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1 A bill to be entitled
2 An act relating to health; amending s. 17.41, F.S.;
3 providing for funds from the tobacco settlement to be
4 transferred to the Biomedical Research Trust Fund within
5 the Department of Health; amending s. 20.43, F.S.;
6 renaming certain divisions within the Department of
7 Health; establishing the Division of Disability
8 Determinations within the department; establishing the
9 Office of Minority Health within the department; amending
10 s. 154.01, F.S.; providing for environmental health
11 services to include investigations of elevated blood lead
12 levels; authorizing the expenditure of funds for such
13 investigations; creating s. 216.342, F.S.; authorizing the
14 expenditure of funds of the United States Trust Fund for
15 the operation of the Division of Disability
16 Determinations; amending s. 381.0011, F.S.; revising
17 duties of the Department of Health with respect to injury
18 prevention and control; amending s. 381.004, F.S.;
19 revising requirements for the release of HIV test results;
20 amending s. 381.0065, F.S., relating to onsite sewage
21 treatment and disposal systems; clarifying a definition;
22 deleting obsolete provisions; amending s. 381.0072, F.S.;
23 clarifying provisions governing the authority of the
24 Department of Health to adopt and enforce sanitation
25 rules; revising exemptions; creating s. 381.104, F.S.;
26 authorizing state agencies to establish employee health
27 and wellness programs; providing requirements for the
28 programs; requiring the use of an employee health and
29 wellness activity agreement form; requiring an evaluation
30 and improvement process for the program; requiring the



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



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



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91 Services Trust Fund; amending s. 401.211, F.S.; providing
92 legislative intent with respect to a comprehensive
93 statewide injury prevention and control program; creating
94 s. 401.243, F.S.; providing duties of the Department of
95 Health in operating the program; amending s. 401.27, F.S.;
96 authorizing electronically submitted applications for
97 certification or recertification as an emergency medical
98 technician or a paramedic; removing a provision
99 authorizing a temporary certificate; revising requirements
100 for an insignia identifying such person; requiring
101 submission of information and fingerprints for a criminal
102 history check; requiring fees; providing additional
103 grounds for denial of certification or recertification;
104 providing for certain exemptions; amending s. 401.2701,
105 F.S.; requiring emergency medical services training
106 programs to advise students of certification and
107 regulatory requirements; amending s. 401.2715, F.S.;
108 requiring recognition, upon application, of entities
109 approved by the Continuing Education Coordinating Board
110 for Emergency Medical Services for recertification
111 training; amending s. 401.272, F.S.; providing that
112 paramedics may provide life support services in hospital
113 emergency departments under certain circumstances;
114 amending s. 404.056, F.S.; revising requirements for
115 mandatory testing of certain buildings and facilities for
116 radon; amending s. 409.814, F.S.; authorizing certain
117 children to participate in the Florida Healthy Kids
118 program or the Medikids program; amending s. 455.227,
119 F.S.; conforming a cross reference; amending s. 456.017,
120 F.S.; providing for electronic posting of examination



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121 scores; amending s. 456.025, F.S.; deleting the
122 requirement for the Department of Health to develop and
123 maintain a continuing education tracking system; amending
124 s. 456.0375, F.S.; providing exemption from registration
125 for community college and university clinics; providing
126 distinction between supervision of administrative services
127 and supervision of health care delivery services;
128 providing exemption from registration for clinical
129 facilities where training is provided by certain medical
130 schools; amending s. 456.039, F.S.; deleting a cross
131 reference; amending s. 456.049, F.S.; specifying amount of
132 final professional liability claims to be reported for
133 physicians and dentists; amending s. 456.063, F.S.;
134 providing professional regulatory boards, or the
135 Department of Health if there is no board, rulemaking
136 authority for reporting allegations of sexual misconduct;
137 amending s. 456.072, F.S.; clarifying grounds for
138 discipline for performing or attempting to perform health
139 care services on the wrong patient or that are otherwise
140 wrong or unnecessary or leaving a foreign body in the
141 patient; providing for discipline for prescribing,
142 administering, dispensing, or distributing certain
143 medications without a valid professional relationship;
144 providing for additional costs to be assessed as part of
145 any penalty or other form of discipline; requiring clear
146 and convincing evidence to revoke or suspend a license and
147 the greater weight of the evidence for other forms of
148 discipline; conforming a cross reference; amending s.
149 456.073, F.S.; extending the time within which the subject
150 of an investigation may submit a written response to the



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



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



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



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



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271 627.912, F.S.; requiring insurers to report to the
272 Department of Health final claims in certain amounts for
273 physicians, osteopathic physicians, podiatric physicians,
274 and dentists; amending s. 766.101, F.S.; including certain
275 university committees as medical review committees;
276 amending s. 766.314, F.S.; exempting children born in
277 certain family practice teaching hospitals from fee
278 assessments used to finance the Florida Birth-Related
279 Neurological Injury Compensation Plan; conforming a cross
280 reference; amending s. 784.081, F.S.; providing for the
281 reclassification of the offense of assault or battery if
282 committed on an employee of the Department of Health or
283 upon a direct service contract provider of the department;
284 amending s. 817.567, F.S.; revising an accrediting agency
285 for institutions awarding academic degrees and titles;
286 creating s. 945.6038, F.S.; authorizing the Correctional
287 Medical Authority to contract with other agencies to
288 provide medical quality improvement services; amending s.
289 1009.992, F.S.; revising the definition of the term
290 "institution" to update a reference to an accrediting
291 agency; amending s. 1012.46, F.S.; revising provisions
292 relating to athletic trainers in school districts;
293 removing a legislative goal; clarifying a cross reference;
294 providing for payments by the Department of Health and the
295 Division of Administrative Hearings with respect to
296 billings for hearings; requiring a joint audit of hearings
297 and billings of the Division of Administrative Hearings;
298 requiring a report to the Legislature on billing practices
299 of the Division of Administrative Hearings; requiring the
300 Department of Health, in consultation with specified



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



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331 repealing s. 468.357, F.S., relating to respiratory
 332 therapy licensure by examination; repealing s. 468.711(3),
 333 F.S., relating to a continuing education course on
 334 HIV/AIDS for athletic trainers seeking relicensure;
 335 providing for construction of the act in pari materia with
 336 laws enacted during the 2003 Regular Session of the
 337 Legislature; providing an effective date.

338
 339 Be It Enacted by the Legislature of the State of Florida:

340
 341 Section 1. Subsection (5) of section 17.41, Florida
 342 Statutes, is amended to read:

343 17.41 Department of Banking and Finance Tobacco Settlement
 344 Clearing Trust Fund.--

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

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

357 20.43 Department of Health.--There is created a Department
 358 of Health.

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



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361 (f) Division of Emergency Medical Operations Services and
 362 ~~Community Health Resources~~.

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

364 (k) Division of Disability Determinations.

365 (4) There is established within the Department of Health
 366 the Office of Minority Health.

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

369 154.01 County health department delivery system.--

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

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

386 (3) The Department of Health shall enter into contracts
 387 with the several counties for the purposes of this part. All
 388 contracts shall be negotiated and approved by the appropriate
 389 local governing bodies and the appropriate district
 390 administrators on behalf of the department. In accordance with



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391 federal guidelines, the state may utilize federal funds for
 392 county health department services. A standard contract format
 393 shall be developed and used by the department in contract
 394 negotiations. The contract shall include the three levels of
 395 county health department services outlined in subsection (2)
 396 above and shall contain a section which stipulates, for the
 397 contract year:

398 (a) All revenue sources, including federal, state, and
 399 local general revenue, fees, and other cash contributions, which
 400 shall be used by the county health department for county health
 401 department services.‡

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

407 (c) The estimated number of clients, where applicable, who
 408 will be served, by type of service.‡

409 (d) The estimated number of services, where applicable,
 410 that will be provided, by type of service.‡

411 (e) The estimated number of staff positions (full-time
 412 equivalent positions) who will work in each type of service
 413 area.‡ ~~and~~

414 (f) The estimated expenditures for each type of service
 415 and for each level of service.

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



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420 Section 4. Section 216.342, Florida Statutes, is created
421 to read:

422 216.342 Disbursement of funds of the United States Trust
423 Fund.--Funds of the United States Trust Fund may be expended by
424 the Department of Health in accordance with the budget and plans
425 agreed upon by the Social Security Administration and the
426 Department of Health for the operation of the Division of
427 Disability Determinations. The limitations on appropriations
428 provided in s. 216.262(1) do not apply to the United States
429 Trust Fund.

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

432 381.0011 Duties and powers of the Department of
433 Health.--It is the duty of the Department of Health to:
434 (12) Maintain ~~Cooperate with other departments, local~~
435 ~~officials, and private organizations in developing and~~
436 ~~implementing~~ a statewide injury prevention and control program.

437 Section 6. Paragraph (d) of subsection (3) of section
438 381.004, Florida Statutes, is amended to read:

439 381.004 HIV testing.--

440 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
441 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

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

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



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450 2. Preliminary test results may be released to health care
451 providers and to the person tested when decisions about medical
452 care or treatment of, or recommendation to, the person tested
453 and, in the case of an intrapartum or postpartum woman, when
454 care, treatment, or recommendations regarding her newborn,
455 cannot await the results of confirmatory testing. Positive
456 preliminary HIV test results shall not be characterized to the
457 patient as a diagnosis of HIV infection. Justification for the
458 use of preliminary test results must be documented in the
459 medical record by the health care provider who ordered the test.
460 ~~This subparagraph does not authorize the release of preliminary~~
461 ~~test results for the purpose of routine identification of HIV-~~
462 ~~infected individuals or when HIV testing is incidental to the~~
463 ~~preliminary diagnosis or care of a patient. Corroborating or~~
464 ~~confirmatory testing must be conducted as followup to a positive~~
465 ~~preliminary test.~~

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

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

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



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479 381.0065 Onsite sewage treatment and disposal systems;
480 regulation.--

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

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

502 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person may
503 not construct, repair, modify, abandon, or operate an onsite
504 sewage treatment and disposal system without first obtaining a
505 permit approved by the department. The department may issue
506 permits to carry out this section, but shall not make the
507 issuance of such permits contingent upon prior approval by the
508 Department of Environmental Protection. A construction permit is



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509 valid for 18 months from the issuance date and may be extended
 510 by the department for one 90-day period under rules adopted by
 511 the department. A repair permit is valid for 90 days from the
 512 date of issuance. An operating permit must be obtained prior to
 513 the use of any aerobic treatment unit or if the establishment
 514 generates commercial waste. Buildings or establishments that use
 515 an aerobic treatment unit or generate commercial waste shall be
 516 inspected by the department at least annually to assure
 517 compliance with the terms of the operating permit. The operating
 518 permit for a commercial wastewater system is valid for 1 year
 519 from the date of issuance and must be renewed annually. The
 520 operating permit for an aerobic treatment unit is valid for 2
 521 years from the date of issuance and must be renewed every 2
 522 years. If all information pertaining to the siting, location,
 523 and installation conditions or repair of an onsite sewage
 524 treatment and disposal system remains the same, a construction
 525 or repair permit for the onsite sewage treatment and disposal
 526 system may be transferred to another person, if the transferee
 527 files, within 60 days after the transfer of ownership, an
 528 amended application providing all corrected information and
 529 proof of ownership of the property. There is no fee associated
 530 with the processing of this supplemental information. A person
 531 may not contract to construct, modify, alter, repair, service,
 532 abandon, or maintain any portion of an onsite sewage treatment
 533 and disposal system without being registered under part III of
 534 chapter 489. A property owner who personally performs
 535 construction, maintenance, or repairs to a system serving his or
 536 her own owner-occupied single-family residence is exempt from
 537 registration requirements for performing such construction,
 538 maintenance, or repairs on that residence, but is subject to all



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

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

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



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568 wastewater. However, performance criteria shall address only
569 the performance of a system and not a system's design.

570 2. The technical review and advisory panel shall assist
571 the department in the development of performance criteria
572 applicable to engineer-designed systems. ~~Workshops on the~~
573 ~~development of the rules delineating such criteria shall~~
574 ~~commence not later than September 1, 1996, and the department~~
575 ~~shall advertise such rules for public hearing no later than~~
576 ~~October 1, 1997.~~

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



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598 4. The owner of an engineer-designed performance-based
599 system must maintain a current maintenance service agreement
600 with a maintenance entity permitted by the department. The
601 maintenance entity shall obtain a biennial system operating
602 permit from the department for each system under service
603 contract. The department shall inspect the system at least
604 annually, or on such periodic basis as the fee collected
605 permits, and may collect system-effluent samples if appropriate
606 to determine compliance with the performance criteria. The fee
607 for the biennial operating permit shall be collected beginning
608 with the second year of system operation. The maintenance entity
609 shall inspect each system at least twice each year and shall
610 report quarterly to the department on the number of systems
611 inspected and serviced.

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

616 Section 8. Paragraph (a) of subsection (2) of section
617 381.0072, Florida Statutes, is amended to read:

618 381.0072 Food service protection.--It shall be the duty of
619 the Department of Health to adopt and enforce sanitation rules
620 consistent with law to ensure the protection of the public from
621 food-borne illness. These rules shall provide the standards and
622 requirements for the storage, preparation, serving, or display
623 of food in food service establishments as defined in this
624 section and which are not permitted or licensed under chapter
625 500 or chapter 509.

626 (2) DUTIES.--



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627 (a) The department shall adopt rules, including
628 definitions of terms which are consistent with law prescribing
629 minimum sanitation standards and manager certification
630 requirements as prescribed in s. 509.039, and which shall be
631 enforced in food service establishments as defined in this
632 section. The sanitation standards must address the construction,
633 operation, and maintenance of the establishment; lighting,
634 ventilation, laundry rooms, lockers, use and storage of toxic
635 materials and cleaning compounds, and first-aid supplies; plan
636 review; design, construction, installation, location,
637 maintenance, sanitation, and storage of food equipment and
638 utensils; employee training, health, hygiene, and work
639 practices; food supplies, preparation, storage, transportation,
640 and service, including access to the areas where food is stored
641 or prepared; and sanitary facilities and controls, including
642 water supply and sewage disposal; plumbing and toilet
643 facilities; garbage and refuse collection, storage, and
644 disposal; and vermin control. Public and private schools if the
645 food service is operated by school employees, hospitals licensed
646 under chapter 395, nursing homes licensed under part II of
647 chapter 400, child care facilities as defined in s. 402.301, ~~and~~
648 residential facilities colocated with a nursing home or hospital
649 if all food is prepared in a central kitchen that complies with
650 nursing or hospital regulations, and bars and lounges shall be
651 exempt from the rules developed for manager certification. The
652 department shall administer a comprehensive inspection,
653 monitoring, and sampling program to ensure such standards are
654 maintained. With respect to food service establishments
655 permitted or licensed under chapter 500 or chapter 509, the
656 department shall assist the Division of Hotels and Restaurants



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657 of the Department of Business and Professional Regulation and
658 the Department of Agriculture and Consumer Services with
659 rulemaking by providing technical information.

660 Section 9. Section 381.104, Florida Statutes, is created
661 to read:

662 381.104 Employee health and wellness program.--

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

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

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

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

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



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686 cessation, personal training, nutrition counseling, or weight
687 reduction and control.

688 (6) Each state agency participating in the program must
689 use an employee health and wellness activity agreement form,
690 which must be completed and signed by the employee, signed by
691 the employee's immediate supervisor, and kept in the employee's
692 personnel file prior to participating in any activity. This form
693 shall be developed by the Department of Health. It is the
694 responsibility of the employee to complete the form, including
695 the time of the workday the health and wellness activity will be
696 observed and on which days of the week, obtain the signature of
697 his or her supervisor, and submit the form to the personnel
698 office. The employee must submit a revised employee health and
699 wellness activity agreement form prior to any change in the
700 employee's activities.

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

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

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

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

714 (b) Implement as a part of the employee health and
715 wellness program health education activities that focus on skill



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716 development and lifestyle behavior change, along with
717 information dissemination and awareness building, preferably
718 tailored to an employee's interests and needs.

719 (c) Review and offer recommendations on environmental and
720 social support policies that pertain to improving the health of
721 employees.

722 (d) Link the employee health and wellness program to
723 programs such as the employee assistance program and other
724 related programs to help employees balance work and family.

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

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

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

736 Section 10. Paragraph (e) of subsection (2) and subsection
737 (3) of section 381.7353, Florida Statutes, are amended to read:

738 381.7353 Reducing Racial and Ethnic Health Disparities:
739 Closing the Gap grant program; administration; department
740 duties.--

741 (2) The department shall:

742 (e) Coordinate with existing community-based programs,
743 such as chronic disease community intervention programs, cancer
744 prevention and control programs, diabetes control programs, oral
745 health care programs, the Healthy Start program, the Florida



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746 KidCare Program, the HIV/AIDS program, immunization programs,
747 and other related programs at the state and local levels, to
748 avoid duplication of effort and promote consistency.

749 (3) Pursuant to s. 20.43(7)~~(6)~~, the secretary may appoint
750 an ad hoc advisory committee to: examine areas where public
751 awareness, public education, research, and coordination
752 regarding racial and ethnic health outcome disparities are
753 lacking; consider access and transportation issues which
754 contribute to health status disparities; and make
755 recommendations for closing gaps in health outcomes and
756 increasing the public's awareness and understanding of health
757 disparities that exist between racial and ethnic populations.

758 Section 11. Paragraph (a) of subsection (2) of section
759 381.7355, Florida Statutes, is amended to read:

760 381.7355 Project requirements; review criteria.--

761 (2) A proposal must include each of the following
762 elements:

763 (a) The purpose and objectives of the proposal, including
764 identification of the particular racial or ethnic disparity the
765 project will address. The proposal must address one or more of
766 the following priority areas:

767 1. Decreasing racial and ethnic disparities in maternal
768 and infant mortality rates.

769 2. Decreasing racial and ethnic disparities in morbidity
770 and mortality rates relating to cancer.

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

773 4. Decreasing racial and ethnic disparities in morbidity
774 and mortality rates relating to cardiovascular disease.

775 5. Decreasing racial and ethnic disparities in morbidity



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776 and mortality rates relating to diabetes.

777 6. Increasing adult and child immunization rates in
778 certain racial and ethnic populations.

779 7. Decreasing racial and ethnic disparities in oral health
780 care.

781 Section 12. Section 381.86, Florida Statutes, is created
782 to read:

783 381.86 Review Council for Human Subjects.--

784 (1) The Review Council for Human Subjects is created
785 within the Department of Health to comply with federal
786 requirements under 45 C.F.R. part 46 and 21 C.F.R. parts 50 and
787 56 for an institutional review board to review all biomedical
788 and behavioral research on human subjects which is funded by the
789 department or supported by the department in any manner,
790 including the permitting of access to department data or
791 department resources.

792 (2) Consistent with federal requirements, the Secretary of
793 Health shall determine and appoint the membership on the council
794 and designate the chair.

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

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

800 (5) The department shall charge for costs incurred by the
801 council for research oversight according to a fee schedule,
802 except that fees shall be waived for any student who is a
803 candidate for a degree at a university located in this state.
804 The fee schedule shall provide for fees for initial review,
805 amendments, and continuing review. The department shall adopt



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806 rules necessary to comply with federal requirements and this
 807 section. Such rules shall also prescribe procedures for
 808 requesting council review.

809 (6) Fees collected pursuant to this section shall be
 810 deposited into the department's Administrative Trust Fund and
 811 used solely for the purpose of administering the program
 812 authorized by this section.

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

815 381.89 Regulation of tanning facilities.--

816 (3)

817 (b) The department shall establish procedures for the
 818 issuance and annual renewal of licenses and shall establish
 819 annual license and renewal fees and late payment fees in an
 820 amount necessary to cover the expenses of administering this
 821 section. Annual license and renewal fees may not ~~shall be not~~
 822 ~~less than \$125 nor~~ more than \$250 per tanning device and a
 823 maximum total fee per individual tanning facility may be set by
 824 rule. Effective October 1, 1991, the fee amount shall be the
 825 minimum fee proscribed in this paragraph and such fee amount
 826 shall remain in effect until the effective date of a fee
 827 schedule adopted by the department.

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

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

834 381.90 Health Information Systems Council; legislative
 835 intent; creation, appointment, duties.--



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

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

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

841 (c) The Secretary of ~~the Department of~~ Children and Family
842 Services.;

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

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

845 (f) The Attorney General.;

846 (g) The Executive Director of the Correctional Medical
847 Authority.;

848 (h) Two members representing county health departments,
849 one from a small county and one from a large county, appointed
850 by the Governor.;

851 (i) A representative from the Florida Association of
852 Counties.;

853 (j) The Chief Financial Officer. ~~State Treasurer and~~
854 ~~Insurance Commissioner;~~

855 (k) A representative from the Florida Healthy Kids
856 Corporation.;

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

859 (m) The Commissioner of Education.;

860 (n) The Secretary of ~~the Department of~~ Elderly Affairs.;
861 ~~and~~

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

863
864 Representatives of the Federal Government may serve without
865 voting rights.



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

868 (a) By June ~~March~~ 1 of each year, to develop and approve a
869 strategic plan pursuant to the requirements set forth in s.
870 186.022(9). Copies of the plan shall be transmitted
871 electronically or in writing to the Executive Office of the
872 Governor, the Speaker of the House of Representatives, and the
873 President of the Senate.

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

877 383.14 Screening for metabolic disorders, other hereditary
878 and congenital disorders, and environmental risk factors.--

879 (1) SCREENING REQUIREMENTS.--To help ensure access to the
880 maternal and child health care system, the Department of Health
881 shall promote the screening of all newborns ~~infants~~ born in
882 Florida for phenylketonuria and other metabolic, hereditary, and
883 congenital disorders known to result in significant impairment
884 of health or intellect, as screening programs accepted by
885 current medical practice become available and practical in the
886 judgment of the department. The department shall also promote
887 the identification and screening of all newborns ~~infants~~ born in
888 this state and their families for environmental risk factors
889 such as low income, poor education, maternal and family stress,
890 emotional instability, substance abuse, and other high-risk
891 conditions associated with increased risk of infant mortality
892 and morbidity to provide early intervention, remediation, and
893 prevention services, including, but not limited to, parent
894 support and training programs, home visitation, and case
895 management. Identification, perinatal screening, and



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896 intervention efforts shall begin prior to and immediately
897 following the birth of the child by the attending health care
898 provider. Such efforts shall be conducted in hospitals,
899 perinatal centers, county health departments, school health
900 programs that provide prenatal care, and birthing centers, and
901 reported to the Office of Vital Statistics.

902 (a) Prenatal screening.--The department shall develop a
903 multilevel screening process that includes a risk assessment
904 instrument to identify women at risk for a preterm birth or
905 other high-risk condition. The primary health care provider
906 shall complete the risk assessment instrument and report the
907 results to the Office of Vital Statistics so that the woman may
908 immediately be notified and referred to appropriate health,
909 education, and social services.

