedical  
22 waste, rulemaking authority of the department,  
23 programs in kidney disease control,  
24 dissemination of information on cholesterol  
25 health risks, and an exemption for certain  
26 evaluations conducted by Workforce Florida,  
27 Inc.; repealing s. 57 of chapter 98-288, Laws  
28 of Florida; abrogating the repeal of the  
29 Florida Kidcare Act;  
30  
31