910 (b) Postnatal screening.--A risk factor analysis using the
911 department's designated risk assessment instrument shall also be
912 conducted as part of the medical screening process upon the
913 birth of a child and submitted to the department's Office of
914 Vital Statistics for recording and other purposes provided for
915 in this chapter. The department's screening process for risk
916 assessment shall include a scoring mechanism and procedures that
917 establish thresholds for notification, further assessment,
918 referral, and eligibility for services by professionals or
919 paraprofessionals consistent with the level of risk. Procedures
920 for developing and using the screening instrument, notification,
921 referral, and care coordination services, reporting
922 requirements, management information, and maintenance of a
923 computer-driven registry in the Office of Vital Statistics which
924 ensures privacy safeguards must be consistent with the
925 provisions and plans established under chapter 411, Pub. L. No.



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926 99-457, and this chapter. Procedures established for reporting
927 information and maintaining a confidential registry must include
928 a mechanism for a centralized information depository at the
929 state and county levels. The department shall coordinate with
930 existing risk assessment systems and information registries.
931 The department must ensure, to the maximum extent possible, that
932 the screening information registry is integrated with the
933 department's automated data systems, including the Florida On-
934 line Recipient Integrated Data Access (FLORIDA) system. Tests
935 and screenings must be performed by the State Public Health
936 Laboratory, in coordination with Children's Medical Services, at
937 such times and in such manner as is prescribed by the department
938 after consultation with the Genetics and Newborn Infant
939 Screening Advisory Council and the State Coordinating Council
940 for School Readiness Programs.

941 (2) RULES.--After consultation with the Genetics and
942 Newborn Infant Screening Advisory Council, the department shall
943 adopt and enforce rules requiring that every newborn infant born
944 in this state shall, prior to becoming 2 weeks of age, be
945 subjected to a test for phenylketonuria and, at the appropriate
946 age, be tested for such other metabolic diseases and hereditary
947 or congenital disorders as the department may deem necessary
948 from time to time. After consultation with the State
949 Coordinating Council for School Readiness Programs, the
950 department shall also adopt and enforce rules requiring every
951 newborn infant born in this state to be screened for
952 environmental risk factors that place children and their
953 families at risk for increased morbidity, mortality, and other
954 negative outcomes. The department shall adopt such additional
955 rules as are found necessary for the administration of this



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956 section, including rules providing definitions of terms, rules
957 relating to the methods used and time or times for testing as
958 accepted medical practice indicates, rules relating to charging
959 and collecting fees for screenings authorized by this section,
960 and rules requiring mandatory reporting of the results of tests
961 and screenings for these conditions to the department.

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

965 (f) Promote the availability of genetic studies and
966 counseling in order that the parents, siblings, and affected
967 newborns ~~infants~~ may benefit from available knowledge of the
968 condition.

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

971 1. A fee of \$20 will be charged for each live birth, as
972 recorded by the Office of Vital Statistics, occurring in a
973 hospital licensed under part I of chapter 395 or a birth center
974 licensed under s. 383.305, up to 3,000 live births per licensed
975 hospital per year or over 60 births per birth center per year.
976 The department shall calculate the annual assessment for each
977 hospital and birth center, and this assessment must be paid in
978 equal amounts quarterly. Quarterly, the department shall
979 generate and mail to each hospital and birth center a statement
980 of the amount due.

981 2. As part of the department's legislative budget request
982 prepared pursuant to chapter 216, the department shall submit a
983 certification by the department's inspector general, or the
984 director of auditing within the inspector general's office, of
985 the annual costs of the uniform testing and reporting procedures



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986 of the newborn ~~infant~~ screening program. In certifying the
987 annual costs, the department's inspector general or the director
988 of auditing within the inspector general's office shall
989 calculate the direct costs of the uniform testing and reporting
990 procedures, including applicable administrative costs.
991 Administrative costs shall be limited to those department costs
992 which are reasonably and directly associated with the
993 administration of the uniform testing and reporting procedures
994 of the newborn ~~infant~~ screening program.

995
996 All provisions of this subsection must be coordinated with the
997 provisions and plans established under this chapter, chapter
998 411, and Pub. L. No. 99-457.

999 (5) ADVISORY COUNCIL.--There is established a Genetics and
1000 Newborn ~~Infant~~ Screening Advisory Council made up of 12 members
1001 appointed by the Secretary of Health. The council shall be
1002 composed of two consumer members, three practicing
1003 pediatricians, at least one of whom must be a pediatric
1004 hematologist, one representative from each of the four medical
1005 schools in the state, the Secretary of Health or his or her
1006 designee, one representative from the Department of Health
1007 representing Children's Medical Services, and one representative
1008 from the Developmental Disabilities Program Office of the
1009 Department of Children and Family Services. All appointments
1010 shall be for a term of 4 years. The chairperson of the council
1011 shall be elected from the membership of the council and shall
1012 serve for a period of 2 years. The council shall meet at least
1013 semiannually or upon the call of the chairperson. The council
1014 may establish ad hoc or temporary technical advisory groups to
1015 assist the council with specific topics which come before the



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1016 council. Council members shall serve without pay. Pursuant to
 1017 the provisions of s. 112.061, the council members are entitled
 1018 to be reimbursed for per diem and travel expenses. It is the
 1019 purpose of the council to advise the department about:

1020 (a) Conditions for which testing should be included under
 1021 the screening program and the genetics program.~~;~~

1022 (b) Procedures for collection and transmission of
 1023 specimens and recording of results.~~;~~ ~~and~~

1024 (c) Methods whereby screening programs and genetics
 1025 services for children now provided or proposed to be offered in
 1026 the state may be more effectively evaluated, coordinated, and
 1027 consolidated.

1028 Section 16. Section 384.25, Florida Statutes, is amended
 1029 to read:

1030 384.25 Reporting required.--

1031 (1) Each person who makes a diagnosis of or treats a
 1032 person with a sexually transmissible disease and each laboratory
 1033 that performs a test for a sexually transmissible disease which
 1034 concludes with a positive result shall report such facts as may
 1035 be required by the department by rule, within a time period as
 1036 specified by rule of the department, but in no case to exceed 2
 1037 weeks.

1038 ~~(a)(2)~~ The department shall adopt rules specifying the
 1039 information required in and a minimum time period for reporting
 1040 a sexually transmissible disease. In adopting such rules, the
 1041 department shall consider the need for information, protections
 1042 for the privacy and confidentiality of the patient, and the
 1043 practical ability of persons and laboratories to report in a
 1044 reasonable fashion. To ensure the confidentiality of persons
 1045 infected with the human immunodeficiency virus (HIV), reporting



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1046 of HIV infection and acquired immune deficiency syndrome (AIDS)
 1047 must be conducted using a system ~~the HIV/AIDS Reporting System~~
 1048 ~~(HARS)~~ developed by the Centers for Disease Control and
 1049 Prevention of the United States Public Health Service or an
 1050 equivalent system.

1051 ~~(b)(3)~~ The department shall require reporting of ~~physician~~
 1052 ~~diagnosed~~ cases of AIDS and HIV infection consistent with based
 1053 upon diagnostic criteria for surveillance-case definition for
 1054 HIV/AIDS reporting from the Centers for Disease Control and
 1055 Prevention.

1056 ~~(c)(4)~~ The department shall ~~may~~ require physician and
 1057 laboratory reporting of HIV infection. ~~However, only reports of~~
 1058 ~~HIV infection identified on or after the effective date of the~~
 1059 ~~rule developed by the department pursuant to this subsection~~
 1060 ~~shall be accepted.~~ The Reporting may not affect or relate to
 1061 anonymous HIV testing programs conducted pursuant to s.
 1062 381.004(4) ~~or to university-based medical research protocols as~~
 1063 ~~determined by the department.~~

1064 ~~(2)(5)~~ After notification of the test subject ~~under~~
 1065 ~~subsection (4)~~, the department may, with the consent of the test
 1066 subject, notify school superintendents of students and school
 1067 personnel whose HIV tests are positive.

1068 (3) The department shall adopt rules requiring each
 1069 physician and laboratory to report any newborn or infant up to
 1070 18 months of age who has been exposed to HIV. The rules may
 1071 include the method and time period for reporting, information to
 1072 be included in the report, requirements for enforcement, and
 1073 followup activities by the department.



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1074 (4)~~(6)~~ The department shall by February 1 of each year
 1075 submit to the Legislature an annual report relating to all
 1076 information obtained pursuant to this section.

1077 (5)~~(7)~~ Each person who violates the provisions of this
 1078 section or the rules adopted hereunder may be fined by the
 1079 department up to \$500 for each offense. The department shall
 1080 report each violation of this section to the regulatory agency
 1081 responsible for licensing each health care professional and each
 1082 laboratory to which these provisions apply.

1083 Section 17. Subsection (1) of section 385.204, Florida
 1084 Statutes, is amended to read:

1085 385.204 Insulin; purchase, distribution; penalty for
 1086 fraudulent application for and obtaining of insulin.--

1087 (1) The Department of Health, to the extent funds are
 1088 available, shall purchase and distribute insulin through its
 1089 agents or other appropriate agent of the state or Federal
 1090 Government in any county or municipality in the state to any
 1091 bona fide resident of this state suffering from diabetes ~~or a~~
 1092 ~~kindred disease~~ requiring insulin in its treatment who makes
 1093 application for insulin and furnishes proof of his or her
 1094 financial inability to purchase in accordance with the rules
 1095 adopted promulgated by the department concerning the
 1096 distribution of insulin.

1097 Section 18. Subsection (2) of section 391.021, Florida
 1098 Statutes, is amended to read:

1099 391.021 Definitions.--When used in this act, unless the
 1100 context clearly indicates otherwise:

1101 (2) "Children with special health care needs" means those
 1102 children under the age of 21 years who have, or are at increased
 1103 risk for, chronic physical, developmental, behavioral, or



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1104 emotional conditions and who also require health care and
 1105 related services of a type or amount beyond that which is
 1106 generally required by children ~~whose serious or chronic physical~~
 1107 ~~or developmental conditions require extensive preventive and~~
 1108 ~~maintenance care beyond that required by typically healthy~~
 1109 ~~children. Health care utilization by these children exceeds the~~
 1110 ~~statistically expected usage of the normal child adjusted for~~
 1111 ~~chronological age. These children often need complex care~~
 1112 ~~requiring multiple providers, rehabilitation services, and~~
 1113 ~~specialized equipment in a number of different settings.~~

1114 Section 19. Section 391.025, Florida Statutes, is amended
 1115 to read:

1116 391.025 Applicability and scope.--

1117 ~~(1) This act applies to health services provided to~~
 1118 ~~eligible individuals who are:~~

1119 ~~(a) Enrolled in the Medicaid program;~~

1120 ~~(b) Enrolled in the Florida Kidcare program; and~~

1121 ~~(c) Uninsured or underinsured, provided that they meet the~~
 1122 ~~financial eligibility requirements established in this act, and~~
 1123 ~~to the extent that resources are appropriated for their care.~~

1124 (1)(2) The Children's Medical Services program consists of
 1125 the following components:

1126 (a) The newborn ~~infant metabolic~~ screening program
 1127 established in s. 383.14.

1128 (b) The regional perinatal intensive care centers program
 1129 established in ss. 383.15-383.21.

1130 (c) A federal or state program authorized by the
 1131 Legislature.



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1132 (d) The developmental evaluation and intervention program,
 1133 including the Florida Infants and Toddlers Early Intervention
 1134 Program.

1135 (e) The Children's Medical Services network.

1136 ~~(2)~~~~(3)~~ The Children's Medical Services program shall not
 1137 be deemed an insurer and is not subject to the licensing
 1138 requirements of the Florida Insurance Code or the rules of the
 1139 Department of Insurance, when providing services to children who
 1140 receive Medicaid benefits, other Medicaid-eligible children with
 1141 special health care needs, and children participating in the
 1142 Florida Kidcare program.

1143 Section 20. Section 391.029, Florida Statutes, is amended
 1144 to read:

1145 391.029 Program eligibility.--

1146 (1) The department shall establish the medical criteria to
 1147 determine if an applicant for the Children's Medical Services
 1148 program is an eligible individual.

1149 (2) The following individuals are financially eligible to
 1150 receive services through ~~for~~ the program:

1151 (a) A high-risk pregnant female who is eligible for
 1152 Medicaid.

1153 (b) Children ~~A child~~ with special health care needs from
 1154 birth to ~~age~~ 21 years of age who are ~~is~~ eligible for Medicaid.

1155 (c) Children ~~A child~~ with special health care needs from
 1156 birth to ~~age~~ 19 years of age who are ~~is~~ eligible for a program
 1157 under Title XXI of the Social Security Act.

1158 (3) Subject to the availability of funds, the following
 1159 individuals may receive services through the program:

1160 ~~(a)~~~~(d)~~ Children ~~A child~~ with special health care needs
 1161 from birth to ~~age~~ 21 years of age whose family income is above



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1162 financial eligibility requirements under Title XXI of the Social
1163 Security Act and whose projected annual cost of care adjusts the
1164 family income to Medicaid financial criteria. In cases where
1165 the family income is adjusted based on a projected annual cost
1166 of care, the family shall participate financially in the cost of
1167 care based on criteria established by the department.

1168 (b)(e) Children ~~A child~~ with special health care needs
1169 from birth to 21 years of age, as provided ~~defined~~ in Title V of
1170 the Social Security Act ~~relating to children with special health~~
1171 ~~care needs.~~

1172
1173 ~~The department may continue to serve certain children with~~
1174 ~~special health care needs who are 21 years of age or older and~~
1175 ~~who were receiving services from the program prior to April 1,~~
1176 ~~1998. Such children may be served by the department until July~~
1177 ~~1, 2000.~~

1178 (4)(3) The department shall determine the financial and
1179 medical eligibility of children for the program. The department
1180 shall also determine the financial ability of the parents, or
1181 persons or other agencies having legal custody over such
1182 individuals, to pay the costs of health services under the
1183 program. The department may pay reasonable travel expenses
1184 related to the determination of eligibility for or the provision
1185 of health services.

1186 (5)(4) Any child who has been provided with surgical or
1187 medical care or treatment under this act prior to being adopted
1188 shall continue to be eligible to be provided with such care or
1189 treatment after his or her adoption, regardless of the financial
1190 ability of the persons adopting the child.



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1191 Section 21. Subsection (4) is added to section 391.055,
1192 Florida Statutes, to read:

1193 391.055 Service delivery systems.--

1194 (4) If a newborn has a presumptively abnormal screening
1195 result for metabolic or other hereditary and congenital
1196 disorders which is identified through the newborn screening
1197 program pursuant to s. 383.14, the newborn shall be referred to
1198 the Children's Medical Services network for confirmatory
1199 testing, medical management, or medical referral.

1200 Section 22. Section 391.309, Florida Statutes, is created
1201 to read:

1202 391.309 Florida Infants and Toddlers Early Intervention
1203 Program.--The Department of Health may implement and administer
1204 Part C of the federal Individuals with Disabilities Education
1205 Act (IDEA), which shall be known as the Florida Infants and
1206 Toddlers Early Intervention Program.

1207 (1) The department, jointly with the Department of
1208 Education, shall annually prepare a grant application to the
1209 United States Department of Education for funding early
1210 intervention services for infants and toddlers with
1211 disabilities, ages birth through 36 months, and their families
1212 pursuant to Part C of the federal Individuals with Disabilities
1213 Education Act.

1214 (2) The department shall ensure that no early intervention
1215 provider participating in the program provides both core and
1216 required services without a waiver from the Deputy Secretary for
1217 Children's Medical Services, or his or her designee, as
1218 expressed in the contract between the department and the
1219 provider. For purposes of this section, core services are
1220 limited to child find and referral services, family support



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1221 planning, service coordination, and multidisciplinary
 1222 evaluation.

1223 Section 23. Subsection (5) of section 393.064, Florida
 1224 Statutes, is amended to read:

1225 393.064 Prevention.--

1226 (5) The Department of Health ~~Children and Family Services~~
 1227 shall have the authority, within available resources, to
 1228 contract for the supervision and management of the Raymond C.
 1229 Philips Research and Education Unit, and such contract shall
 1230 include specific program objectives.

1231 Section 24. Subsection (10) of section 394.4615, Florida
 1232 Statutes, is amended to read:

1233 394.4615 Clinical records; confidentiality.--

1234 (10) Patients shall have reasonable access to their
 1235 clinical records, unless such access is determined by the
 1236 patient's physician to be a danger to the patient's life or
 1237 safety ~~harmful to the patient~~. If the patient's right to inspect
 1238 his or her clinical record is restricted by the facility,
 1239 written notice of such restriction shall be given to the patient
 1240 and the patient's guardian, guardian advocate, attorney, and
 1241 representative. In addition, the restriction shall be recorded
 1242 in the clinical record, together with the reasons for it. The
 1243 restriction of a patient's right to inspect his or her clinical
 1244 record shall expire after 7 days but may be renewed, after
 1245 review, for subsequent 7-day periods.

1246 Section 25. Section 394.9151, Florida Statutes, is amended
 1247 to read:

1248 394.9151 Contract authority.--The Department of Children
 1249 and Family Services may contract with a private entity or state
 1250 agency for use of and operation of facilities to comply with the



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1251 requirements of this act. The department ~~of Children and Family~~
 1252 ~~Services~~ may also contract with the Correctional Privatization
 1253 Commission as defined in chapter 957 to issue a request for
 1254 proposals and monitor contract compliance for these services.
 1255 The department may enter an agreement or may contract with the
 1256 Correctional Medical Authority as defined in chapter 945 to
 1257 conduct surveys of medical services and to provide medical
 1258 quality assurance and improvement assistance at secure
 1259 confinement and treatment facilities for persons confined under
 1260 this part.

1261 Section 26. Paragraphs (a) and (e) of subsection (4) and
 1262 paragraph (b) of subsection (7) of section 395.3025, Florida
 1263 Statutes, are amended, and a new paragraph (1) is added to
 1264 subsection (4) of said section, to read:

1265 395.3025 Patient and personnel records; copies;
 1266 examination.--

1267 (4) Patient records are confidential and must not be
 1268 disclosed without the consent of the person to whom they
 1269 pertain, but appropriate disclosure may be made without such
 1270 consent to:

1271 (a) ~~Licensed~~ Facility personnel and all other licensed
 1272 health care practitioners attending physicians for use in
 1273 connection with the treatment of the patient.

1274 (e) The Department of Health ~~agency~~ upon subpoena issued
 1275 pursuant to s. 456.071, but the records obtained thereby must be
 1276 used solely for the purpose of the department ~~agency~~ and the
 1277 appropriate professional board in its investigation,
 1278 prosecution, and appeal of disciplinary proceedings. The
 1279 administrator or records custodian in a facility licensed under
 1280 this chapter shall certify that a true and complete copy of the



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1281 records requested pursuant to a subpoena or patient release have
 1282 been provided to the department or otherwise identify those
 1283 documents that have not been provided. If the department agency
 1284 requests copies of the records, the facility shall charge no
 1285 more than its actual copying costs, including reasonable staff
 1286 time. The records must be sealed and must not be available to
 1287 the public pursuant to s. 119.07(1) or any other statute
 1288 providing access to records, nor may they be available to the
 1289 public as part of the record of investigation for and
 1290 prosecution in disciplinary proceedings made available to the
 1291 public by the department agency or the appropriate regulatory
 1292 board. However, the department agency must make available, upon
 1293 written request by a practitioner against whom probable cause
 1294 has been found, any such records that form the basis of the
 1295 determination of probable cause.

1296 (1) Researchers or facility personnel for research
 1297 purposes, provided that the researchers or facility personnel
 1298 demonstrate compliance with the requirements of 45 C.F.R. s.
 1299 164.512(i).

1300 (7)

1301 (b) Absent a specific written release or authorization
 1302 permitting utilization of patient information for ~~solicitation~~
 1303 ~~or~~ marketing the sale of goods or services, any use of such that
 1304 information for that purpose ~~those purposes~~ is prohibited. For
 1305 purposes of this paragraph, the term "marketing" is defined as
 1306 set forth in 45 C.F.R. s. 164.501.

1307 Section 27. Subsection (2) of section 395.404, Florida
 1308 Statutes, is amended to read:

1309 395.404 Review of trauma registry data; confidentiality
 1310 and limited release.--



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1311 (2) Notwithstanding the provisions of s. 381.74, each
 1312 trauma center and acute care hospital shall submit severe
 1313 disability and head-injury registry data to the department as
 1314 provided by rule. Each trauma center and acute care hospital
 1315 shall continue to provide initial notification of any person who
 1316 has a moderate-to-severe brain or spinal cord injury ~~persons who~~
 1317 ~~have severe disabilities and head injuries to the brain and~~
 1318 spinal cord injury central registry of the Department of Health
 1319 within timeframes provided in s. 381.74 ~~chapter 413~~. Such
 1320 initial notification shall be made in the manner prescribed by
 1321 the Department of Health for the purpose of providing timely
 1322 ~~vocational~~ rehabilitation and transitional services to an
 1323 individual who sustains traumatic moderate-to-severe brain or
 1324 spinal cord injury to enable such individual to return to his or
 1325 her community ~~services to the severely disabled or head-injured~~
 1326 ~~person.~~

1327 Section 28. Paragraph (b) of subsection (2) of section
 1328 395.7015, Florida Statutes, is amended to read:

1329 395.7015 Annual assessment on health care entities.--

1330 (2) There is imposed an annual assessment against certain
 1331 health care entities as described in this section:

1332 (b) For the purpose of this section, "health care
 1333 entities" include the following:

1334 1. Ambulatory surgical centers and mobile surgical
 1335 facilities licensed under s. 395.003. This subsection shall only
 1336 apply to mobile surgical facilities operating under contracts
 1337 entered into on or after July 1, 1998.

1338 2. Clinical laboratories licensed under s. 483.091,
 1339 excluding any hospital laboratory defined under s. 483.041(6),
 1340 any clinical laboratory operated by the state or a political



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1341 subdivision of the state, any clinical laboratory which
 1342 qualifies as an exempt organization under s. 501(c)(3) of the
 1343 Internal Revenue Code of 1986, as amended, and which receives 70
 1344 percent or more of its gross revenues from services to charity
 1345 patients or Medicaid patients, and any blood, plasma, or tissue
 1346 bank procuring, storing, or distributing blood, plasma, or
 1347 tissue either for future manufacture or research or distributed
 1348 on a nonprofit basis, and further excluding any clinical
 1349 laboratory which is wholly owned and operated by 6 or fewer
 1350 physicians who are licensed pursuant to chapter 458 or chapter
 1351 459 and who practice in the same group practice, and at which no
 1352 clinical laboratory work is performed for patients referred by
 1353 any health care provider who is not a member of the same group.

1354 3. Diagnostic-imaging centers that are freestanding
 1355 outpatient facilities that provide specialized services for the
 1356 identification or determination of a disease through examination
 1357 and also provide sophisticated radiological services, and in
 1358 which services are rendered by a physician licensed by the Board
 1359 of Medicine under s. 458.311, ~~s. 458.313~~, or s. 458.315 ~~458.317~~,
 1360 or by an osteopathic physician licensed by the Board of
 1361 Osteopathic Medicine under s. 459.006, s. 459.007, or s.
 1362 459.0075. For purposes of this paragraph, "sophisticated
 1363 radiological services" means the following: magnetic resonance
 1364 imaging; nuclear medicine; angiography; arteriography; computed
 1365 tomography; positron emission tomography; digital vascular
 1366 imaging; bronchography; lymphangiography; splenography;
 1367 ultrasound, excluding ultrasound providers that are part of a
 1368 private physician's office practice or when ultrasound is
 1369 provided by two or more physicians licensed under chapter 458 or
 1370 chapter 459 who are members of the same professional association



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1371 and who practice in the same medical specialties; and such other
1372 sophisticated radiological services, excluding mammography, as
1373 adopted in rule by the board.

1374 Section 29. Subsection (10) of section 400.141, Florida
1375 Statutes, is amended to read:

1376 400.141 Administration and management of nursing home
1377 facilities.--Every licensed facility shall comply with all
1378 applicable standards and rules of the agency and shall:

1379 (10) Keep full records of resident admissions and
1380 discharges; medical and general health status, including medical
1381 records, personal and social history, and identity and address
1382 of next of kin or other persons who may have responsibility for
1383 the affairs of the residents; and individual resident care plans
1384 including, but not limited to, prescribed services, service
1385 frequency and duration, and service goals. The records shall be
1386 open to inspection by the agency. A certified complete copy of
1387 the records shall be provided to the Department of Health upon
1388 subpoena issued pursuant to ss. 456.057 and 456.071. The
1389 provisions of chapter 456 shall apply to the records obtained
1390 pursuant to this section.

1391 Section 30. Subsection (3) is added to section 400.145,
1392 Florida Statutes, to read:

1393 400.145 Records of care and treatment of resident; copies
1394 to be furnished.--

1395 (3) The administrator or records custodian in a facility
1396 licensed under this chapter shall certify that a true and
1397 complete copy of the records requested pursuant to a subpoena or
1398 patient release have been provided to the department or
1399 otherwise identify those documents that have not been provided.



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1400 Section 31. Paragraph (a) of subsection (4) of section
 1401 400.211, Florida Statutes, is amended to read:

1402 400.211 Persons employed as nursing assistants;
 1403 certification requirement.--

1404 (4) When employed by a nursing home facility for a 12-
 1405 month period or longer, a nursing assistant, to maintain
 1406 certification, shall submit to a performance review every 12
 1407 months and must receive regular inservice education based on the
 1408 outcome of such reviews. The inservice training must:

1409 (a) Be sufficient to ensure the continuing competence of
 1410 nursing assistants, must be at least 12 ~~18~~ hours per year, and
 1411 may include hours accrued under s. 464.203 (7) ~~(8)~~;

1412
 1413 Costs associated with this training may not be reimbursed from
 1414 additional Medicaid funding through interim rate adjustments.

1415 Section 32. Section 400.455, Florida Statutes, is created
 1416 to read:

1417 400.455 Certified copy of subpoenaed records.--Upon a
 1418 subpoena issued by the Department of Health pursuant to s.
 1419 456.057 or s. 456.071, a certified complete copy of the
 1420 requested records shall be provided. The provisions of chapter
 1421 456 shall apply to the records obtained pursuant to this
 1422 section.

1423 Section 33. Subsection (2) of section 401.113, Florida
 1424 Statutes, is amended to read:

1425 401.113 Department; powers and duties.--

1426 (2)(a) The department shall annually dispense funds
 1427 contained in the Emergency Medical Services Trust Fund as
 1428 follows:



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1429 1.(a) Forty-five percent of such moneys must be divided
1430 among the counties according to the proportion of the combined
1431 amount deposited in the trust fund from the county. These funds
1432 may not be used to match grant funds as identified in
1433 subparagraph 2. paragraph(b). An individual board of county
1434 commissioners may distribute these funds to emergency medical
1435 service organizations within the county, as it deems
1436 appropriate.

1437 2.(b) Forty percent of such moneys must be used by the
1438 department for making matching grants to local agencies,
1439 municipalities, and emergency medical services organizations for
1440 the purpose of conducting research, increasing existing levels
1441 of emergency medical services, evaluation, community education,
1442 injury prevention programs, and training in cardiopulmonary
1443 resuscitation and other lifesaving and first aid techniques.

1444 a.1- At least 90 percent of these moneys must be made
1445 available on a cash matching basis. A grant made under this
1446 sub-subparagraph subparagraph must be contingent upon the
1447 recipient providing a cash sum equal to 25 percent of the total
1448 department-approved grant amount.

1449 b.2- No more than 10 percent of these moneys must be made
1450 available to rural emergency medical services, and
1451 notwithstanding the restrictions specified in subsection (1),
1452 these moneys may be used for improvement, expansion, or
1453 continuation of services provided. A grant made under this sub-
1454 subparagraph subparagraph must be contingent upon the recipient
1455 providing a cash sum equal to no more than 10 percent of the
1456 total department-approved grant amount.

1457



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1458 The department shall develop procedures and standards for grant
1459 disbursement under this subparagraph ~~paragraph~~ based on the need
1460 for emergency medical services, the requirements of the
1461 population to be served, and the objectives of the state
1462 emergency medical services plan.

1463 3.(e) Fifteen percent of such moneys must be used by the
1464 department for capital equipment outlay, personnel, community
1465 education, evaluation, and other costs associated with the
1466 administration of this chapter. Any moneys not annually used for
1467 this purpose must be used for making additional rural grant
1468 funds available.

1469 (b) Notwithstanding any other provision of law to the
1470 contrary, any interest generated from grant funds may be
1471 expended by the grantee on the budget items approved by the
1472 department. Grantees receiving funds that require a match may
1473 not expend interest funds until all match requirements have been
1474 satisfied. Such grantees shall return to the department any
1475 interest and grant funds not expended at the conclusion of the
1476 grant period. All such returned funds shall be used by the
1477 department for additional matching grant awards.

1478 Section 34. Section 401.211, Florida Statutes, is amended
1479 to read:

1480 401.211 Legislative intent.--The Legislature recognizes
1481 that the systematic provision of emergency medical services
1482 saves lives and reduces disability associated with illness and
1483 injury. In addition, that system of care must be equally capable
1484 of assessing, treating, and transporting children, adults, and
1485 frail elderly persons. Further, it is the intent of the
1486 Legislature to encourage the development and maintenance of
1487 emergency medical services because such services are essential



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1488 to the health and well-being of all citizens of the state. The
1489 Legislature also recognizes that the establishment of a
1490 comprehensive statewide injury prevention and control program
1491 supports state and community health systems by further enhancing
1492 the total delivery system of emergency medical services and
1493 reduces injuries for all persons. The purpose of this part is to
1494 protect and enhance the public health, welfare, and safety
1495 through the establishment of an emergency medical services state
1496 plan, an advisory council, a comprehensive statewide injury
1497 prevention and control program, minimum standards for emergency
1498 medical services personnel, vehicles, services and medical
1499 direction, and the establishment of a statewide inspection
1500 program created to monitor the quality of patient care delivered
1501 by each licensed service and appropriately certified personnel.

1502 Section 35. Section 401.243, Florida Statutes, is created
1503 to read:

1504 401.243 Injury prevention and control.--The injury
1505 prevention and control program is responsible for the statewide
1506 coordination and expansion of injury prevention and control
1507 activities. The duties of the department may include, but are
1508 not limited to, data collection, surveillance, education, and
1509 the promotion of interventions. The department may:

1510 (1) Assist county health departments and community and
1511 other state agencies by serving as a focal point for injury
1512 prevention expertise and guidance.

1513 (2) Seek, receive, and expend any funds received through
1514 appropriations, grants, donations, or contributions from public
1515 or private sources for program purposes.

1516 (3) Adopt rules related to the activities of the program,
1517 including, but not limited to, those needed for implementation



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1518 of injury prevention and control activities, data collection,
1519 surveillance, education, promotion of interventions, and
1520 assistance to other entities.

1521 (4) Develop, and revise as necessary, a comprehensive
1522 state plan for injury prevention and control.

1523 Section 36. Subsections (3), (4), (5), and (13) of section
1524 401.27, Florida Statutes, are amended, and subsection (14) is
1525 added to said section, to read:

1526 401.27 Personnel; standards and certification.--

1527 (3) Any person who desires to be certified or recertified
1528 as an emergency medical technician or paramedic must apply to
1529 the department under oath on forms provided by the department
1530 which shall contain such information as the department
1531 reasonably requires, which may include affirmative evidence of
1532 ability to comply with applicable laws and rules. The department
1533 may accept electronically submitted applications. If an
1534 application is submitted electronically, the department may
1535 require supplemental materials, including an original signature
1536 of the applicant and documentation verifying eligibility for
1537 certification to be submitted in a nonelectronic format. The
1538 department shall determine whether the applicant meets the
1539 requirements specified in this section and in rules of the
1540 department and shall issue a certificate to any person who meets
1541 such requirements.

1542 (4) An applicant for certification or recertification as
1543 an emergency medical technician or paramedic must:

1544 (a) Have completed an appropriate training course as
1545 follows:

1546 1. For an emergency medical technician, an emergency
1547 medical technician training course equivalent to the most recent



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1548 emergency medical technician basic training course of the United
 1549 States Department of Transportation as approved by the
 1550 department.+

1551 2. For a paramedic, a paramedic training program
 1552 equivalent to the most recent paramedic course of the United
 1553 States Department of Transportation as approved by the
 1554 department.+

1555 (b) Certify ~~under oath~~ that he or she is not addicted to
 1556 alcohol or any controlled substance.+

1557 (c) Certify ~~under oath~~ that he or she is free from any
 1558 physical or mental defect or disease that might impair the
 1559 applicant's ability to perform his or her duties.+

1560 (d) Within 1 year after course completion have passed an
 1561 examination developed or required by the department.+

1562 (e)1. For an emergency medical technician, hold either a
 1563 current American Heart Association cardiopulmonary resuscitation
 1564 course card or an American Red Cross cardiopulmonary
 1565 resuscitation course card or its equivalent as defined by
 1566 department rule.+

1567 2. For a paramedic, hold a certificate of successful
 1568 course completion in advanced cardiac life support from the
 1569 American Heart Association or its equivalent as defined by
 1570 department rule.+

1571 (f) Submit the certification fee and the nonrefundable
 1572 examination fee prescribed in s. 401.34, which examination fee
 1573 will be required for each examination administered to an
 1574 applicant.+ ~~and~~

1575 (g) Submit a completed application to the department,
 1576 which application documents compliance with paragraphs (a), (b),
 1577 (c), (e), (f), (g), and, if applicable, (d). The application



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1578 must be submitted so as to be received by the department at
1579 least 30 calendar days before the next regularly scheduled
1580 examination for which the applicant desires to be scheduled.

1581 (5) The certification examination must be offered monthly.
1582 The department shall issue an examination admission notice to
1583 the applicant advising him or her of the time and place of the
1584 examination for which he or she is scheduled. ~~Individuals~~
1585 ~~achieving a passing score on the certification examination may~~
1586 ~~be issued a temporary certificate with their examination grade~~
1587 ~~report. The department must issue an original certification~~
1588 ~~within 45 days after the examination.~~ Examination questions and
1589 answers are not subject to discovery but may be introduced into
1590 evidence and considered only in camera in any administrative
1591 proceeding under chapter 120. If an administrative hearing is
1592 held, the department shall provide challenged examination
1593 questions and answers to the administrative law judge. The
1594 department shall establish by rule the procedure by which an
1595 applicant, and the applicant's attorney, may review examination
1596 questions and answers in accordance with s. 119.07(3)(a).

1597 (13) ~~The department shall adopt a standard state insignia~~
1598 ~~for emergency medical technicians and paramedics. The department~~
1599 ~~shall establish by rule the requirements to display the state~~
1600 ~~emergency medical technician and paramedic insignia. The rules~~
1601 ~~may not require a person to wear the standard insignia but must~~
1602 ~~require that~~ If a person wears any insignia that identifies the
1603 person as a certified emergency medical technician or paramedic
1604 in this state, the insignia must ~~be the standard state insignia~~
1605 ~~adopted under this section. The insignia must~~ denote the
1606 individual's level of certification at which he or she is
1607 functioning.



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1608 (14)(a) An applicant for initial certification under this
1609 section must submit information and a set of fingerprints to the
1610 department on a form and under procedures specified by the
1611 department, along with payment in an amount equal to the costs
1612 incurred by the department for a statewide and a national
1613 criminal history check of the applicant.

1614 (b) An applicant for renewal of certification who has not
1615 previously submitted a set of fingerprints to the department
1616 must submit information required to perform a statewide and a
1617 national criminal history check and a set of fingerprints to the
1618 department as a condition of the initial renewal of his or her
1619 certificate after the effective date of this section. The
1620 applicant must submit the fingerprints on a form and under
1621 procedures specified by the department, along with payment in an
1622 amount equal to the costs incurred by the department. For
1623 subsequent renewals, the department shall, by rule, adopt an
1624 application form that includes a sworn oath or affirmation
1625 attesting to the existence of any criminal convictions,
1626 regardless of plea or adjudication, which have occurred since
1627 the previous certification. If there has been a criminal
1628 conviction, the provisions of this subsection shall apply. The
1629 department shall notify current certificateholders of their
1630 requirement to undergo a criminal history check sufficiently in
1631 advance of the 2004 biennial expiration for the
1632 certificateholder to provide the required information prior to
1633 submission of the renewal certification application. Eligibility
1634 for renewal may not be denied by the department for the first
1635 renewal application subsequent to enactment of this subsection
1636 for delays created in obtaining the criminal history from the
1637 Department of Law Enforcement, the Federal Bureau of



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1638 Investigation, or the Division of State Fire Marshal if the
1639 applicant has submitted the required criminal history screening
1640 information or affidavit and fees with the renewal certification
1641 application.

1642 (c) Pursuant to the requirements of s. 120.60,
1643 applications for certification must be processed within 90 days
1644 after receipt of a completed application. Applications for
1645 certification shall not be complete until the criminal history
1646 information and certified copies of all court documents for
1647 those applications with prior criminal convictions, pursuant to
1648 this section, have been received by the department.

1649 (d) The department shall submit the fingerprints and
1650 information required for a statewide criminal history check to
1651 the Department of Law Enforcement for such check, and the
1652 Department of Law Enforcement shall forward the fingerprints and
1653 information to the Federal Bureau of Investigation for a
1654 national criminal history check of the applicant.

1655 (e) If an applicant has undergone a criminal history check
1656 as a condition of employment or certification as a firefighter
1657 under s. 633.34, the Division of State Fire Marshal of the
1658 Department of Financial Services shall provide the criminal
1659 history information regarding the applicant seeking
1660 certification or renewal of certification under this section to
1661 the department. Any applicant for initial certification or
1662 renewal of certification who has already submitted a set of
1663 fingerprints and information to the Division of State Fire
1664 Marshal of the Department of Financial Services for the criminal
1665 history check required for employment and certification of
1666 firefighters under s. 633.34 within 2 years prior to application
1667 under this section is not required to provide to the department



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1668 a subsequent set of fingerprints or other duplicate information
1669 required for a criminal history check if the applicant submits
1670 an affidavit in a form prescribed by the department attesting
1671 that he or she has been a state resident for the previous 2
1672 years.

1673 (f) Notwithstanding the grounds for certification denial
1674 outlined in s. 401.411, an applicant must not have:

1675 1. Been found guilty of, regardless of plea or
1676 adjudication, any offense prohibited under any of the following
1677 provisions of the Florida Statutes or under any similar statute
1678 of another jurisdiction:

1679 a. Section 415.111, relating to abuse, neglect, or
1680 exploitation of a vulnerable adult.

1681 b. Section 782.04, relating to murder.

1682 c. Section 782.07, relating to manslaughter, aggravated
1683 manslaughter of an elderly person or disabled adult, aggravated
1684 manslaughter of a child, or aggravated manslaughter of an
1685 officer, a firefighter, an emergency medical technician, or a
1686 paramedic.

1687 d. Section 782.071, relating to vehicular homicide.

1688 e. Section 782.09, relating to killing of an unborn child
1689 by injury to the mother.

1690 f. Section 784.011, relating to assault, if the victim of
1691 the offense was a minor.

1692 g. Section 784.021, relating to aggravated assault.

1693 h. Section 784.03, relating to battery, if the victim of
1694 the offense was a minor.

1695 i. Section 784.045, relating to aggravated battery.

1696 j. Section 787.01, relating to kidnapping.

1697 k. Section 787.02, relating to false imprisonment.



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- 1698 l. Section 794.011, relating to sexual battery.
- 1699 m. Former s. 794.041, relating to prohibited acts of
1700 persons in familial or custodial authority.
- 1701 n. Chapter 796, relating to prostitution.
- 1702 o. Section 798.02, relating to lewd and lascivious
1703 behavior.
- 1704 p. Chapter 800, relating to lewdness and indecent
1705 exposure.
- 1706 q. Section 806.01, relating to arson.
- 1707 r. Chapter 812, relating to theft, robbery, and related
1708 crimes, if the offense was a felony.
- 1709 s. Section 817.563, relating to fraudulent sale of
1710 controlled substances, only if the offense was a felony.
- 1711 t. Section 825.102, relating to abuse, aggravated abuse,
1712 or neglect of an elderly person or disabled adult.
- 1713 u. Section 825.1025, relating to lewd or lascivious
1714 offenses committed upon or in the presence of an elderly person
1715 or disabled person.
- 1716 v. Section 825.103, relating to exploitation of an elderly
1717 person or disabled adult, if the offense was a felony.
- 1718 w. Section 826.04, relating to incest.
- 1719 x. Section 827.03, relating to child abuse, aggravated
1720 child abuse, or neglect of a child.
- 1721 y. Section 827.04, relating to contributing to the
1722 delinquency or dependency of a child.
- 1723 z. Former s. 827.05, relating to negligent treatment of
1724 children.
- 1725 aa. Section 827.071, relating to sexual performance by a
1726 child.
- 1727 bb. Chapter 847, relating to obscenity.



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1728 cc. Chapter 893, relating to drug abuse prevention and
 1729 control, only if the offense was a felony or if any other person
 1730 involved in the offense was a minor.

1731 2. Committed an act that constitutes domestic violence as
 1732 defined in s. 741.28.

1733 (g) The department may grant to any applicant who would
 1734 otherwise be denied certification or recertification under this
 1735 subsection an exemption from that denial for:

1736 1. Felonies committed more than 3 years prior to the date
 1737 of disqualification;

1738 2. Misdemeanors prohibited under any of the Florida
 1739 Statutes cited in this subsection or under similar statutes of
 1740 other jurisdictions;

1741 3. Offenses that were felonies when committed but are now
 1742 misdemeanors;

1743 4. Findings of delinquency; or

1744 5. Commissions of acts of domestic violence as defined in
 1745 s. 741.28.

1746 (h) For the department to grant an exemption to any
 1747 applicant under this section, the applicant must demonstrate by
 1748 clear and convincing evidence that the applicant should not be
 1749 disqualified from certification or renewal of certification.

1750 Applicants seeking an exemption have the burden of setting forth
 1751 sufficient evidence of rehabilitation, including, but not
 1752 limited to, the circumstances surrounding the criminal incident
 1753 for which an exemption is sought, the time period that has
 1754 elapsed since the incident, the nature of the harm caused to the
 1755 victim, and the history of the applicant since the incident, or
 1756 any other evidence or circumstances indicating that the
 1757 applicant will not present a danger if certification or renewal



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1758 of certification is granted. To do so the applicant must request
1759 an exemption and submit the required information supporting that
1760 request at the time of application so that the department may
1761 make a determination in accordance with this section.

1762 (i) Denial of certification or renewal of certification
1763 under paragraph (f) may not be removed from, nor may an
1764 exemption be granted to, any applicant who is found guilty of,
1765 regardless of plea or adjudication, any felony covered by
1766 paragraph (f) solely by reason of any pardon, executive
1767 clemency, or restoration of civil rights.

1768 (j) If an applicant has undergone a criminal history check
1769 as a condition of employment or licensing under any Florida
1770 Statute within 2 years prior to application under this section,
1771 the applicant may submit a copy of the official Florida Criminal
1772 History Record or National Criminal History Record produced
1773 under that requirement in lieu of the fingerprint card required
1774 in paragraph (a) or paragraph (b). The department shall
1775 determine if the submission meets its requirements and, if not,
1776 the applicant shall be required to comply with the provisions of
1777 this subsection. The department is authorized to share criminal
1778 history information with local, state, and federal agencies for
1779 purposes of licensing or employment background checks.

1780 Section 37. Subsection (6) is added to section 401.2701,
1781 Florida Statutes, to read:

1782 401.2701 Emergency medical services training programs.--

1783 (6) Training programs approved by the department shall at
1784 initiation of an emergency medical technician or paramedic
1785 course advise students of the certification and regulatory
1786 requirements of this chapter, including, but not limited to, the
1787 criminal history screening requirement for initial and renewal



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1788 certification under s. 401.27. The department shall prescribe,
 1789 by rule, the required content of this component of the course.

1790 Section 38. Subsection (2) of section 401.2715, Florida
 1791 Statutes, is amended to read:

1792 401.2715 Recertification training of emergency medical
 1793 technicians and paramedics.--

1794 (2) Any individual, institution, school, corporation, or
 1795 governmental entity may conduct emergency medical technician or
 1796 paramedic recertification training upon application to the
 1797 department and payment of a nonrefundable fee to be deposited
 1798 into the Emergency Medical Services Trust Fund. Institutions
 1799 conducting department-approved educational programs as provided
 1800 in this chapter and licensed ambulance services are exempt from
 1801 the application process and payment of fees. Upon application,
 1802 the department shall recognize any entity in this state that has
 1803 approval from the Continuing Education Coordinating Board for
 1804 Emergency Medical Services for courses in cardiopulmonary
 1805 resuscitation or advanced life support for equivalency. The
 1806 department shall adopt rules for the application and payment of
 1807 a fee not to exceed the actual cost of administering this
 1808 approval process.

1809 Section 39. Section 401.272, Florida Statutes, is amended
 1810 to read:

1811 401.272 Emergency medical services community health
 1812 care.--

1813 (1)(a) The purpose of this section is to encourage more
 1814 effective utilization of the skills of emergency medical
 1815 technicians and paramedics by enabling them to perform, in
 1816 partnership with local county health departments, specific



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1817 additional health care tasks that are consistent with the public
 1818 health and welfare.

1819 (b)~~(2)~~ Notwithstanding any other provision of law to the
 1820 contrary:

1821 1.~~(a)~~ Paramedics or emergency medical technicians may
 1822 perform health promotion and wellness activities and blood
 1823 pressure screenings in a nonemergency environment, within the
 1824 scope of their training, and under the direction of a medical
 1825 director. As used in this subparagraph ~~paragraph~~, the term
 1826 "health promotion and wellness" means the provision of public
 1827 health programs pertaining to the prevention of illness and
 1828 injury.

1829 2.~~(b)~~ Paramedics may administer immunizations in a
 1830 nonemergency environment, within the scope of their training,
 1831 and under the direction of a medical director. There must be a
 1832 written agreement between the paramedic's medical director and
 1833 the county health department located in each county in which the
 1834 paramedic administers immunizations. This agreement must
 1835 establish the protocols, policies, and procedures under which
 1836 the paramedic must operate.

1837 (c)~~(3)~~ Each medical director under whose direction a
 1838 paramedic administers immunizations must verify and document
 1839 that the paramedic has received sufficient training and
 1840 experience to administer immunizations. The verification must be
 1841 documented on forms developed by the department, and the
 1842 completed forms must be maintained at the service location of
 1843 the licensee and made available to the department upon request.

1844 (d)~~(4)~~ The department may adopt and enforce all rules
 1845 necessary to enforce the provisions relating to a paramedic's
 1846 administration of immunizations and the performance of health



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1847 promotion and wellness activities and blood pressure screenings
 1848 by a paramedic or emergency medical technician in a nonemergency
 1849 environment.

1850 (2) Notwithstanding any other provision of law to the
 1851 contrary, paramedics may provide basic life support and advanced
 1852 life support in a hospital emergency department. Such services
 1853 provided by paramedics must be under the direction of the
 1854 manager or nursing director of the emergency department. Where
 1855 the management and provision of emergency medical services is
 1856 contracted by the hospital, paramedics providing services in the
 1857 emergency department must be employees of the medical group
 1858 contracted to provide emergency medical services to the hospital
 1859 and the services provided by paramedics must be under the direct
 1860 supervision of a physician.

1861 Section 40. Subsection (4) of section 404.056, Florida
 1862 Statutes, is amended to read:

1863 404.056 Environmental radiation standards and projects;
 1864 certification of persons performing measurement or mitigation
 1865 services; mandatory testing; notification on real estate
 1866 documents; rules.--

1867 (4) MANDATORY TESTING.--All public and private school
 1868 buildings or school sites housing students in kindergarten
 1869 through grade 12; all state-owned, state-operated, state-
 1870 regulated, or state-licensed 24-hour care facilities; and all
 1871 state-licensed day care centers for children or minors which are
 1872 located in counties designated within the Department of
 1873 Community Affairs' Florida Radon Protection Map Categories as
 1874 "Intermediate" or "Elevated Radon Potential" shall be measured
 1875 to determine the level of indoor radon, using measurement
 1876 procedures established by the department. Initial measurements



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1877 ~~Testing~~ shall be performed ~~completed within the first year of~~
 1878 ~~construction~~ in 20 percent of the habitable first floor spaces
 1879 within any of the regulated buildings. Initial measurements
 1880 shall be completed and reported to the department within 1 ~~by~~
 1881 ~~July 1 of the year~~ after the date the building is opened for
 1882 occupancy or within 1 year after license approval for an entity
 1883 residing in an existing building. Followup testing must be
 1884 completed in 5 percent of the habitable first floor spaces
 1885 within any of the regulated buildings after the building has
 1886 been occupied for 5 years, and results must be reported to the
 1887 department by the first day ~~July 1~~ of the 6th ~~5th~~ year of
 1888 occupancy. After radon measurements have been made twice,
 1889 regulated buildings need not undergo further testing unless
 1890 significant structural changes occur. No funds collected
 1891 pursuant to s. 553.721 shall be used to carry out the provisions
 1892 of this subsection.

1893 Section 41. Subsection (5) of section 409.814, Florida
 1894 Statutes, is amended to read:

1895 409.814 Eligibility.--A child whose family income is equal
 1896 to or below 200 percent of the federal poverty level is eligible
 1897 for the Florida Kidcare program as provided in this section. In
 1898 determining the eligibility of such a child, an assets test is
 1899 not required. An applicant under 19 years of age who, based on a
 1900 complete application, appears to be eligible for the Medicaid
 1901 component of the Florida Kidcare program is presumed eligible
 1902 for coverage under Medicaid, subject to federal rules. A child
 1903 who has been deemed presumptively eligible for Medicaid shall
 1904 not be enrolled in a managed care plan until the child's full
 1905 eligibility determination for Medicaid has been completed. The
 1906 Florida Healthy Kids Corporation may, subject to compliance with



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1907 applicable requirements of the Agency for Health Care
 1908 Administration and the Department of Children and Family
 1909 Services, be designated as an entity to conduct presumptive
 1910 eligibility determinations. An applicant under 19 years of age
 1911 who, based on a complete application, appears to be eligible for
 1912 the Medikids, Florida Healthy Kids, or Children's Medical
 1913 Services network program component, who is screened as
 1914 ineligible for Medicaid and prior to the monthly verification of
 1915 the applicant's enrollment in Medicaid or of eligibility for
 1916 coverage under the state employee health benefit plan, may be
 1917 enrolled in and begin receiving coverage from the appropriate
 1918 program component on the first day of the month following the
 1919 receipt of a completed application. For enrollment in the
 1920 Children's Medical Services network, a complete application
 1921 includes the medical or behavioral health screening. If, after
 1922 verification, an individual is determined to be ineligible for
 1923 coverage, he or she must be disenrolled from the respective
 1924 Title XXI-funded Kidcare program component.

1925 (5) A child whose family income is above 200 percent of
 1926 the federal poverty level or a child who is excluded under the
 1927 provisions of subsection (4) may participate in the Florida
 1928 Healthy Kids program or the Medikids program, ~~Kideare program,~~
 1929 ~~excluding the Medicaid program, but is~~ subject to the following
 1930 provisions:

1931 (a) The family is not eligible for premium assistance
 1932 payments and must pay the full cost of the premium, including
 1933 any administrative costs.

1934 (b) The agency is authorized to place limits on enrollment
 1935 in Medikids by these children in order to avoid adverse
 1936 selection. The number of children participating in Medikids



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1937 whose family income exceeds 200 percent of the federal poverty
 1938 level must not exceed 10 percent of total enrollees in the
 1939 Medikids program.

1940 (c) The board of directors of the Florida Healthy Kids
 1941 Corporation is authorized to place limits on enrollment of these
 1942 children in order to avoid adverse selection. In addition, the
 1943 board is authorized to offer a reduced benefit package to these
 1944 children in order to limit program costs for such families. The
 1945 number of children participating in the Florida Healthy Kids
 1946 program whose family income exceeds 200 percent of the federal
 1947 poverty level must not exceed 10 percent of total enrollees in
 1948 the Florida Healthy Kids program.

1949 (d) Children described in this subsection are not counted
 1950 in the annual enrollment ceiling for the Florida Kidcare
 1951 program.

1952 Section 42. Paragraph (d) of subsection (1) of section
 1953 455.227, Florida Statutes, is amended to read:

1954 455.227 Grounds for discipline; penalties; enforcement.--

1955 (1) The following acts shall constitute grounds for which
 1956 the disciplinary actions specified in subsection (2) may be
 1957 taken:

1958 (d) Using a Class III or a Class IV laser device or
 1959 product, as defined by federal regulations, without having
 1960 complied with the rules adopted pursuant to s. 404.24(2)
 1961 ~~501.122(2)~~ governing the registration of such devices.

1962 Section 43. Subsection (7) is added to section 456.017,
 1963 Florida Statutes, to read:

1964 456.017 Examinations.--

1965 (7) The department may post examination scores
 1966 electronically on the Internet in lieu of mailing the scores to



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1967 each applicant. Such electronic posting of the examination
 1968 scores meets the requirements of chapter 120 if the department
 1969 also posts with the examination scores a notification of rights
 1970 as set forth in chapter 120. The date of receipt for purposes of
 1971 chapter 120 shall be the date the examination scores are posted
 1972 electronically. The department shall also notify the examinee
 1973 when scores are posted electronically of the availability of a
 1974 postexamination review, if applicable.

1975 Section 44. Subsection (7) of section 456.025, Florida
 1976 Statutes, is amended to read:

1977 456.025 Fees; receipts; disposition.--

1978 (7) Each board, or the department if there is no board,
 1979 shall establish, by rule, a fee not to exceed \$250 for anyone
 1980 seeking approval to provide continuing education courses or
 1981 programs and shall establish by rule a biennial renewal fee not
 1982 to exceed \$250 for the renewal of providership of such courses.
 1983 The fees collected from continuing education providers shall be
 1984 used for the purposes of reviewing course provider applications,
 1985 monitoring the integrity of the courses provided, and covering
 1986 legal expenses incurred as a result of not granting or renewing
 1987 a providership, ~~and developing and maintaining an electronic~~
 1988 ~~continuing education tracking system. The department shall~~
 1989 ~~implement an electronic continuing education tracking system for~~
 1990 ~~each new biennial renewal cycle for which electronic renewals~~
 1991 ~~are implemented after the effective date of this act and shall~~
 1992 ~~integrate such system into the licensure and renewal system. All~~
 1993 ~~approved continuing education providers shall provide~~
 1994 ~~information on course attendance to the department necessary to~~
 1995 ~~implement the electronic tracking system. The department shall,~~



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1996 ~~by rule, specify the form and procedures by which the~~
 1997 ~~information is to be submitted.~~

1998 Section 45. Paragraph (b) of subsection (1) of section
 1999 456.0375, Florida Statutes, is amended to read:

2000 456.0375 Registration of certain clinics; requirements;
 2001 discipline; exemptions.--

2002 (1)

2003 (b) For purposes of this section, the term "clinic" does
 2004 not include and the registration requirements herein do not
 2005 apply to:

2006 1. Entities licensed or registered by the state pursuant
 2007 to chapter 390, chapter 394, chapter 395, chapter 397, chapter
 2008 400, chapter 463, chapter 465, chapter 466, chapter 478, chapter
 2009 480, or chapter 484.

2010 2. Entities exempt from federal taxation under 26 U.S.C.
 2011 s. 501(c)(3) and community college and university clinics.

2012 3. Sole proprietorships, group practices, partnerships, or
 2013 corporations that provide health care services by licensed
 2014 health care practitioners pursuant to chapters 457, 458, 459,
 2015 460, 461, 462, 463, 466, 467, 484, 486, 490, 491, or part I,
 2016 part III, part X, part XIII, or part XIV of chapter 468, or s.
 2017 464.012, which are wholly owned by licensed health care
 2018 practitioners or the licensed health care practitioner and the
 2019 spouse, parent, or child of a licensed health care practitioner,
 2020 so long as one of the owners who is a licensed health care
 2021 practitioner is supervising the administrative services
 2022 performed therein and is legally responsible for the entity's
 2023 compliance with all federal and state laws. However, no health
 2024 care practitioner may supervise the health care delivery
 2025 services beyond the scope of the practitioner's license.



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2026 Supervision of the administrative services for compliance with
 2027 federal and state laws is different and distinct from
 2028 supervision of the delivery of health care services. Health care
 2029 delivery is the sole responsibility of the physician delivering
 2030 health care services.

2031 4. Clinical facilities affiliated with an accredited
 2032 medical school at which training is provided for medical
 2033 students, residents, or fellows.

2034 Section 46. Paragraph (a) of subsection (4) of section
 2035 456.039, Florida Statutes, is amended to read:

2036 456.039 Designated health care professionals; information
 2037 required for licensure.--

2038 (4)(a) An applicant for initial licensure must submit a
 2039 set of fingerprints to the Department of Health in accordance
 2040 with s. 458.311, s. 458.3115, s. 458.3124, ~~s. 458.313~~, s.
 2041 459.0055, s. 460.406, or s. 461.006.

2042 Section 47. Subsection (1) of section 456.049, Florida
 2043 Statutes, is amended to read:

2044 456.049 Health care practitioners; reports on professional
 2045 liability claims and actions.--

2046 (1) Any practitioner of medicine licensed pursuant to the
 2047 provisions of chapter 458, practitioner of osteopathic medicine
 2048 licensed pursuant to the provisions of chapter 459, podiatric
 2049 physician licensed pursuant to the provisions of chapter 461, or
 2050 dentist licensed pursuant to the provisions of chapter 466 shall
 2051 report to the department any claim or action for damages for
 2052 personal injury alleged to have been caused by error, omission,
 2053 or negligence in the performance of such licensee's professional
 2054 services or based on a claimed performance of professional
 2055 services without consent if the claim was not covered by an



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2056 insurer required to report under s. 627.912 and the claim
2057 resulted in:

2058 (a) A final judgment of \$50,000 or more, or of \$25,000 or
2059 more for a dentist licensed pursuant to the provisions of
2060 chapter 466 in any amount.

2061 (b) A settlement of \$50,000 or more, or of \$25,000 or more
2062 for a dentist licensed pursuant to the provisions of chapter 466
2063 in any amount.

2064 (c) A final disposition not resulting in payment on behalf
2065 of the licensee.

2066

2067 Reports shall be filed with the department no later than 60 days
2068 following the occurrence of any event listed in paragraph (a),
2069 paragraph (b), or paragraph (c).

2070 Section 48. Subsection (3) of section 456.063, Florida
2071 Statutes, is amended to read:

2072 456.063 Sexual misconduct; disqualification for license,
2073 certificate, or registration.--

2074 (3) Licensed health care practitioners shall report
2075 allegations of sexual misconduct to the department, regardless
2076 of the practice setting in which the alleged sexual misconduct
2077 occurred. Each board, or the department if there is no board,
2078 may adopt rules to implement the requirements for reporting
2079 allegations of sexual misconduct, including rules to determine
2080 the sufficiency of the allegations.

2081 Section 49. Paragraphs (d), (aa), and (bb) of subsection
2082 (1) and subsection (4) of section 456.072, Florida Statutes, are
2083 amended, paragraph (dd) is added to subsection (1), and
2084 subsection (7) is added to said section, to read:

2085 456.072 Grounds for discipline; penalties; enforcement.--



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2086 (1) The following acts shall constitute grounds for which
 2087 the disciplinary actions specified in subsection (2) may be
 2088 taken:

2089 (d) Using a Class III or a Class IV laser device or
 2090 product, as defined by federal regulations, without having
 2091 complied with the rules adopted pursuant to s. 404.24(2)
 2092 ~~501.122(2)~~ governing the registration of such devices.

2093 (aa) Performing or attempting to perform health care
 2094 services on the wrong patient, a wrong-site procedure, a wrong
 2095 procedure, or an unauthorized procedure or a procedure that is
 2096 medically unnecessary or otherwise unrelated to the patient's
 2097 diagnosis or medical condition. For the purposes of this
 2098 paragraph, performing or attempting to perform health care
 2099 services includes invasive actions taken in furtherance of the
 2100 preparation of the patient, but does not include those
 2101 preparations that are noninvasive.

2102 (bb) Leaving a foreign body in a patient, such as a
 2103 sponge, clamp, forceps, surgical needle, or other paraphernalia
 2104 commonly used in surgical, examination, or other diagnostic
 2105 procedures, unless leaving the foreign body is medically
 2106 indicated and documented in the patient record. For the purposes
 2107 of this paragraph, it shall be legally presumed that retention
 2108 of a foreign body is not in the best interest of the patient and
 2109 is not within the standard of care of the profession, unless
 2110 medically indicated and documented in the patient record
 2111 ~~regardless of the intent of the professional.~~

2112 (dd) Prescribing, administering, dispensing, or
 2113 distributing a legend drug, including a controlled substance,
 2114 when the practitioner knows or reasonably should know that the
 2115 receiving patient has not established a valid professional



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2116 relationship with the prescribing practitioner. A medical
2117 questionnaire completed by Internet, telephone, electronic
2118 transfer, or mail does not establish a valid professional
2119 relationship.

2120 (4) In any ~~addition to any other discipline imposed~~
2121 ~~through~~ final order, or citation, entered on or after July 1,
2122 2001, that imposes a penalty or other form of discipline
2123 pursuant to this section or discipline imposed through final
2124 order, or citation, entered on or after July 1, 2001, for a
2125 violation of any practice act, the board, or the department when
2126 there is no board, shall assess costs related to the
2127 investigation and prosecution of the case, including costs
2128 associated with an attorney's time. The amount of costs to be
2129 assessed shall be determined by the board, or the department
2130 when there is no board, following its consideration of an
2131 affidavit of itemized costs and any written objections thereto.
2132 In any case where ~~the board or the department imposes~~ a fine or
2133 assessment of costs imposed by the board or department ~~and the~~
2134 ~~fine or assessment~~ is not paid within a reasonable time, such
2135 reasonable time to be prescribed in the rules of the board, or
2136 the department when there is no board, or in the order assessing
2137 such fines or costs, the department or the Department of Legal
2138 Affairs may contract for the collection of, or bring a civil
2139 action to recover, the fine or assessment.

2140 (7) In any formal administrative hearing conducted under
2141 s. 120.57(1), the department shall establish grounds for
2142 revocation or suspension of a license by clear and convincing
2143 evidence. Any other forms of discipline shall be established by
2144 the greater weight of the evidence.



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2145 Section 50. Subsections (1) and (5) of section 456.073,
2146 Florida Statutes, are amended to read:

2147 456.073 Disciplinary proceedings.--Disciplinary
2148 proceedings for each board shall be within the jurisdiction of
2149 the department.

2150 (1) The department, for the boards under its jurisdiction,
2151 shall cause to be investigated any complaint that is filed
2152 before it if the complaint is in writing, signed by the
2153 complainant, and legally sufficient. A complaint is legally
2154 sufficient if it contains ultimate facts that show that a
2155 violation of this chapter, of any of the practice acts relating
2156 to the professions regulated by the department, or of any rule
2157 adopted by the department or a regulatory board in the
2158 department has occurred. In order to determine legal
2159 sufficiency, the department may require supporting information
2160 or documentation. The department may investigate, and the
2161 department or the appropriate board may take appropriate final
2162 action on, a complaint even though the original complainant
2163 withdraws it or otherwise indicates a desire not to cause the
2164 complaint to be investigated or prosecuted to completion. The
2165 department may investigate an anonymous complaint if the
2166 complaint is in writing and is legally sufficient, if the
2167 alleged violation of law or rules is substantial, and if the
2168 department has reason to believe, after preliminary inquiry,
2169 that the violations alleged in the complaint are true. The
2170 department may investigate a complaint made by a confidential
2171 informant if the complaint is legally sufficient, if the alleged
2172 violation of law or rule is substantial, and if the department
2173 has reason to believe, after preliminary inquiry, that the
2174 allegations of the complainant are true. The department may



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2175 initiate an investigation if it has reasonable cause to believe
2176 that a licensee or a group of licensees has violated a Florida
2177 statute, a rule of the department, or a rule of a board. ~~Except~~
2178 ~~as provided in ss. 458.331(9), 459.015(9), 460.413(5), and~~
2179 ~~461.013(6),~~ When an investigation of any subject is undertaken,
2180 the department shall promptly furnish to the subject or the
2181 subject's attorney a copy of the complaint or document that
2182 resulted in the initiation of the investigation. The subject may
2183 submit a written response to the information contained in such
2184 complaint or document within 30 ~~20~~ days after service to the
2185 subject of the complaint or document. The subject's written
2186 response shall be considered by the probable cause panel. The
2187 right to respond does not prohibit the issuance of a summary
2188 emergency order if necessary to protect the public. However, if
2189 the secretary, or the secretary's designee, and the chair of the
2190 respective board or the chair of its probable cause panel agree
2191 in writing that such notification would be detrimental to the
2192 investigation, the department may withhold notification. The
2193 department may conduct an investigation without notification to
2194 any subject if the act under investigation is a criminal
2195 offense.

2196 (5)(a) A formal hearing before an administrative law judge
2197 from the Division of Administrative Hearings shall be requested
2198 ~~held~~ pursuant to chapter 120 if there are any disputed issues of
2199 material fact raised within 45 days after service of the
2200 administrative complaint. The administrative law judge shall
2201 issue a recommended order pursuant to chapter 120. ~~If any party~~
2202 ~~raises an issue of disputed fact during an informal hearing, the~~
2203 ~~hearing shall be terminated and a formal hearing pursuant to~~
2204 ~~chapter 120 shall be held.~~



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2205 (b) Notwithstanding s. 120.569(2), the department shall
2206 notify the division within 45 days after receipt of a petition
2207 or request for a hearing which the department has determined
2208 requires a formal hearing before an administrative law judge.

2209 (c) The division shall maintain time records for each case
2210 it receives. The division shall charge its expenses to the
2211 Medical Quality Assurance Trust Fund based on an hourly rate set
2212 forth in this paragraph. The costs charged shall include actual
2213 travel and copying expenses plus a \$100 hourly fee for the
2214 actual time spent on the case by the administrative law judge or
2215 hearing officer. There shall be a one-time filing fee per case
2216 of \$50. There shall be no charge for hearings canceled more than
2217 21 days in advance. Hearings canceled between 3 and 21 days in
2218 advance shall be billed for actual expenses incurred. For any
2219 formal hearing canceled less than 72 hours before the start of
2220 the hearing, actual expenses incurred and a cancellation fee of
2221 \$250 shall be billed.

2222 Section 51. Section 456.077, Florida Statutes, is amended
2223 to read:

2224 456.077 Authority to issue citations.--

2225 (1) Notwithstanding s. 456.073, the board, or the
2226 department if there is no board, shall adopt rules to permit the
2227 issuance of citations. The citation shall be issued to the
2228 subject and shall contain the subject's name and address, the
2229 subject's license number if applicable, a brief factual
2230 statement, the sections of the law allegedly violated, and the
2231 penalty imposed. The citation must clearly state that the
2232 subject may choose, in lieu of accepting the citation, to follow
2233 the procedure under s. 456.073. If the subject disputes the
2234 matter in the citation, the procedures set forth in s. 456.073



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2235 must be followed. However, if the subject does not dispute the
 2236 matter in the citation with the department within 30 days after
 2237 the citation is served, the citation becomes a public final
 2238 order and does not constitute ~~constitutes~~ discipline for a first
 2239 offense. The penalty shall be a fine or other conditions as
 2240 established by rule.

2241 (2) The board, or the department if there is no board,
 2242 shall adopt rules designating violations for which a citation
 2243 may be issued. Such rules shall designate as citation violations
 2244 those violations for which there is no substantial threat to the
 2245 public health, safety, and welfare. Violations for which a
 2246 citation may be issued shall include violations of continuing
 2247 education requirements; failure to timely pay required fees and
 2248 fines; failure to comply with the requirements of ss. 381.026
 2249 and 381.0261 regarding the dissemination of information
 2250 regarding patient rights; failure to comply with advertising
 2251 requirements; failure to timely update practitioner profile and
 2252 credentialing files; failure to display signs, licenses, and
 2253 permits; failure to have required reference books available; and
 2254 all other violations that do not pose a direct and serious
 2255 threat to the health and safety of the patient.

2256 (3) The department shall be entitled to recover the costs
 2257 of investigation, in addition to any penalty provided according
 2258 to board or department rule, as part of the penalty levied
 2259 pursuant to the citation.

2260 ~~(4) A citation must be issued within 6 months after the~~
 2261 ~~filing of the complaint that is the basis for the citation.~~

2262 (4)~~(5)~~ Service of a citation may be made by personal
 2263 service or certified mail, restricted delivery, to the subject
 2264 at the subject's last known address.



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2265 (5)~~(6)~~ A board has 6 months in which to enact rules
 2266 designating violations and penalties appropriate for citation
 2267 offenses. Failure to enact such rules gives the department
 2268 exclusive authority to adopt rules as required for implementing
 2269 this section. A board has continuous authority to amend its
 2270 rules adopted pursuant to this section.

2271 Section 52. Section 456.078, Florida Statutes, is amended
 2272 to read:

2273 456.078 Mediation.--

2274 (1) Notwithstanding the provisions of s. 456.073, the
 2275 board, or the department when there is no board, shall adopt
 2276 rules to designate which violations of the applicable
 2277 professional practice act are appropriate for mediation. The
 2278 board, or the department when there is no board, shall ~~may~~
 2279 designate as mediation offenses those complaints where harm
 2280 caused by the licensee is economic in nature, except complaints
 2281 involving fraud, or can be remedied by the licensee, or does not
 2282 result in an adverse incident. For the purposes of this section,
 2283 an adverse incident is defined as an event that results in:

- 2284 (a) The death of a patient;
- 2285 (b) Brain or spinal damage to a patient;
- 2286 (c) The performance of a surgical procedure on the wrong
 2287 patient;
- 2288 (d) The performance of a wrong-site surgical procedure;
- 2289 (e) The performance of a wrong surgical procedure;
- 2290 (f) The performance of a surgical procedure that is
 2291 medically unnecessary or otherwise unrelated to the patient's
 2292 diagnosis or medical condition;
- 2293 (g) The surgical repair of damage resulting to a patient
 2294 from a planned surgical procedure, where the damage is not a



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2295 recognized specific risk, as disclosed to the patient and
 2296 documented through the informed-consent process; or

2297 (h) The performance of procedures to remove unplanned
 2298 foreign objects remaining from a surgical procedure.

2299 (2) After the department determines a complaint is legally
 2300 sufficient and the alleged violations are defined as mediation
 2301 offenses, the department or any agent of the department may
 2302 conduct informal mediation to resolve the complaint. If the
 2303 complainant and the subject of the complaint agree to a
 2304 resolution of a complaint within 14 days after contact by the
 2305 mediator, the mediator shall notify the department of the terms
 2306 of the resolution. The department or board shall take no further
 2307 action unless the complainant and the subject each fail to
 2308 record with the department an acknowledgment of satisfaction of
 2309 the terms of mediation within 60 days of the mediator's
 2310 notification to the department. A successful mediation shall
 2311 include a statement of whether or not the resolution constitutes
 2312 discipline. However, in the event the complainant and subject
 2313 fail to reach settlement terms or to record the required
 2314 acknowledgment, the department shall process the complaint
 2315 according to the provisions of s. 456.073.

2316 (3) Conduct or statements made during mediation are
 2317 inadmissible in any proceeding pursuant to s. 456.073. Further,
 2318 any information relating to the mediation of a case shall be
 2319 subject to the confidentiality provisions of s. 456.073.

2320 (4) Any licensee who completes a successful mediation
 2321 shall pay the department's administrative costs for the
 2322 mediation. No licensee shall go through the mediation process
 2323 more than once if the allegation relates to the breach of the
 2324 standard of care for that health care professional. In any



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2325 event, no licensee shall go through the mediation process more
 2326 than three times without approval of the department. The
 2327 department may consider the subject and dates of the earlier
 2328 complaints in rendering its decision. Such decision shall not be
 2329 considered a final agency action for purposes of chapter 120.

2330 (5) A board has 6 months in which to adopt rules
 2331 designating violations appropriate for mediation. Failure to
 2332 adopt such rules gives the department exclusive authority to
 2333 adopt rules as required for implementing this section ~~Any board~~
 2334 ~~created on or after January 1, 1995, shall have 6 months to~~
 2335 ~~adopt rules designating which violations are appropriate for~~
 2336 ~~mediation, after which time the department shall have exclusive~~
 2337 ~~authority to adopt rules pursuant to this section.~~ A board shall
 2338 have continuing authority to amend its rules adopted pursuant to
 2339 this section.

2340 Section 53. Section 458.303, Florida Statutes, is amended
 2341 to read:

2342 458.303 Provisions not applicable to other practitioners;
 2343 exceptions, etc.--

2344 (1) The provisions of ss. 458.301, 458.303, 458.305,
 2345 458.307, 458.309, 458.311, ~~458.313,~~ 458.315, ~~458.317,~~ 458.319,
 2346 458.321, 458.327, 458.329, 458.331, 458.337, 458.339, 458.341,
 2347 458.343, 458.345, and 458.347 shall have no application to:

2348 (a) Other duly licensed health care practitioners acting
 2349 within their scope of practice authorized by statute.

2350 (b) Any physician lawfully licensed in another state or
 2351 territory or foreign country, when meeting duly licensed
 2352 physicians of this state in consultation.

2353 (c) Commissioned medical officers of the Armed Forces of
 2354 the United States and of the Public Health Service of the United



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2355 States while on active duty and while acting within the scope of
 2356 their military or public health responsibilities.

2357 (d) Any person while actually serving without salary or
 2358 professional fees on the resident medical staff of a hospital in
 2359 this state, subject to the provisions of s. 458.321.

2360 (e) Any person furnishing medical assistance in case of an
 2361 emergency.

2362 (f) The domestic administration of recognized family
 2363 remedies.

2364 (g) The practice of the religious tenets of any church in
 2365 this state.

2366 (h) Any person or manufacturer who, without the use of
 2367 drugs or medicine, mechanically fits or sells lenses, artificial
 2368 eyes or limbs, or other apparatus or appliances or is engaged in
 2369 the mechanical examination of eyes for the purpose of
 2370 constructing or adjusting spectacles, eyeglasses, or lenses.

2371 (2) Nothing in s. 458.301, s. 458.303, s. 458.305, s.
 2372 458.307, s. 458.309, s. 458.311, ~~s. 458.313~~, s. 458.319, s.
 2373 458.321, s. 458.327, s. 458.329, s. 458.331, s. 458.337, s.
 2374 458.339, s. 458.341, s. 458.343, s. 458.345, or s. 458.347 shall
 2375 be construed to prohibit any service rendered by a registered
 2376 nurse or a licensed practical nurse, if such service is rendered
 2377 under the direct supervision and control of a licensed physician
 2378 who provides specific direction for any service to be performed
 2379 and gives final approval to all services performed. Further,
 2380 nothing in this or any other chapter shall be construed to
 2381 prohibit any service rendered by a medical assistant in
 2382 accordance with the provisions of s. 458.3485.

2383 Section 54. Section 458.311, Florida Statutes, is amended
 2384 to read:



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2385 (Substantial rewording of section. See
2386 s. 458.311, F.S., for present text.)
2387 458.311 Licensure; requirements; fees.--

2388 (1) Any person desiring to be licensed as a physician
2389 shall apply to the department on forms furnished by the
2390 department. The department shall license each applicant who the
2391 board certifies has met the provisions of this section.

2392 (2) Each applicant must demonstrate compliance with the
2393 following:

2394 (a) Has completed the application form and remitted a
2395 nonrefundable application fee not to exceed \$500.

2396 (b) Is at least 21 years of age.

2397 (c) Is of good moral character.

2398 (d) Has not committed any act or offense in this or any
2399 other jurisdiction which would constitute the basis for
2400 disciplining a physician pursuant to s. 458.331.

2401 (e) Has submitted to the department a set of fingerprints
2402 on a form and under procedures specified by the department,
2403 along with a payment in an amount equal to the costs incurred by
2404 the department for the criminal history check of the applicant.

2405 (f) Has caused to be submitted to the department core
2406 credentials verified by the Federation Credentials Verification
2407 Service of the Federation of State Medical Boards.

2408 (g) For an applicant holding a valid active license in
2409 another state, has submitted evidence of the active licensed
2410 practice of medicine in another jurisdiction for at least 2 of
2411 the immediately preceding 4 years or evidence of successful
2412 completion of either a board-approved postgraduate training
2413 program within 2 years preceding filing of an application or a
2414 board-approved clinical competency examination within the year



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2415 preceding the filing of an application for licensure. For
2416 purposes of this paragraph, the term "active licensed practice
2417 of medicine" means that practice of medicine by physicians,
2418 including those employed by any governmental entity in community
2419 or public health, as defined by this chapter, those designated
2420 as medical directors under s. 641.495(11) who are practicing
2421 medicine, and those on the active teaching faculty of an
2422 accredited medical school. If the applicant fails to meet the
2423 requirements of this paragraph, the board may impose conditions
2424 on the license, including, but not limited to, supervision of
2425 practice.

2426 (3) Each applicant must demonstrate that he or she has
2427 complied with one of the following:

2428 (a) Is a graduate of an allopathic medical school or
2429 allopathic college recognized and approved by an accrediting
2430 agency recognized by the United States Department of Education
2431 or is a graduate of an allopathic medical school or allopathic
2432 college within a territorial jurisdiction of the United States
2433 recognized by the accrediting agency of the governmental body of
2434 that jurisdiction; or

2435 (b) Is a graduate of an allopathic international medical
2436 school registered with the World Health Organization and has had
2437 his or her medical credentials evaluated by the Educational
2438 Commission for Foreign Medical Graduates, holds an active, valid
2439 certificate issued by that commission, and has passed the
2440 examination utilized by that commission. However, a graduate of
2441 an international medical school need not present the certificate
2442 issued by the Educational Commission for Foreign Medical
2443 Graduates or pass the examination utilized by that commission if
2444 the graduate has:



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2445 1. Received a bachelor's degree from an accredited United
2446 States college or university.

2447 2. Studied at a medical school which is recognized by the
2448 World Health Organization.

2449 3. Completed all of the formal requirements of the
2450 international medical school, except the internship or social
2451 service requirements, and passed part I of the National Board of
2452 Medical Examiners examination or the Educational Commission for
2453 Foreign Medical Graduates examination equivalent.

2454 4. Completed an academic year of supervised clinical
2455 training in a hospital affiliated with a medical school approved
2456 by the Council on Medical Education of the American Medical
2457 Association and, upon completion, passed part II of the National
2458 Board of Medical Examiners examination or the Educational
2459 Commission for Foreign Medical Graduates examination equivalent.

2460 (4) Each applicant must demonstrate that he or she has
2461 completed an Accreditation Council for Graduate Medical
2462 Education (ACGME) approved residency, as defined by board rule,
2463 of at least 2 years, or a fellowship of at least 2 years in one
2464 specialty area which is counted toward regular or subspecialty
2465 certification by a board recognized and certified by the
2466 American Board of Medical Specialties. However, applicants who
2467 meet the requirements of paragraph (3)(a) who completed their
2468 training prior to October 1, 2003, must demonstrate completion
2469 of at least 1 year of an approved residency.

2470 (5)(a) Each applicant must demonstrate that he or she has
2471 complied with one of the following examination requirements:

2472 1. Prior to January 1, 2000, has obtained a passing score,
2473 as established by rule of the board, on the licensure
2474 examination of the National Board of Medical Examiners (NBME),



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2475 the licensure examination of the Federation of State Medical
 2476 Boards of the United States, Inc. (FLEX), the United States
 2477 Medical Licensing Examination (USMLE), or a combination thereof;

2478 2. On or after January 1, 2000, has obtained a passing
 2479 score on all three steps of the United States Medical Licensing
 2480 Examination (USMLE); or

2481 3. Has obtained a passing score on a state board
 2482 examination or the Canadian licensing examination (LLMCC) if the
 2483 applicant has a current active license in at least one other
 2484 jurisdiction of the United States or Canada and has practiced
 2485 pursuant to such licensure continuously for the immediately
 2486 preceding 10 years without encumbrance on the license.

2487 (b) As prescribed by board rule, the board may require an
 2488 applicant who does not pass any step of the national licensing
 2489 examination after five attempts to complete additional remedial
 2490 education or training.

2491 (c) As prescribed by board rule, the board may require an
 2492 applicant who does not pass all steps of the United States
 2493 Medical Licensing Examination (USMLE) within 7 years to complete
 2494 additional remedial education or training or to retake the step
 2495 of the examination which the applicant passed first.

2496 (6) The department and the board shall ensure that
 2497 applicants for licensure meet the criteria of this section
 2498 through an investigative process.

2499 (7) The board may not certify to the department for
 2500 licensure any applicant who is under investigation in another
 2501 jurisdiction for an offense which would constitute a violation
 2502 of this chapter until such investigation is completed. Upon
 2503 completion of the investigation, the provisions of s. 458.331
 2504 shall apply. Furthermore, the department may not issue an



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2505 unrestricted license to any individual who has committed any act
2506 or offense in any jurisdiction which would constitute the basis
2507 for disciplining a physician pursuant to s. 458.331. When the
2508 board finds that an individual has committed an act or offense
2509 in any jurisdiction which would constitute the basis for
2510 disciplining a physician pursuant to s. 458.331, the board may
2511 enter an order imposing one or more of the terms set forth in s.
2512 456.072(2).

2513 (8) The board may adopt rules pursuant to ss. 120.536(1)
2514 and 120.54 necessary to carry out the provisions of this
2515 section, which shall be applied on a uniform and consistent
2516 basis.

2517 (9) When the board determines that any applicant for
2518 licensure has failed to meet, to the board's satisfaction, each
2519 of the appropriate requirements set forth in this section, it
2520 may enter an order requiring one or more of the following terms:

2521 (a) Refusal to certify to the department an application
2522 for licensure, certification, or registration;

2523 (b) Certification to the department of an application for
2524 licensure, certification, or registration with restrictions on
2525 the scope of practice of the licensee; or

2526 (c) Certification to the department of an application for
2527 licensure, certification, or registration with placement of the
2528 physician on probation for a period of time and subject to such
2529 conditions as the board may specify, including, but not limited
2530 to, requiring the physician to submit to treatment, attend
2531 continuing education courses, submit to reexamination, or work
2532 under the supervision of another physician.

2533 Section 55. Subsection (5) of section 458.3124, Florida
2534 Statutes, is amended to read:



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2535 458.3124 Restricted license; certain experienced foreign-
 2536 trained physicians.--

2537 (5) Notwithstanding s. 458.311(3) and ~~(4)(1)(f)~~, a person
 2538 who successfully meets the requirements of this section and who
 2539 successfully passes Step III of the United States Medical
 2540 Licensing Examination is eligible for full licensure as a
 2541 physician.

2542 Section 56. Section 458.315, Florida Statutes, is amended
 2543 to read:

2544 (Substantial rewording of section. See
 2545 s. 458.315, F.S., for present text.)

2546 458.315 Limited licenses.--

2547 (1) Any person desiring to obtain a limited license shall
 2548 apply to the department on forms furnished by the department.
 2549 The department shall license each applicant who the board
 2550 certifies:

2551 (a) Has submitted to the department, with an application
 2552 and fee not to exceed \$300, a statement stating that he or she
 2553 has been licensed to practice medicine in any jurisdiction or
 2554 territory of the United States or Canada for at least 2 years
 2555 and intends to practice only pursuant to the restrictions of a
 2556 limited license granted pursuant to this section. However, if
 2557 the physician will only use the limited license for
 2558 noncompensated practice, and submits a statement from the
 2559 employing agency or institution stating that he or she will not
 2560 receive compensation for any service involving the practice of
 2561 medicine, the application fee and all licensure fees shall be
 2562 waived.

2563 (b) Has submitted evidence of the active licensed practice
 2564 of medicine in any jurisdiction or territory of the United



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2565 States or Canada for at least 2 of the immediately preceding 4
2566 years. For purposes of this paragraph, the term "active licensed
2567 practice of medicine" means that practice of medicine by
2568 physicians, including those employed by any government entity in
2569 community or public health, as defined by this chapter, those
2570 designated as medical directors under s. 641.495(11) who are
2571 practicing medicine, and those on the active teaching faculty of
2572 an accredited medical school. If it has been more than 3 years
2573 since active practice was conducted by the applicant, a licensed
2574 physician approved by the board shall supervise the applicant
2575 for a period of 6 months after he or she is granted a limited
2576 license for practice, unless the board determines that a shorter
2577 period of supervision will be sufficient to ensure that the
2578 applicant is qualified for licensure. Procedures for such
2579 supervision shall be established by the board.

2580 (c) Has submitted to the department a set of fingerprints
2581 on a form and under procedures by the department for the
2582 criminal history check of the applicant.

2583 (d) Has not committed any act or offense in this or any
2584 other jurisdiction which would constitute the basis for
2585 disciplining a physician pursuant to s. 458.331.

2586 (2) After approval of an application under this section, a
2587 limited license may not be issued until the applicant provides
2588 to the board an affidavit that there have been no substantial
2589 changes in his or her status since initial application.

2590 (3) The recipient of a limited license used for
2591 noncompensated practice shall only practice in the employ of
2592 programs or facilities that provide uncompensated health care
2593 services by volunteer licensed health care professionals to low-
2594 income persons whose family income does not exceed 120 percent



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2595 of the federal poverty level or to uninsured persons. These
2596 facilities shall include, but not be limited to, the department,
2597 community and migrant health centers funded under s. 330 of the
2598 Public Health Service Act, and volunteer health care provider
2599 programs contracted with the department to provide uncompensated
2600 care under the provisions of s. 766.1115.

2601 (4) The recipient of a limited license used for
2602 compensated practice shall only practice in the employ of
2603 certain programs and facilities that provide health care
2604 services and are located within federally designated primary
2605 care health professional shortage areas, unless otherwise
2606 approved by the Secretary of Health. These programs and
2607 facilities shall include, but not be limited to, the department,
2608 the Department of Corrections, county or municipal correctional
2609 facilities, the Department of Juvenile Justice, the Department
2610 of Children and Family Services, and those programs and
2611 facilities funded under s. 330 of the Public Health Service Act.

2612 (5) The recipient of a limited license shall, within 30
2613 days after accepting employment, notify the board of all
2614 approved institutions in which the licensee practices and all
2615 approved institutions in which the licensee's practice
2616 privileges have been denied. Evidence of noncompensated
2617 employment shall be required for the fee waiver under paragraph
2618 (1)(a).

2619 (6) Upon renewal, a limited licenseholder shall, in
2620 addition to complying with other applicable provisions of this
2621 chapter, document compliance with the restrictions prescribed in
2622 this section.

2623 (7) Any person holding an active or inactive license to
2624 practice medicine in the state may convert that license to a



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2625 limited license for the purpose of providing volunteer,
 2626 uncompensated care for low-income Floridians. The licensee must
 2627 submit a statement from the employing agency or institution
 2628 stating that he or she will not receive compensation for any
 2629 service involving the practice of medicine. All licensure fees,
 2630 including neurological injury compensation assessments, shall be
 2631 waived.

2632 (8) Nothing in this section limits in any way any policy
 2633 by the board otherwise authorized by law to grant licenses to
 2634 physicians duly licensed in other states under conditions less
 2635 restrictive than the requirements of this section.

2636 Notwithstanding any other provision of this section, the board
 2637 may refuse to authorize a physician otherwise qualified to
 2638 practice in the employ of any agency or institution otherwise
 2639 qualified if the agency or institution has caused or permitted
 2640 violations of the provisions of this chapter which it knew or
 2641 should have known were occurring.

2642 Section 57. Subsection (4) of section 458.319, Florida
 2643 Statutes, is amended to read:

2644 458.319 Renewal of license.--

2645 (4) ~~Notwithstanding the provisions of s. 456.033,~~ A
 2646 physician may complete continuing education on end-of-life care
 2647 and palliative care in lieu of continuing education in AIDS/HIV,
 2648 if that physician has completed the AIDS/HIV continuing
 2649 education in the immediately preceding biennium.

2650 Section 58. Paragraph (c) of subsection (5) of section
 2651 458.320, Florida Statutes, is amended to read:

2652 458.320 Financial responsibility.--

2653 (5) The requirements of subsections (1), (2), and (3)
 2654 shall not apply to:



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2655 (c) Any person holding a limited license pursuant to s.
 2656 458.315 ~~458.317~~ and practicing under the scope of such limited
 2657 license.

2658 Section 59. Section 458.3215, Florida Statutes, is created
 2659 to read:

2660 458.3215 Reactivation of license for clinical research
 2661 purposes.--

2662 (1) Any person who left the practice of medicine for
 2663 purposes of retirement and who, at the time of retirement, was
 2664 in good standing with the board may apply to the board to have
 2665 his or her license reactivated, without examination, for
 2666 purposes of seeing patients solely in a clinical research
 2667 setting. Such person may not have been out of the practice of
 2668 medicine for more than 10 years at the time of applying for
 2669 reactivation of a license under this section.

2670 (2) The board shall by rule set the reactivation fee, not
 2671 to exceed \$300, and develop criteria for reactivation of a
 2672 license under this section, including appropriate continuing
 2673 education requirements, not to exceed those prescribed in s.
 2674 458.321 for reactivation of a license.

2675 Section 60. Paragraph (t) of subsection (1) and
 2676 subsections (6) and (9) of section 458.331, Florida Statutes,
 2677 are amended to read:

2678 458.331 Grounds for disciplinary action; action by the
 2679 board and department.--

2680 (1) The following acts constitute grounds for denial of a
 2681 license or disciplinary action, as specified in s. 456.072(2):

2682 (t) Gross or repeated malpractice or the failure to
 2683 practice medicine with that level of care, skill, and treatment
 2684 which is recognized by a reasonably prudent similar physician as



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2685 being acceptable under similar conditions and circumstances. The
2686 board shall give great weight to the provisions of s. 766.102
2687 when enforcing this paragraph. As used in this paragraph,
2688 "repeated malpractice" includes, but is not limited to, three or
2689 more claims for medical malpractice within the previous 5-year
2690 period resulting in indemnities being paid in excess of \$50,000
2691 ~~\$25,000~~ each to the claimant in a judgment or settlement and
2692 which incidents involved negligent conduct by the physician. As
2693 used in this paragraph, "gross malpractice" or "the failure to
2694 practice medicine with that level of care, skill, and treatment
2695 which is recognized by a reasonably prudent similar physician as
2696 being acceptable under similar conditions and circumstances,"
2697 shall not be construed so as to require more than one instance,
2698 event, or act. Nothing in this paragraph shall be construed to
2699 require that a physician be incompetent to practice medicine in
2700 order to be disciplined pursuant to this paragraph.

2701 (6) Upon the department's receipt from an insurer or self-
2702 insurer of a report of a closed claim against a physician
2703 pursuant to s. 627.912 or from a health care practitioner of a
2704 report pursuant to s. 456.049, or upon the receipt from a
2705 claimant of a presuit notice against a physician pursuant to s.
2706 766.106, the department shall review each report and determine
2707 whether it potentially involved conduct by a licensee that is
2708 subject to disciplinary action, in which case the provisions of
2709 s. 456.073 shall apply. However, if it is reported that a
2710 physician has had three or more claims with indemnities
2711 exceeding \$50,000 ~~\$25,000~~ each within the previous 5-year
2712 period, the department shall investigate the occurrences upon
2713 which the claims were based and determine if action by the
2714 department against the physician is warranted.



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2715 (9) When an investigation of a physician is undertaken,
2716 the department shall promptly furnish to the physician or the
2717 physician's attorney a copy of the complaint or document which
2718 resulted in the initiation of the investigation. For purposes of
2719 this subsection, such documents include, but are not limited to:
2720 the pertinent portions of an annual report submitted to the
2721 department pursuant to s. 395.0197(6); a report of an adverse
2722 incident which is provided to the department pursuant to s.
2723 395.0197; a report of peer review disciplinary action submitted
2724 to the department pursuant to s. 395.0193(4) or s. 458.337,
2725 providing that the investigations, proceedings, and records
2726 relating to such peer review disciplinary action shall continue
2727 to retain their privileged status even as to the licensee who is
2728 the subject of the investigation, as provided by ss. 395.0193(8)
2729 and 458.337(3); a report of a closed claim submitted pursuant to
2730 s. 627.912; a presuit notice submitted pursuant to s.
2731 766.106(2); and a petition brought under the Florida Birth-
2732 Related Neurological Injury Compensation Plan, pursuant to s.
2733 766.305(2). The physician may submit a written response to the
2734 information contained in the complaint or document which
2735 resulted in the initiation of the investigation within 30 ~~45~~
2736 days after service to the physician of the complaint or
2737 document. The physician's written response shall be considered
2738 by the probable cause panel.

2739 Section 61. Paragraph (c) of subsection (1) of section
2740 458.345, Florida Statutes, is amended to read:

2741 458.345 Registration of resident physicians, interns, and
2742 fellows; list of hospital employees; prescribing of medicinal
2743 drugs; penalty.--



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2744 (1) Any person desiring to practice as a resident
2745 physician, assistant resident physician, house physician,
2746 intern, or fellow in fellowship training which leads to
2747 subspecialty board certification in this state, or any person
2748 desiring to practice as a resident physician, assistant resident
2749 physician, house physician, intern, or fellow in fellowship
2750 training in a teaching hospital in this state as defined in s.
2751 408.07(44) or s. 395.805(2), who does not hold a valid, active
2752 license issued under this chapter shall apply to the department
2753 to be registered and shall remit a fee not to exceed \$300 as set
2754 by the board. The department shall register any applicant the
2755 board certifies has met the following requirements:

2756 (c) Is a graduate of a medical school or college as
2757 specified in s. 458.311(3)~~(1)(f)~~.

2758 Section 62. Paragraph (b) of subsection (7) of section
2759 458.347, Florida Statutes, is amended to read:

2760 458.347 Physician assistants.--

2761 (7) PHYSICIAN ASSISTANT LICENSURE.--

2762 (b)1. Notwithstanding subparagraph (a)2. and sub-
2763 subparagraph (a)3.a., the department shall examine each
2764 applicant who the Board of Medicine certifies:

2765 a. Has completed the application form and remitted a
2766 nonrefundable application fee not to exceed \$500 and an
2767 examination fee not to exceed \$300, plus the actual cost to the
2768 department to provide the examination. The examination fee is
2769 refundable if the applicant is found to be ineligible to take
2770 the examination. The department shall not require the applicant
2771 to pass a separate practical component of the examination. For
2772 examinations given after July 1, 1998, competencies measured
2773 through practical examinations shall be incorporated into the



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2774 written examination through a multiple-choice format. The
2775 department shall translate the examination into the native
2776 language of any applicant who requests and agrees to pay all
2777 costs of such translation, provided that the translation request
2778 is filed with the board office no later than 9 months before the
2779 scheduled examination and the applicant remits translation fees
2780 as specified by the department no later than 6 months before the
2781 scheduled examination, and provided that the applicant
2782 demonstrates to the department the ability to communicate orally
2783 in basic English. If the applicant is unable to pay translation
2784 costs, the applicant may take the next available examination in
2785 English if the applicant submits a request in writing by the
2786 application deadline and if the applicant is otherwise eligible
2787 under this section. To demonstrate the ability to communicate
2788 orally in basic English, a passing score or grade is required,
2789 as determined by the department or organization that developed
2790 it, on the test for spoken English (TSE) by the Educational
2791 Testing Service (ETS), the test of English as a foreign language
2792 (TOEFL) by ETS, a high school or college level English course,
2793 or the English examination for citizenship, Immigration and
2794 Naturalization Service. A notarized copy of an Educational
2795 Commission for Foreign Medical Graduates (ECFMG) certificate may
2796 also be used to demonstrate the ability to communicate in basic
2797 English; and

2798 b.(I) Is an unlicensed physician who graduated from a
2799 foreign medical school listed with the World Health Organization
2800 who has not previously taken and failed the examination of the
2801 National Commission on Certification of Physician Assistants and
2802 who has been certified by the Board of Medicine as having met
2803 the requirements for licensure as a medical doctor by



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2804 examination as set forth in s. 458.311(2)-(7)~~(1), (3), (4), and~~
2805 ~~(5)~~, with the exception that the applicant is not required to
2806 have completed an approved residency of at least 1 year and the
2807 applicant is not required to have passed the licensing
2808 examination specified under s. 458.311 or hold a valid, active
2809 certificate issued by the Educational Commission for Foreign
2810 Medical Graduates; was eligible and made initial application for
2811 certification as a physician assistant in this state between
2812 July 1, 1990, and June 30, 1991; and was a resident of this
2813 state on July 1, 1990, or was licensed or certified in any state
2814 in the United States as a physician assistant on July 1, 1990;
2815 or

2816 (II) Completed all coursework requirements of the Master
2817 of Medical Science Physician Assistant Program offered through
2818 the Florida College of Physician's Assistants prior to its
2819 closure in August of 1996. Prior to taking the examination, such
2820 applicant must successfully complete any clinical rotations that
2821 were not completed under such program prior to its termination
2822 and any additional clinical rotations with an appropriate
2823 physician assistant preceptor, not to exceed 6 months, that are
2824 determined necessary by the council. The boards shall determine,
2825 based on recommendations from the council, the facilities under
2826 which such incomplete or additional clinical rotations may be
2827 completed and shall also determine what constitutes successful
2828 completion thereof, provided such requirements are comparable to
2829 those established by accredited physician assistant programs.
2830 This sub-sub-subparagraph is repealed July 1, 2001.

2831 2. The department may grant temporary licensure to an
2832 applicant who meets the requirements of subparagraph 1. Between
2833 meetings of the council, the department may grant temporary



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2834 licensure to practice based on the completion of all temporary
2835 licensure requirements. All such administratively issued
2836 licenses shall be reviewed and acted on at the next regular
2837 meeting of the council. A temporary license expires 30 days
2838 after receipt and notice of scores to the licenseholder from the
2839 first available examination specified in subparagraph 1.
2840 following licensure by the department. An applicant who fails
2841 the proficiency examination is no longer temporarily licensed,
2842 but may apply for a one-time extension of temporary licensure
2843 after reapplying for the next available examination. Extended
2844 licensure shall expire upon failure of the licenseholder to sit
2845 for the next available examination or upon receipt and notice of
2846 scores to the licenseholder from such examination.

2847 3. Notwithstanding any other provision of law, the
2848 examination specified pursuant to subparagraph 1. shall be
2849 administered by the department only five times. Applicants
2850 certified by the board for examination shall receive at least 6
2851 months' notice of eligibility prior to the administration of the
2852 initial examination. Subsequent examinations shall be
2853 administered at 1-year intervals following the reporting of the
2854 scores of the first and subsequent examinations. For the
2855 purposes of this paragraph, the department may develop, contract
2856 for the development of, purchase, or approve an examination that
2857 adequately measures an applicant's ability to practice with
2858 reasonable skill and safety. The minimum passing score on the
2859 examination shall be established by the department, with the
2860 advice of the board. Those applicants failing to pass that
2861 examination or any subsequent examination shall receive notice
2862 of the administration of the next examination with the notice of
2863 scores following such examination. Any applicant who passes the



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2864 examination and meets the requirements of this section shall be
 2865 licensed as a physician assistant with all rights defined
 2866 thereby.

2867 Section 63. Subsection (5) of section 459.008, Florida
 2868 Statutes, is amended to read:

2869 459.008 Renewal of licenses and certificates.--

2870 (5) ~~Notwithstanding the provisions of s. 456.033,~~ An
 2871 osteopathic physician may complete continuing education on end-
 2872 of-life and palliative care in lieu of continuing education in
 2873 AIDS/HIV, if that physician has completed the AIDS/HIV
 2874 continuing education in the immediately preceding biennium.

2875 Section 64. Section 459.0091, Florida Statutes, is created
 2876 to read:

2877 459.0091 Reactivation of license for clinical research
 2878 purposes.--

2879 (1) Any person who left the practice of osteopathic
 2880 medicine for purposes of retirement and who, at the time of
 2881 retirement, was in good standing with the board may apply to the
 2882 board to have his or her license reactivated, without
 2883 examination, for purposes of seeing patients solely in a
 2884 clinical research setting. Such person may not have been out of
 2885 the practice of medicine for more than 10 years at the time of
 2886 applying for reactivation of a license under this section.

2887 (2) The board shall by rule set the reactivation fee, not
 2888 to exceed \$300, and develop criteria for reactivation of a
 2889 license under this section, including appropriate continuing
 2890 education requirements, not to exceed those prescribed in s.
 2891 459.009 for reactivation of a license.



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2892 Section 65. Paragraph (x) of subsection (1) and
 2893 subsections (6) and (9) of section 459.015, Florida Statutes,
 2894 are amended to read:

2895 459.015 Grounds for disciplinary action; action by the
 2896 board and department.--

2897 (1) The following acts constitute grounds for denial of a
 2898 license or disciplinary action, as specified in s. 456.072(2):

2899 (x) Gross or repeated malpractice or the failure to
 2900 practice osteopathic medicine with that level of care, skill,
 2901 and treatment which is recognized by a reasonably prudent
 2902 similar osteopathic physician as being acceptable under similar
 2903 conditions and circumstances. The board shall give great weight
 2904 to the provisions of s. 766.102 when enforcing this paragraph.
 2905 As used in this paragraph, "repeated malpractice" includes, but
 2906 is not limited to, three or more claims for medical malpractice
 2907 within the previous 5-year period resulting in indemnities being
 2908 paid in excess of \$50,000 ~~\$25,000~~ each to the claimant in a
 2909 judgment or settlement and which incidents involved negligent
 2910 conduct by the osteopathic physician. As used in this paragraph,
 2911 "gross malpractice" or "the failure to practice osteopathic
 2912 medicine with that level of care, skill, and treatment which is
 2913 recognized by a reasonably prudent similar osteopathic physician
 2914 as being acceptable under similar conditions and circumstances"
 2915 shall not be construed so as to require more than one instance,
 2916 event, or act. Nothing in this paragraph shall be construed to
 2917 require that an osteopathic physician be incompetent to practice
 2918 osteopathic medicine in order to be disciplined pursuant to this
 2919 paragraph. A recommended order by an administrative law judge or
 2920 a final order of the board finding a violation under this
 2921 paragraph shall specify whether the licensee was found to have



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2922 committed "gross malpractice," "repeated malpractice," or
 2923 "failure to practice osteopathic medicine with that level of
 2924 care, skill, and treatment which is recognized as being
 2925 acceptable under similar conditions and circumstances," or any
 2926 combination thereof, and any publication by the board shall so
 2927 specify.

2928 (6) Upon the department's receipt from an insurer or self-
 2929 insurer of a report of a closed claim against an osteopathic
 2930 physician pursuant to s. 627.912 or from a health care
 2931 practitioner of a report pursuant to s. 456.049, or upon the
 2932 receipt from a claimant of a presuit notice against an
 2933 osteopathic physician pursuant to s. 766.106, the department
 2934 shall review each report and determine whether it potentially
 2935 involved conduct by a licensee that is subject to disciplinary
 2936 action, in which case the provisions of s. 456.073 shall apply.
 2937 However, if it is reported that an osteopathic physician has had
 2938 three or more claims with indemnities exceeding \$50,000 ~~\$25,000~~
 2939 each within the previous 5-year period, the department shall
 2940 investigate the occurrences upon which the claims were based and
 2941 determine if action by the department against the osteopathic
 2942 physician is warranted.

2943 (9) When an investigation of an osteopathic physician is
 2944 undertaken, the department shall promptly furnish to the
 2945 osteopathic physician or his or her attorney a copy of the
 2946 complaint or document which resulted in the initiation of the
 2947 investigation. For purposes of this subsection, such documents
 2948 include, but are not limited to: the pertinent portions of an
 2949 annual report submitted to the department pursuant to s.
 2950 395.0197(6); a report of an adverse incident which is provided
 2951 to the department pursuant to s. 395.0197; a report of peer



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2952 review disciplinary action submitted to the department pursuant
 2953 to s. 395.0193(4) or s. 459.016, provided that the
 2954 investigations, proceedings, and records relating to such peer
 2955 review disciplinary action shall continue to retain their
 2956 privileged status even as to the licensee who is the subject of
 2957 the investigation, as provided by ss. 395.0193(8) and
 2958 459.016(3); a report of a closed claim submitted pursuant to s.
 2959 627.912; a presuit notice submitted pursuant to s. 766.106(2);
 2960 and a petition brought under the Florida Birth-Related
 2961 Neurological Injury Compensation Plan, pursuant to s.
 2962 766.305(2). The osteopathic physician may submit a written
 2963 response to the information contained in the complaint or
 2964 document which resulted in the initiation of the investigation
 2965 within 30 ~~45~~ days after service to the osteopathic physician of
 2966 the complaint or document. The osteopathic physician's written
 2967 response shall be considered by the probable cause panel.

2968 Section 66. Paragraph (d) of subsection (1) of section
 2969 460.406, Florida Statutes, is amended to read:

2970 460.406 Licensure by examination.--

2971 (1) Any person desiring to be licensed as a chiropractic
 2972 physician shall apply to the department to take the licensure
 2973 examination. There shall be an application fee set by the board
 2974 not to exceed \$100 which shall be nonrefundable. There shall
 2975 also be an examination fee not to exceed \$500 plus the actual
 2976 per applicant cost to the department for purchase of portions of
 2977 the examination from the National Board of Chiropractic
 2978 Examiners or a similar national organization, which may be
 2979 refundable if the applicant is found ineligible to take the
 2980 examination. The department shall examine each applicant who
 2981 the board certifies has:



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2982 (d)1. For an applicant who has matriculated in a
 2983 chiropractic college prior to July 2, 1990, completed at least 2
 2984 years of residence college work, consisting of a minimum of one-
 2985 half the work acceptable for a bachelor's degree granted on the
 2986 basis of a 4-year period of study, in a college or university
 2987 accredited by an accrediting agency recognized and approved by
 2988 the United States Department of Education. However, prior to
 2989 being certified by the board to sit for the examination, each
 2990 applicant who has matriculated in a chiropractic college after
 2991 July 1, 1990, shall have been granted a bachelor's degree, based
 2992 upon 4 academic years of study, by a college or university
 2993 accredited by a regional accrediting agency which is a member of
 2994 the Council for Higher Education Accreditation or the United
 2995 States Department of Education Commission on Recognition of
 2996 Postsecondary Accreditation.

2997 2. Effective July 1, 2000, completed, prior to
 2998 matriculation in a chiropractic college, at least 3 years of
 2999 residence college work, consisting of a minimum of 90 semester
 3000 hours leading to a bachelor's degree in a liberal arts college
 3001 or university accredited by an accrediting agency recognized and
 3002 approved by the United States Department of Education. However,
 3003 prior to being certified by the board to sit for the
 3004 examination, each applicant who has matriculated in a
 3005 chiropractic college after July 1, 2000, shall have been granted
 3006 a bachelor's degree from an institution holding accreditation
 3007 for that degree from a regional accrediting agency which is
 3008 recognized by the United States Department of Education. The
 3009 applicant's chiropractic degree must consist of credits earned
 3010 in the chiropractic program and may not include academic credit
 3011 for courses from the bachelor's degree.



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3012 Section 67. Subsection (5) of section 460.413, Florida
 3013 Statutes, is amended to read:

3014 460.413 Grounds for disciplinary action; action by board
 3015 or department.--

3016 (5) When an investigation of a chiropractic physician is
 3017 undertaken, the department shall promptly furnish to the
 3018 chiropractic physician or her or his attorney a copy of the
 3019 complaint or document which resulted in the initiation of the
 3020 investigation. The chiropractic physician may submit a written
 3021 response to the information contained in such complaint or
 3022 document within 30 45 days after service to the chiropractic
 3023 physician of the complaint or document. The chiropractic
 3024 physician's written response shall be considered by the probable
 3025 cause panel.

3026 Section 68. Paragraph (s) of subsection (1), paragraph (a)
 3027 of subsection (5), and subsection (6) of section 461.013,
 3028 Florida Statutes, are amended to read:

3029 461.013 Grounds for disciplinary action; action by the
 3030 board; investigations by department.--

3031 (1) The following acts constitute grounds for denial of a
 3032 license or disciplinary action, as specified in s. 456.072(2):

3033 (s) Gross or repeated malpractice or the failure to
 3034 practice podiatric medicine at a level of care, skill, and
 3035 treatment which is recognized by a reasonably prudent podiatric
 3036 physician as being acceptable under similar conditions and
 3037 circumstances. The board shall give great weight to the
 3038 standards for malpractice in s. 766.102 in interpreting this
 3039 section. As used in this paragraph, "repeated malpractice"
 3040 includes, but is not limited to, three or more claims for
 3041 medical malpractice within the previous 5-year period resulting



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3042 in indemnities being paid in excess of \$50,000 ~~\$10,000~~ each to
 3043 the claimant in a judgment or settlement and which incidents
 3044 involved negligent conduct by the podiatric physicians. As used
 3045 in this paragraph, "gross malpractice" or "the failure to
 3046 practice podiatric medicine with the level of care, skill, and
 3047 treatment which is recognized by a reasonably prudent similar
 3048 podiatric physician as being acceptable under similar conditions
 3049 and circumstances" shall not be construed so as to require more
 3050 than one instance, event, or act.

3051 (5)(a) Upon the department's receipt from an insurer or
 3052 self-insurer of a report of a closed claim against a podiatric
 3053 physician pursuant to s. 627.912, or upon the receipt from a
 3054 claimant of a presuit notice against a podiatric physician
 3055 pursuant to s. 766.106, the department shall review each report
 3056 and determine whether it potentially involved conduct by a
 3057 licensee that is subject to disciplinary action, in which case
 3058 the provisions of s. 456.073 shall apply. However, if it is
 3059 reported that a podiatric physician has had three or more claims
 3060 with indemnities exceeding \$50,000 ~~\$25,000~~ each within the
 3061 previous 5-year period, the department shall investigate the
 3062 occurrences upon which the claims were based and determine if
 3063 action by the department against the podiatric physician is
 3064 warranted.

3065 (6) When an investigation of a podiatric physician is
 3066 undertaken, the department shall promptly furnish to the
 3067 podiatric physician or her or his attorney a copy of the
 3068 complaint or document which resulted in the initiation of the
 3069 investigation. The podiatric physician may submit a written
 3070 response to the information contained in such complaint or
 3071 document within 30 ~~45~~ days after service to the podiatric



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3072 physician of the complaint or document. The podiatric
 3073 physician's written response shall be considered by the probable
 3074 cause panel.

3075 Section 69. Paragraph (b) of subsection (1) of section
 3076 463.006, Florida Statutes, is amended to read:

3077 463.006 Licensure and certification by examination.--

3078 (1) Any person desiring to be a licensed practitioner
 3079 pursuant to this chapter shall apply to the department to take
 3080 the licensure and certification examinations. The department
 3081 shall examine each applicant who the board determines has:

3082 (b) Submitted proof satisfactory to the department that
 3083 she or he:

- 3084 1. Is at least 18 years of age.
- 3085 2. Has graduated from an accredited school or college of
 3086 optometry approved by rule of the board.
- 3087 3. Is of good moral character.
- 3088 4. Has successfully completed at least 110 hours of
 3089 transcript-quality coursework and clinical training in general
 3090 and ocular pharmacology as determined by the board, at an
 3091 institution that:

3092 a. Has facilities for both didactic and clinical
 3093 instructions in pharmacology. ~~and~~

3094 b. Is accredited by a regional or professional accrediting
 3095 organization that is recognized and approved by the Council for
 3096 Higher Education ~~Commission on Recognition of Postsecondary~~
 3097 Accreditation or the United States Department of Education.

3098 5. Has completed at least 1 year of supervised experience
 3099 in differential diagnosis of eye disease or disorders as part of
 3100 the optometric training or in a clinical setting as part of the
 3101 optometric experience.



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3102 Section 70. Paragraph (a) of subsection (4) of section
 3103 464.0205, Florida Statutes, is amended to read:

3104 464.0205 Retired volunteer nurse certificate.--

3105 (4) A retired volunteer nurse receiving certification from
 3106 the board shall:

3107 (a) Work under the direct supervision of the director of a
 3108 county health department, a physician working under a limited
 3109 license issued pursuant to s. 458.315 ~~458.317~~ or s. 459.0075, a
 3110 physician licensed under chapter 458 or chapter 459, an advanced
 3111 registered nurse practitioner certified under s. 464.012, or a
 3112 registered nurse licensed under s. 464.008 or s. 464.009.

3113 Section 71. Subsections (1), (5), and (7) of section
 3114 464.203, Florida Statutes, are amended, and subsection (8) is
 3115 added to said section, to read:

3116 464.203 Certified nursing assistants; certification
 3117 requirement.--

3118 (1) The board shall issue a certificate to practice as a
 3119 certified nursing assistant to any person who demonstrates a
 3120 minimum competency to read and write and successfully passes the
 3121 required statewide criminal history check through the Department
 3122 of Law Enforcement or, if the applicant has not maintained
 3123 continuous residency within the state for the 5 years
 3124 immediately preceding the date of application, a federal
 3125 criminal history check through the Federal Bureau of
 3126 Investigation Level I or Level II screening pursuant to s.
 3127 400.215 and meets one of the following requirements:

3128 (a) Has successfully completed an approved training
 3129 program and achieved a minimum score, established by rule of the
 3130 board, on the nursing assistant competency examination, which
 3131 consists of a written portion and skills-demonstration portion



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3132 approved by the board and administered at a site and by
3133 personnel approved by the department.

3134 (b) Has achieved a minimum score, established by rule of
3135 the board, on the nursing assistant competency examination,
3136 which consists of a written portion and skills-demonstration
3137 portion, approved by the board and administered at a site and by
3138 personnel approved by the department and:

3139 1. Has a high school diploma, or its equivalent; or

3140 2. Is at least 18 years of age.

3141 (c) Is currently certified in another state; is listed on
3142 that state's certified nursing assistant registry; and has not
3143 been found to have committed abuse, neglect, or exploitation in
3144 that state.

3145 (d) Has completed the curriculum developed under the
3146 Enterprise Florida Jobs and Education Partnership Grant and
3147 achieved a minimum score, established by rule of the board, on
3148 the nursing assistant competency examination, which consists of
3149 a written portion and skills-demonstration portion, approved by
3150 the board and administered at a site and by personnel approved
3151 by the department.

3152 (5) Certification as a nursing assistant, in accordance
3153 with this part, may be renewed ~~continues in effect~~ until such
3154 time as the nursing assistant allows a period of 24 consecutive
3155 months to pass during which period the nursing assistant fails
3156 to perform any nursing-related services for monetary
3157 compensation. When a nursing assistant fails to perform any
3158 nursing-related services for monetary compensation for a period
3159 of 24 consecutive months, the nursing assistant must complete a
3160 new training and competency evaluation program or a new
3161 competency evaluation program.



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3162 (7) A certified nursing assistant shall complete 12 ~~18~~
3163 hours of inservice training during each calendar year. The
3164 certified nursing assistant shall be responsible for maintaining
3165 documentation demonstrating compliance with these provisions.
3166 The Council on Certified Nursing Assistants, in accordance with
3167 s. 464.2085(2)(b), shall propose rules to implement this
3168 subsection.

3169 (8) The department shall renew a certificate upon receipt
3170 of the renewal application and a fee not to exceed \$50
3171 biennially. The department shall adopt rules establishing a
3172 procedure for the biennial renewal of certificates. Any
3173 certificate not renewed by July 1, 2005, shall be void.

3174 Section 72. Paragraph (b) of subsection (1) of section
3175 464.204, Florida Statutes, is amended to read:

3176 464.204 Denial, suspension, or revocation of
3177 certification; disciplinary actions.--

3178 (1) The following acts constitute grounds for which the
3179 board may impose disciplinary sanctions as specified in
3180 subsection (2):

3181 (b) ~~Intentionally~~ Violating any provision of parts I and
3182 II of this chapter, chapter 456, or the rules adopted by the
3183 board.

3184 Section 73. Paragraph (i) of subsection (1) of section
3185 465.016, Florida Statutes, is amended to read:

3186 465.016 Disciplinary actions.--

3187 (1) The following acts constitute grounds for denial of a
3188 license or disciplinary action, as specified in s. 456.072(2):

3189 (i) Compounding, dispensing, or distributing a legend
3190 drug, including any controlled substance, other than in the
3191 course of the professional practice of pharmacy. For purposes of



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3192 this paragraph, it shall be legally presumed that the
3193 compounding, dispensing, or distributing of legend drugs in
3194 excessive or inappropriate quantities is not in the best
3195 interests of the patient and is not in the course of the
3196 professional practice of pharmacy. A quantity of legend drug
3197 which the licensee knows or reasonably should know was not
3198 prescribed in the course of a valid professional relationship is
3199 presumed to be an excessive or inappropriate quantity. A medical
3200 questionnaire completed by Internet, telephone, electronic
3201 transfer, or mail does not establish a valid professional
3202 relationship.

3203 Section 74. Subsection (8) of section 467.009, Florida
3204 Statutes, is amended to read:

3205 467.009 Midwifery programs; education and training
3206 requirements.--

3207 (8) Nonpublic educational institutions that conduct
3208 approved midwifery programs shall be accredited by an
3209 accrediting agency recognized and approved by the Council for
3210 Higher Education Accreditation or the United States Department
3211 of Education ~~a member of the Commission on Recognition of~~
3212 ~~Postsecondary Accreditation~~ and shall be licensed by the
3213 Commission for Independent State Board of Nonpublic Career
3214 Education.

3215 Section 75. Section 467.013, Florida Statutes, is amended
3216 to read:

3217 467.013 Inactive status.--A licensee may request that his
3218 or her license be placed in an inactive status by making
3219 application to the department pursuant to department rule and
3220 paying a fee.



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3221 ~~(1) An inactive license may be renewed for one additional~~
 3222 ~~biennium upon application to the department and payment of the~~
 3223 ~~applicable biennium renewal fee. The department shall establish~~
 3224 ~~by rule procedures and fees for applying to place a license on~~
 3225 ~~inactive status, renewing an inactive license, and reactivating~~
 3226 ~~an inactive license. The fee for any of these procedures may not~~
 3227 ~~exceed the biennial renewal fee established by the department.~~

3228 ~~(2) Any license that is not renewed by the end of the~~
 3229 ~~biennium established by the department automatically reverts to~~
 3230 ~~involuntary inactive status unless the licensee has applied for~~
 3231 ~~voluntary inactive status. Such license may be reactivated only~~
 3232 ~~if the licensee meets the requirements for reactivating the~~
 3233 ~~license established by department rule.~~

3234 ~~(3) A midwife who desires to reactivate an inactive~~
 3235 ~~license shall apply to the department, complete the reactivation~~
 3236 ~~application, remit the applicable fees, and submit proof of~~
 3237 ~~compliance with the requirements for continuing education~~
 3238 ~~established by department rule.~~

3239 ~~(4) Each licensed midwife whose license has been placed on~~
 3240 ~~inactive status for more than 1 year must complete continuing~~
 3241 ~~education hours as a condition of reactivating the inactive~~
 3242 ~~license.~~

3243 ~~(5) The licensee shall submit to the department evidence~~
 3244 ~~of participation in 10 hours of continuing education, approved~~
 3245 ~~by the department and clinically related to the practice of~~
 3246 ~~midwifery, for each year of the biennium in which the license~~
 3247 ~~was inactive. This requirement is in addition to submitting~~
 3248 ~~evidence of completing the continuing education required for the~~
 3249 ~~most recent biennium in which the licensee held an active~~
 3250 ~~license.~~



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3251 Section 76. Section 467.0135, Florida Statutes, is amended
 3252 to read:

3253 467.0135 Fees.--The department shall establish fees for
 3254 application, ~~examination~~, initial licensure, renewal of active
 3255 status licensure, licensure by endorsement, inactive status,
 3256 delinquent status, and reactivation of an inactive status
 3257 license. The appropriate fee must be paid at the time of
 3258 application and is payable to the Department of Health, in
 3259 accordance with rules adopted by the department. A fee is
 3260 nonrefundable, unless otherwise provided by rule. A fee may not
 3261 exceed:

3262 ~~(1) Five hundred dollars for examination.~~

3263 (1)~~(2)~~ Five hundred dollars for initial licensure.

3264 (2)~~(3)~~ Five hundred dollars for renewal of an active
 3265 status license licensure.

3266 (3)~~(4)~~ Two hundred dollars for application, ~~which fee is~~
 3267 ~~nonrefundable.~~

3268 (4)~~(5)~~ Five hundred dollars for renewal ~~reactivation~~ of an
 3269 inactive status license.

3270 (5)~~(6)~~ Five hundred dollars for licensure by endorsement.

3271
 3272 A fee for inactive status, reactivation of an inactive status
 3273 license, or delinquency may not exceed the fee established by
 3274 the department for biennial renewal of an active status license.
 3275 All fees collected under this section shall be deposited in the
 3276 Medical Quality Assurance Trust Fund.

3277 Section 77. Subsection (1) of section 467.017, Florida
 3278 Statutes, is amended to read:

3279 467.017 Emergency care plan; immunity.--



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3280 (1) Every licensed midwife shall develop a written plan
 3281 for the appropriate delivery of emergency care. A copy of the
 3282 plan shall accompany any application for license issuance and
 3283 must be made available upon request of the department ~~or~~
 3284 ~~renewal~~. The plan shall address the following:

3285 (a) Consultation with other health care providers.

3286 (b) Emergency transfer.

3287 (c) Access to neonatal intensive care units and
 3288 obstetrical units or other patient care areas.

3289 Section 78. Paragraph (g) of subsection (3) of section
 3290 468.302, Florida Statutes, is amended to read:

3291 468.302 Use of radiation; identification of certified
 3292 persons; limitations; exceptions.--

3293 (3)

3294 (g)1. A person holding a certificate as a nuclear medicine
 3295 technologist may only:

3296 a. Conduct in vivo and in vitro measurements of
 3297 radioactivity and administer radiopharmaceuticals to human
 3298 beings for diagnostic and therapeutic purposes.

3299 b. Administer X radiation from a combination nuclear
 3300 medicine-computed tomography device if that radiation is
 3301 administered as an integral part of a nuclear medicine procedure
 3302 that uses an automated computed tomography protocol for the
 3303 purposes of attenuation correction and anatomical localization
 3304 and the person has received device-specific training on the
 3305 combination device.

3306 2. ~~However,~~ The authority of a nuclear medicine
 3307 technologist under this paragraph excludes:

3308 a. Radioimmunoassay and other clinical laboratory testing
 3309 regulated pursuant to chapter 483.



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3310 b. Creating or modifying automated computed tomography
3311 protocols.

3312 c. Any other operation of a computed tomography device,
3313 especially for the purposes of stand-alone diagnostic imaging
3314 which is regulated pursuant to the general radiographic scope in
3315 this part.

3316 Section 79. Section 468.352, Florida Statutes, is amended
3317 to read:

3318 (Substantial rewording of section. See
3319 s. 468.352, F.S., for present text.)

3320 468.352 Definitions.--As used in this part, the term:

3321 (1) "Board" means the Board of Respiratory Care.

3322 (2) "Certified respiratory therapist" means any person
3323 licensed under this part who is certified by the National Board
3324 for Respiratory Care, or its successor, who is employed to
3325 deliver respiratory care services under the order of a physician
3326 licensed pursuant to chapter 458 or chapter 459 in accordance
3327 with protocols established by a hospital or other health care
3328 provider or the board and who functions in situations of
3329 unsupervised contact requiring individual judgment.

3330 (3) "Critical care" means care given to a patient in any
3331 setting involving a life-threatening emergency.

3332 (4) "Department" means the Department of Health.

3333 (5) "Direct supervision" means practicing under the
3334 direction of a licensed, registered, or certified respiratory
3335 therapist who is physically on the premises and readily
3336 available, as defined by the board.

3337 (6) "Physician supervision" means supervision and control
3338 by a physician licensed under chapter 458 or chapter 459 who
3339 assumes the legal liability for the services rendered by the



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3340 personnel employed in his or her office. Except in the case of
3341 an emergency, physician supervision requires the easy
3342 availability of the physician within the office or the physical
3343 presence of the physician for consultation and direction of the
3344 actions of the persons who deliver respiratory care services.

3345 (7) "Practice of respiratory care" or "respiratory
3346 therapy" means the allied health specialty associated with the
3347 cardiopulmonary system that is practiced under the orders of a
3348 physician licensed under chapter 458 or chapter 459 and in
3349 accordance with protocols, policies, and procedures established
3350 by a hospital or other health care provider or the board,
3351 including the assessment, diagnostic evaluation, treatment,
3352 management, control, rehabilitation, education, and care of
3353 patients in all health care settings.

3354 (8) "Registered respiratory therapist" means any person
3355 licensed under this part who is registered by the National Board
3356 for Respiratory Care, or its successor, who is employed to
3357 deliver respiratory care services under the order of a physician
3358 licensed under chapter 458 or chapter 459 in accordance with
3359 protocols established by a hospital or other health care
3360 provider or the board, and who functions in situations of
3361 unsupervised contact requiring individual judgment.

3362 (9) "Respiratory care practitioner" means any person
3363 licensed under this part who is employed to deliver respiratory
3364 care services under direct supervision pursuant to the order of
3365 a physician licensed under chapter 458 or chapter 459.

3366 (10) "Respiratory care services" includes:

3367 (a) Evaluation and disease management.

3368 (b) Diagnostic and therapeutic use of respiratory
3369 equipment, devices, or medical gas.



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3370 (c) Administration of drugs, as duly ordered or prescribed
 3371 by a physician licensed under chapter 458 or chapter 459 and in
 3372 accordance with protocols, policies, and procedures established
 3373 by a hospital, another health care provider, or the board.

3374 (d) Initiation, management, and maintenance of equipment
 3375 to assist and support ventilation and respiration.

3376 (e) Diagnostic procedures, research, and therapeutic
 3377 treatment and procedures, including measurement of ventilatory
 3378 volumes, pressures, and flows; specimen collection and analysis
 3379 of blood for gas transport and acid/base determinations;
 3380 pulmonary-function testing; and other related physiological
 3381 monitoring of cardiopulmonary systems.

3382 (f) Cardiopulmonary rehabilitation.

3383 (g) Cardiopulmonary resuscitation, advanced cardiac life
 3384 support, neonatal resuscitation, and pediatric advanced life
 3385 support, or equivalent functions.

3386 (h) Insertion and maintenance of artificial airways and
 3387 intravascular catheters.

3388 (i) Performing sleep disorder studies.

3389 (j) Education of patients, families, the public, or other
 3390 health care providers, including disease process and management
 3391 programs and smoking prevention and cessation programs.

3392 (k) Initiation and management of hyperbaric oxygen.

3393 Section 80. Section 468.355, Florida Statutes, is amended
 3394 to read:

3395 (Substantial rewording of section. See
 3396 s. 468.355, F.S., for present text.)

3397 468.355 Licensure requirements.--To be eligible for
 3398 licensure by the board, an applicant must be an active certified
 3399 respiratory therapist or an active registered respiratory



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3400 therapist credentialed by the National Board for Respiratory
3401 Care or its successor.

3402 Section 81. Section 468.368, Florida Statutes, is amended
3403 to read:

3404 (Substantial rewording of section. See
3405 s. 468.368, F.S., for present text.)

3406 468.368 Exemptions.--This part may not be construed to
3407 prevent or restrict the practice, services, or activities of:

3408 (1) Any person licensed in this state by any other
3409 provision of law when engaging in the profession or occupation
3410 for which he or she is licensed.

3411 (2) Any legally qualified person in the state or another
3412 state or territory who is employed by the United States
3413 Government or any agency thereof while such person is
3414 discharging his or her official duties.

3415 (3) A friend or family member who is providing respiratory
3416 care services to an ill person and who does not represent
3417 himself or herself as a respiratory care practitioner or
3418 respiratory therapist.

3419 (4) An individual providing respiratory care services in
3420 an emergency who does not represent himself or herself as a
3421 respiratory care practitioner or respiratory therapist.

3422 (5) Any individual employed to deliver, assemble, set up,
3423 or test equipment for use in a home, upon the order of a
3424 physician licensed pursuant to chapter 458 or chapter 459. This
3425 subsection does not, however, authorize the practice of
3426 respiratory care without a license.

3427 (6) Any individual performing polysomnography under
3428 medical direction, as related to the diagnosis and evaluation of
3429 treatment for sleep disorders.



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3430 (7) Any individual certified or registered as a pulmonary
 3431 function technologist who is credentialed by the National Board
 3432 for Respiratory Care or its successor for performing
 3433 cardiopulmonary diagnostic studies.

3434 (8) Any student who is enrolled in an accredited
 3435 respiratory care program approved by the board while performing
 3436 respiratory care as an integral part of a required course.

3437 (9) The delivery of incidental respiratory care to
 3438 noninstitutionalized persons by surrogate family members who do
 3439 not represent themselves as registered or certified respiratory
 3440 care therapists.

3441 (10) Any individual credentialed by the Underseas
 3442 Hyperbaric Society in hyperbaric medicine, or its equivalent as
 3443 determined by the board, while performing related duties. This
 3444 subsection does not, however, authorize the practice of
 3445 respiratory care without a license.

3446 Section 82. Subsection (2) of section 468.509, Florida
 3447 Statutes, is amended to read:

3448 468.509 Dietitian/nutritionist; requirements for
 3449 licensure.--

3450 (2) The agency shall examine any applicant who the board
 3451 certifies has completed the application form and remitted the
 3452 application and examination fees specified in s. 468.508 and
 3453 who:

3454 (a)1. Possesses a baccalaureate or postbaccalaureate
 3455 degree with a major course of study in human nutrition, food and
 3456 nutrition, dietetics, or food management, or an equivalent major
 3457 course of study, from a school or program accredited, at the
 3458 time of the applicant's graduation, by the appropriate
 3459 accrediting agency recognized by the Council for Higher



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3460 Education Accreditation or Commission on Recognition of
 3461 ~~Postsecondary Accreditation and~~ the United States Department of
 3462 Education; and

3463 2. Has completed a preprofessional experience component of
 3464 not less than 900 hours or has education or experience
 3465 determined to be equivalent by the board; or

3466 (b)1. Has an academic degree, from a foreign country, that
 3467 has been validated by an accrediting agency approved by the
 3468 United States Department of Education as equivalent to the
 3469 baccalaureate or postbaccalaureate degree conferred by a
 3470 regionally accredited college or university in the United
 3471 States;

3472 2. Has completed a major course of study in human
 3473 nutrition, food and nutrition, dietetics, or food management;
 3474 and

3475 3. Has completed a preprofessional experience component of
 3476 not less than 900 hours or has education or experience
 3477 determined to be equivalent by the board.

3478 Section 83. Section 468.707, Florida Statutes, is amended
 3479 to read:

3480 468.707 Licensure by examination; requirements.--

3481 ~~(1)~~ Any person desiring to be licensed as an athletic
 3482 trainer shall apply to the department on a form approved by the
 3483 department.

3484 ~~(1)(a)~~ The department shall license each applicant who:

3485 ~~(a)1-~~ Has completed the application form and remitted the
 3486 required fees.

3487 ~~(b)2-~~ Is at least 21 years of age.

3488 ~~(c)3-~~ Has obtained a baccalaureate degree from a college
 3489 or university accredited by an accrediting agency recognized and



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3490 approved by the United States Department of Education or the
 3491 Council for Higher Education ~~Commission on Recognition of~~
 3492 ~~Postsecondary~~ Accreditation, or approved by the board.

3493 (d)4. Has completed coursework from a college or
 3494 university accredited by an accrediting agency recognized and
 3495 approved by the United States Department of Education or the
 3496 Council for Higher Education ~~Commission on Recognition of~~
 3497 ~~Postsecondary~~ Accreditation, or approved by the board, in each
 3498 of the following areas, as provided by rule: health, human
 3499 anatomy, kinesiology/biomechanics, human physiology, physiology
 3500 of exercise, basic athletic training, and advanced athletic
 3501 training.

3502 (e)5. Has current certification in standard first aid and
 3503 cardiovascular pulmonary resuscitation from the American Red
 3504 Cross or an equivalent certification as determined by the board.

3505 (f)6. Has, within 2 of the preceding 5 years, attained a
 3506 minimum of 800 hours of athletic training experience under the
 3507 direct supervision of a licensed athletic trainer or an athletic
 3508 trainer certified by the National Athletic Trainers' Association
 3509 or a comparable national athletic standards organization.

3510 (g)7. Has passed an examination administered or approved
 3511 by the board.

3512 (2)(b) The department shall also license each applicant
 3513 who:

3514 (a)1. Has completed the application form and remitted the
 3515 required fees no later than October 1, 1996.

3516 (b)2. Is at least 21 years of age.

3517 (c)3. Has current certification in standard first aid and
 3518 cardiovascular pulmonary resuscitation from the American Red
 3519 Cross or an equivalent certification as determined by the board.



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3520 ~~(d)1.4.a.~~ Has practiced athletic training for at least 3
 3521 of the 5 years preceding application; or

3522 ~~2.b.~~ Is currently certified by the National Athletic
 3523 Trainers' Association or a comparable national athletic
 3524 standards organization.

3525 ~~(2) Pursuant to the requirements of s. 456.034, each~~
 3526 ~~applicant shall complete a continuing education course on human~~
 3527 ~~immunodeficiency virus and acquired immune deficiency syndrome~~
 3528 ~~as part of initial licensure.~~

3529 Section 84. Section 486.031, Florida Statutes, is amended
 3530 to read:

3531 486.031 Physical therapist; licensing requirements.--To be
 3532 eligible for licensing as a physical therapist, an applicant
 3533 must:

3534 (1) Be at least 18 years old.+

3535 (2) Be of good moral character.; ~~and~~

3536 (3)(a) Have been graduated from a school of physical
 3537 therapy which has been approved for the educational preparation
 3538 of physical therapists by the appropriate accrediting agency
 3539 recognized by the Council for Higher Education Commission on
 3540 ~~Recognition of Postsecondary~~ Accreditation or the United States
 3541 Department of Education at the time of her or his graduation and
 3542 have passed, to the satisfaction of the board, the American
 3543 Registry Examination prior to 1971 or a national examination
 3544 approved by the board to determine her or his fitness for
 3545 practice as a physical therapist as hereinafter provided;

3546 (b) Have received a diploma from a program in physical
 3547 therapy in a foreign country and have educational credentials
 3548 deemed equivalent to those required for the educational
 3549 preparation of physical therapists in this country, as



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3550 recognized by the appropriate agency as identified by the board,
 3551 and have passed to the satisfaction of the board an examination
 3552 to determine her or his fitness for practice as a physical
 3553 therapist as hereinafter provided; or

3554 (c) Be entitled to licensure without examination as
 3555 provided in s. 486.081.

3556 Section 85. Section 486.102, Florida Statutes, is amended
 3557 to read:

3558 486.102 Physical therapist assistant; licensing
 3559 requirements.--To be eligible for licensing by the board as a
 3560 physical therapist assistant, an applicant must:

3561 (1) Be at least 18 years old.†

3562 (2) Be of good moral character.† ~~and~~

3563 (3)(a) Have been graduated from a school giving a course
 3564 of not less than 2 years for physical therapist assistants,
 3565 which has been approved for the educational preparation of
 3566 physical therapist assistants by the appropriate accrediting
 3567 agency recognized by the Council for Higher Education Commission
 3568 ~~on Recognition of Postsecondary~~ Accreditation or the United
 3569 States Department of Education at the time of her or his
 3570 graduation and have passed to the satisfaction of the board an
 3571 examination to determine her or his fitness for practice as a
 3572 physical therapist assistant as hereinafter provided;

3573 (b) Have been graduated from a school giving a course for
 3574 physical therapist assistants in a foreign country and have
 3575 educational credentials deemed equivalent to those required for
 3576 the educational preparation of physical therapist assistants in
 3577 this country, as recognized by the appropriate agency as
 3578 identified by the board, and passed to the satisfaction of the
 3579 board an examination to determine her or his fitness for



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3580 practice as a physical therapist assistant as hereinafter
 3581 provided; or

3582 (c) Be entitled to licensure without examination as
 3583 provided in s. 486.107.

3584 Section 86. Paragraph (a) of subsection (5) of section
 3585 489.553, Florida Statutes, is amended to read:

3586 489.553 Administration of part; registration
 3587 qualifications; examination.--

3588 (5) To be eligible for registration by the department as a
 3589 master septic tank contractor, the applicant must:

3590 (a) Have been a registered septic tank contractor in
 3591 Florida for at least 3 years or a plumbing contractor certified
 3592 under part I of this chapter who has provided septic tank
 3593 contracting services for at least 3 years. The 3 years must
 3594 immediately precede the date of application and may not be
 3595 interrupted by any probation, suspension, or revocation imposed
 3596 by the licensing agency.

3597 Section 87. Section 489.554, Florida Statutes, is amended
 3598 to read:

3599 489.554 Registration renewal.--

3600 (1) The department shall prescribe by rule the method for
 3601 approval of continuing education courses, ~~and for~~ renewal of
 3602 annual registration, inactive status for late filing of a
 3603 renewal application, allowing a contractor to hold his or her
 3604 registration in inactive status for a specified period, and
 3605 reactivating a license.

3606 (2) At a minimum, annual renewal shall include continuing
 3607 education requirements of not less than 6 classroom hours
 3608 annually for septic tank contractors and not less than 12
 3609 classroom hours annually for master septic tank contractors. The



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3610 12 classroom hours of continuing education required for master
 3611 septic tank contractors may include the 6 classroom hours
 3612 required for septic tank contractors, but at a minimum must
 3613 include 6 classroom hours of approved master septic tank
 3614 contractor coursework.

3615 (3) A certificate of registration shall become inactive if
 3616 a renewal application is not filed in a timely manner. A
 3617 certificate that has become inactive may be reactivated under
 3618 this section by application to the department. A registered
 3619 contractor may apply to the department for voluntary inactive
 3620 status at any time during the period of registration.

3621 (4) A master septic tank contractor may elect to revert to
 3622 registered septic tank contractor status at any time during the
 3623 period of registration. The department shall prescribe by rule
 3624 the method for a master septic tank contractor whose
 3625 registration has reverted to registered septic tank contractor
 3626 status to apply for master septic tank contractor status.

3627 (5) The department shall deny an application for renewal
 3628 if there is any outstanding administrative penalty against the
 3629 applicant which is final agency action and all judicial reviews
 3630 are exhausted.

3631 Section 88. Paragraph (b) of subsection (2) of section
 3632 490.005, Florida Statutes, is amended to read:

3633 490.005 Licensure by examination.--

3634 (2) Any person desiring to be licensed as a school
 3635 psychologist shall apply to the department to take the licensure
 3636 examination. The department shall license each applicant who
 3637 the department certifies has:

3638 (b) Submitted satisfactory proof to the department that
 3639 the applicant:



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3640 1. Has received a doctorate, specialist, or equivalent
 3641 degree from a program primarily psychological in nature and has
 3642 completed 60 semester hours or 90 quarter hours of graduate
 3643 study, in areas related to school psychology as defined by rule
 3644 of the department, from a college or university which at the
 3645 time the applicant was enrolled and graduated was accredited by
 3646 an accrediting agency recognized and approved by the Council for
 3647 Higher Education Accreditation or the United States Department
 3648 of Education Commission on Recognition of Postsecondary
 3649 Accreditation or from an institution which is publicly
 3650 recognized as a member in good standing with the Association of
 3651 Universities and Colleges of Canada.

3652 2. Has had a minimum of 3 years of experience in school
 3653 psychology, 2 years of which must be supervised by an individual
 3654 who is a licensed school psychologist or who has otherwise
 3655 qualified as a school psychologist supervisor, by education and
 3656 experience, as set forth by rule of the department. A doctoral
 3657 internship may be applied toward the supervision requirement.

3658 3. Has passed an examination provided by the department.

3659 Section 89. Paragraph (d) of subsection (1), paragraph (b)
 3660 of subsection (3), and paragraph (b) of subsection (4) of
 3661 section 491.005, Florida Statutes, are amended, and paragraph
 3662 (f) is added to subsection (1) of said section, to read:

3663 491.005 Licensure by examination.--

3664 (1) CLINICAL SOCIAL WORK.--Upon verification of
 3665 documentation and payment of a fee not to exceed \$200, as set by
 3666 board rule, plus the actual per applicant cost to the department
 3667 for purchase of the examination from the American Association of
 3668 State Social Worker's Boards or a similar national organization,



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3669 the department shall issue a license as a clinical social worker
3670 to an applicant who the board certifies:

3671 (d) Has passed a theory and practice examination approved
3672 ~~provided by the board department~~ for this purpose, which shall
3673 only be taken following completion of the clinical experience
3674 requirement.

3675 (f) Has satisfied all coursework requirements in this
3676 section by successfully completing the required course as a
3677 student or by teaching the required graduate course as an
3678 instructor or professor in an accredited institution.

3679 (3) MARRIAGE AND FAMILY THERAPY.--Upon verification of
3680 documentation and payment of a fee not to exceed \$200, as set by
3681 board rule, plus the actual cost to the department for the
3682 purchase of the examination from the Association of Marital and
3683 Family Therapy Regulatory Board, or similar national
3684 organization, the department shall issue a license as a marriage
3685 and family therapist to an applicant who the board certifies:

3686 (b)1. Has a minimum of a master's degree with major
3687 emphasis in marriage and family therapy, or a closely related
3688 field, and has completed all of the following requirements:

3689 a. Thirty-six semester hours or 48 quarter hours of
3690 graduate coursework, which must include a minimum of 3 semester
3691 hours or 4 quarter hours of graduate-level course credits in
3692 each of the following nine areas: dynamics of marriage and
3693 family systems; marriage therapy and counseling theory and
3694 techniques; family therapy and counseling theory and techniques;
3695 individual human development theories throughout the life cycle;
3696 personality theory or general counseling theory and techniques;
3697 psychopathology; human sexuality theory and counseling
3698 techniques; psychosocial theory; and substance abuse theory and



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3699 counseling techniques. Courses in research, evaluation,
3700 appraisal, assessment, or testing theories and procedures;
3701 thesis or dissertation work; or practicums, internships, or
3702 fieldwork may not be applied toward this requirement.

3703 b. A minimum of one graduate-level course of 3 semester
3704 hours or 4 quarter hours in legal, ethical, and professional
3705 standards issues in the practice of marriage and family therapy
3706 or a course determined by the board to be equivalent.

3707 c. A minimum of one graduate-level course of 3 semester
3708 hours or 4 quarter hours in diagnosis, appraisal, assessment,
3709 and testing for individual or interpersonal disorder or
3710 dysfunction; and a minimum of one 3-semester-hour or 4-quarter-
3711 hour graduate-level course in behavioral research which focuses
3712 on the interpretation and application of research data as it
3713 applies to clinical practice. Credit for thesis or dissertation
3714 work, practicums, internships, or fieldwork may not be applied
3715 toward this requirement.

3716 d. A minimum of one supervised clinical practicum,
3717 internship, or field experience in a marriage and family
3718 counseling setting, during which the student provided 180 direct
3719 client contact hours of marriage and family therapy services
3720 under the supervision of an individual who met the requirements
3721 for supervision under paragraph (c). This requirement may be met
3722 by a supervised practice experience which took place outside the
3723 academic arena, but which is certified as equivalent to a
3724 graduate-level practicum or internship program which required a
3725 minimum of 180 direct client contact hours of marriage and
3726 family therapy services currently offered within an academic
3727 program of a college or university accredited by an accrediting
3728 agency approved by the United States Department of Education, or



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3729 an institution which is publicly recognized as a member in good
 3730 standing with the Association of Universities and Colleges of
 3731 Canada or a training institution accredited by the Commission on
 3732 Accreditation for Marriage and Family Therapy Education
 3733 recognized by the United States Department of Education.
 3734 Certification shall be required from an official of such
 3735 college, university, or training institution.

3736 2. If the course title which appears on the applicant's
 3737 transcript does not clearly identify the content of the
 3738 coursework, the applicant shall be required to provide
 3739 additional documentation, including, but not limited to, a
 3740 syllabus or catalog description published for the course.

3741
 3742 The required master's degree must have been received in an
 3743 institution of higher education which at the time the applicant
 3744 graduated was: fully accredited by a regional accrediting body
 3745 recognized by the Council for Higher Education Accreditation or
 3746 the United States Department of Education ~~Commission on~~
 3747 ~~Recognition of Postsecondary Accreditation~~; publicly recognized
 3748 as a member in good standing with the Association of
 3749 Universities and Colleges of Canada; or an institution of higher
 3750 education located outside the United States and Canada, which at
 3751 the time the applicant was enrolled and at the time the
 3752 applicant graduated maintained a standard of training
 3753 substantially equivalent to the standards of training of those
 3754 institutions in the United States which are accredited by a
 3755 regional accrediting body recognized by the Council for Higher
 3756 Education Accreditation or the United States Department of
 3757 Education ~~Commission on Recognition of Postsecondary~~
 3758 ~~Accreditation~~. Such foreign education and training must have



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3759 been received in an institution or program of higher education
3760 officially recognized by the government of the country in which
3761 it is located as an institution or program to train students to
3762 practice as professional marriage and family therapists or
3763 psychotherapists. The burden of establishing that the
3764 requirements of this provision have been met shall be upon the
3765 applicant, and the board shall require documentation, such as,
3766 but not limited to, an evaluation by a foreign equivalency
3767 determination service, as evidence that the applicant's graduate
3768 degree program and education were equivalent to an accredited
3769 program in this country. An applicant with a master's degree
3770 from a program which did not emphasize marriage and family
3771 therapy may complete the coursework requirement in a training
3772 institution fully accredited by the Commission on Accreditation
3773 for Marriage and Family Therapy Education recognized by the
3774 United States Department of Education.

3775 (4) MENTAL HEALTH COUNSELING.--Upon verification of
3776 documentation and payment of a fee not to exceed \$200, as set by
3777 board rule, plus the actual per applicant cost to the department
3778 for purchase of the examination from the Professional
3779 Examination Service for the National Academy of Certified
3780 Clinical Mental Health Counselors or a similar national
3781 organization, the department shall issue a license as a mental
3782 health counselor to an applicant who the board certifies:

3783 (b)1. Has a minimum of an earned master's degree from a
3784 mental health counseling program accredited by the Council for
3785 the Accreditation of Counseling and Related Educational Programs
3786 that consists of at least 60 semester hours or 80 quarter hours
3787 of clinical and didactic instruction, including a course in
3788 human sexuality and a course in substance abuse. If the master's



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3789 degree is earned from a program related to the practice of
3790 mental health counseling that is not accredited by the Council
3791 for the Accreditation of Counseling and Related Educational
3792 Programs, then the coursework and practicum, internship, or
3793 fieldwork must consist of at least 60 semester hours or 80
3794 quarter hours and meet the following requirements:

3795 a. Thirty-three semester hours or 44 quarter hours of
3796 graduate coursework, which must include a minimum of 3 semester
3797 hours or 4 quarter hours of graduate-level coursework in each of
3798 the following 11 content areas: counseling theories and
3799 practice; human growth and development; diagnosis and treatment
3800 of psychopathology; human sexuality; group theories and
3801 practice; individual evaluation and assessment; career and
3802 lifestyle assessment; research and program evaluation; social
3803 and cultural foundations; counseling in community settings; and
3804 substance abuse. Courses in research, thesis or dissertation
3805 work, practicums, internships, or fieldwork may not be applied
3806 toward this requirement.

3807 b. A minimum of 3 semester hours or 4 quarter hours of
3808 graduate-level coursework in legal, ethical, and professional
3809 standards issues in the practice of mental health counseling,
3810 which includes goals, objectives, and practices of professional
3811 counseling organizations, codes of ethics, legal considerations,
3812 standards of preparation, certifications and licensing, and the
3813 role identity and professional obligations of mental health
3814 counselors. Courses in research, thesis or dissertation work,
3815 practicums, internships, or fieldwork may not be applied toward
3816 this requirement.

3817 c. The equivalent, as determined by the board, of at least
3818 1,000 hours of university-sponsored supervised clinical



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3819 practicum, internship, or field experience as required in the
3820 accrediting standards of the Council for Accreditation of
3821 Counseling and Related Educational Programs for mental health
3822 counseling programs. This experience may not be used to satisfy
3823 the post-master's clinical experience requirement.

3824 2. If the course title which appears on the applicant's
3825 transcript does not clearly identify the content of the
3826 coursework, the applicant shall be required to provide
3827 additional documentation, including, but not limited to, a
3828 syllabus or catalog description published for the course.

3829
3830 Education and training in mental health counseling must have
3831 been received in an institution of higher education which at the
3832 time the applicant graduated was: fully accredited by a regional
3833 accrediting body recognized by the Council for Higher Education
3834 Accreditation or the United States Department of Education
3835 ~~Commission on Recognition of Postsecondary Accreditation;~~
3836 publicly recognized as a member in good standing with the
3837 Association of Universities and Colleges of Canada; or an
3838 institution of higher education located outside the United
3839 States and Canada, which at the time the applicant was enrolled
3840 and at the time the applicant graduated maintained a standard of
3841 training substantially equivalent to the standards of training
3842 of those institutions in the United States which are accredited
3843 by a regional accrediting body recognized by the Council for
3844 Higher Education Accreditation or the United States Department
3845 of Education ~~Commission on Recognition of Postsecondary~~
3846 ~~Accreditation~~. Such foreign education and training must have
3847 been received in an institution or program of higher education
3848 officially recognized by the government of the country in which



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3849 it is located as an institution or program to train students to
3850 practice as mental health counselors. The burden of establishing
3851 that the requirements of this provision have been met shall be
3852 upon the applicant, and the board shall require documentation,
3853 such as, but not limited to, an evaluation by a foreign
3854 equivalency determination service, as evidence that the
3855 applicant's graduate degree program and education were
3856 equivalent to an accredited program in this country.

3857 Section 90. Section 491.0145, Florida Statutes, is amended
3858 to read:

3859 491.0145 Certified master social worker.--The department
3860 may not adopt any rules that would cause any person who was not
3861 licensed as a certified master social worker in accordance with
3862 this chapter on January 1, 1990, to become licensed. The
3863 department may certify an applicant for a designation as a
3864 certified master social worker upon the following conditions:

3865 (1) The applicant completes an application to be provided
3866 by the department and pays a nonrefundable fee not to exceed
3867 \$250 to be established by rule of the department. The completed
3868 application must be received by the department at least 60 days
3869 before the date of the examination in order for the applicant to
3870 qualify to take the scheduled exam.

3871 (2) The applicant submits proof satisfactory to the
3872 department that the applicant has received a doctoral degree in
3873 social work, or a master's degree with a major emphasis or
3874 specialty in clinical practice or administration, including, but
3875 not limited to, agency administration and supervision, program
3876 planning and evaluation, staff development, research, community
3877 organization, community services, social planning, and human
3878 service advocacy. Doctoral degrees must have been received from



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3879 a graduate school of social work which at the time the applicant
3880 was enrolled and graduated was accredited by an accrediting
3881 agency approved by the United States Department of Education.
3882 Master's degrees must have been received from a graduate school
3883 of social work which at the time the applicant was enrolled and
3884 graduated was accredited by the Council on Social Work Education
3885 or the Canadian Association of Schools of Social Work or by one
3886 that meets comparable standards.

3887 (3) The applicant has had at least 3 years' experience, as
3888 defined by rule, including, but not limited to, clinical
3889 services or administrative activities as defined in subsection
3890 (2), 2 years of which must be at the post-master's level under
3891 the supervision of a person who meets the education and
3892 experience requirements for certification as a certified master
3893 social worker, as defined by rule, or licensure as a clinical
3894 social worker under this chapter. A doctoral internship may be
3895 applied toward the supervision requirement.

3896 (4) Any person who holds a master's degree in social work
3897 from institutions outside the United States may apply to the
3898 department for certification if the academic training in social
3899 work has been evaluated as equivalent to a degree from a school
3900 accredited by the Council on Social Work Education. Any such
3901 person shall submit a copy of the academic training from the
3902 Foreign Equivalency Determination Service of the Council on
3903 Social Work Education.

3904 (5) The applicant has passed an examination required by
3905 the department for this purpose. The nonrefundable fee for such
3906 examination may not exceed \$250 as set by department rule.



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3907 (6) Nothing in this chapter shall be construed to
 3908 authorize a certified master social worker to provide clinical
 3909 social work services.

3910 Section 91. Section 491.0146, Florida Statutes, is created
 3911 to read:

3912 491.0146 Saving clause.--All licenses to practice as a
 3913 certified master social worker issued pursuant to this chapter
 3914 and valid on October 1, 2002, shall remain in full force and
 3915 effect.

3916 Section 92. Subsection (3) of section 491.0147, Florida
 3917 Statutes, is amended to read:

3918 491.0147 Confidentiality and privileged
 3919 communications.--Any communication between any person licensed
 3920 or certified under this chapter and her or his patient or client
 3921 shall be confidential. This secrecy may be waived under the
 3922 following conditions:

3923 (3)(a) When there is a clear and immediate probability of
 3924 physical harm to the patient or client, to other individuals, or
 3925 to society and the person licensed or certified under this
 3926 chapter communicates the information only to the potential
 3927 victim, appropriate family member, or law enforcement or other
 3928 appropriate authorities.

3929 (b) There shall be no civil or criminal liability arising
 3930 from the disclosure of otherwise confidential communications by
 3931 a person licensed or certified under this chapter when the
 3932 disclosure is made pursuant to paragraph (a).

3933 Section 93. Subsection (6) of section 499.003, Florida
 3934 Statutes, is amended to read:

3935 499.003 Definitions of terms used in ss. 499.001-
 3936 499.081.--As used in ss. 499.001-499.081, the term:



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3937 (6) "Compressed medical gas" means any liquefied or
 3938 vaporized gas that is classified as a prescription drug or
 3939 medical device, whether it is alone or in combination with other
 3940 gases.

3941 Section 94. Subsection (2) of section 499.007, Florida
 3942 Statutes, is amended to read:

3943 499.007 Misbranded drug or device.--A drug or device is
 3944 misbranded:

3945 (2) Unless, if in package form, it bears a label
 3946 containing:

3947 (a) The name and place of business of the manufacturer or
 3948 distributor; ~~in addition, for a medicinal drug, as defined in s.~~
 3949 ~~499.003, the label must contain the name and place of business~~
 3950 ~~of the manufacturer~~ of the finished dosage form of the drug.

3951 For the purpose of this paragraph, the finished dosage form of a
 3952 medicinal drug is that form of the drug which is, or is intended
 3953 to be, dispensed or administered to the patient and requires no
 3954 further manufacturing or processing other than packaging,
 3955 reconstitution, and labeling. ~~;~~ ~~and~~

3956 (b) An accurate statement of the quantity of the contents
 3957 in terms of weight, measure, or numerical count; however, under
 3958 this section, reasonable variations are permitted, and the
 3959 department shall establish by rule exemptions for small
 3960 packages.

3961
 3962 A drug dispensed by filling or refilling a written or oral
 3963 prescription of a practitioner licensed by law to prescribe such
 3964 drug is exempt from the requirements of this section, except
 3965 subsections (1), (8), (10), and (11) and the packaging
 3966 requirements of subsections (6) and (7), if the drug bears a



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3967 label that contains the name and address of the dispenser or
3968 seller, the prescription number and the date the prescription
3969 was written or filled, the name of the prescriber and the name
3970 of the patient, and the directions for use and cautionary
3971 statements. This exemption does not apply to any drug dispensed
3972 in the course of the conduct of a business of dispensing drugs
3973 pursuant to diagnosis by mail or to any drug dispensed in
3974 violation of subsection (12). The department may, by rule,
3975 exempt drugs subject to ss. 499.062-499.064 from subsection (12)
3976 if compliance with that subsection is not necessary to protect
3977 the public health, safety, and welfare.

3978 Section 95. Paragraph (e) of subsection (1) of section
3979 499.01, Florida Statutes, is amended to read:

3980 499.01 Permits; applications; renewal; general
3981 requirements.--

3982 (1) Any person that is required under ss. 499.001-499.081
3983 to have a permit must apply to the department on forms furnished
3984 by the department.

3985 (e) The department may not issue a permit for a
3986 prescription drug manufacturer, prescription drug wholesaler, or
3987 retail pharmacy wholesaler ~~may not be issued~~ to the address of a
3988 health care entity, except as provided in this paragraph. The
3989 department may issue a prescription drug manufacturer permit to
3990 an applicant at the same address as a licensed nuclear pharmacy
3991 that is a health care entity for the purpose of manufacturing
3992 prescription drugs used in positron emission tomography or other
3993 radiopharmaceuticals, as listed in a rule adopted by the
3994 department pursuant to this paragraph. The purpose of this
3995 exemption is to ensure availability of state-of-the-art
3996 pharmaceuticals that would pose a significant danger to the



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3997 public health if manufactured at a separate establishment
 3998 address other than the nuclear pharmacy from which the
 3999 prescription drugs are dispensed.

4000 Section 96. Paragraph (b) of subsection (6) of section
 4001 499.0121, Florida Statutes, is amended to read:

4002 499.0121 Storage and handling of prescription drugs;
 4003 recordkeeping.--The department shall adopt rules to implement
 4004 this section as necessary to protect the public health, safety,
 4005 and welfare. Such rules shall include, but not be limited to,
 4006 requirements for the storage and handling of prescription drugs
 4007 and for the establishment and maintenance of prescription drug
 4008 distribution records.

4009 (6) RECORDKEEPING.--The department shall adopt rules that
 4010 require keeping such records of prescription drugs as are
 4011 necessary for the protection of the public health.

4012 (b) Inventories and records must be made available for
 4013 inspection and photocopying by authorized federal, state, or
 4014 local officials for a period of 2 years following disposition of
 4015 the drugs or 3 years after the date the inventory or record was
 4016 created, whichever is longer.

4017
 4018 For the purposes of this subsection, the term "authorized
 4019 distributors of record" means those distributors with whom a
 4020 manufacturer has established an ongoing relationship to
 4021 distribute the manufacturer's products.

4022 Section 97. Section 501.122, Florida Statutes, is
 4023 transferred and renumbered as section 404.24, Florida Statutes.

4024 Section 98. Subsection (1) of section 627.912, Florida
 4025 Statutes, is amended to read:



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4026 627.912 Professional liability claims and actions; reports
4027 by insurers.--

4028 (1) Each self-insurer authorized under s. 627.357 and each
4029 insurer or joint underwriting association providing professional
4030 liability insurance to a practitioner of medicine licensed under
4031 chapter 458, to a practitioner of osteopathic medicine licensed
4032 under chapter 459, to a podiatric physician licensed under
4033 chapter 461, to a dentist licensed under chapter 466, to a
4034 hospital licensed under chapter 395, to a crisis stabilization
4035 unit licensed under part IV of chapter 394, to a health
4036 maintenance organization certificated under part I of chapter
4037 641, to clinics included in chapter 390, to an ambulatory
4038 surgical center as defined in s. 395.002, or to a member of The
4039 Florida Bar shall report in duplicate to the Department of
4040 Insurance any claim or action for damages for personal injuries
4041 claimed to have been caused by error, omission, or negligence in
4042 the performance of such insured's professional services or based
4043 on a claimed performance of professional services without
4044 consent, if the claim resulted in:

4045 (a) A final judgment in any amount.

4046 (b) A settlement in any amount.

4047
4048 Reports shall be filed with the department and, if the insured
4049 party is licensed under chapter 458, chapter 459, or chapter 461
4050 and the final judgment or settlement amount was \$50,000 or more,
4051 or if the insured party is licensed under chapter 466 and the
4052 final judgment or settlement amount was \$25,000 or more, ~~or~~
4053 ~~chapter 466,~~ with the Department of Health, no later than 30
4054 days following the occurrence of any event listed in paragraph
4055 (a) or paragraph (b). The Department of Health shall review each



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4056 report and determine whether any of the incidents that resulted
4057 in the claim potentially involved conduct by the licensee that
4058 is subject to disciplinary action, in which case the provisions
4059 of s. 456.073 shall apply. The Department of Health, as part of
4060 the annual report required by s. 456.026, shall publish annual
4061 statistics, without identifying licensees, on the reports it
4062 receives, including final action taken on such reports by the
4063 Department of Health or the appropriate regulatory board.

4064 Section 99. Paragraph (a) of subsection (1) of section
4065 766.101, Florida Statutes, is amended to read:

4066 766.101 Medical review committee, immunity from
4067 liability.--

4068 (1) As used in this section:

4069 (a) The term "medical review committee" or "committee"
4070 means:

4071 1.a. A committee of a hospital or ambulatory surgical
4072 center licensed under chapter 395 or a health maintenance
4073 organization certificated under part I of chapter 641,

4074 b. A committee of a physician-hospital organization, a
4075 provider-sponsored organization, or an integrated delivery
4076 system,

4077 c. A committee of a state or local professional society of
4078 health care providers,

4079 d. A committee of a medical staff of a licensed hospital
4080 or nursing home, provided the medical staff operates pursuant to
4081 written bylaws that have been approved by the governing board of
4082 the hospital or nursing home,

4083 e. A committee of the Department of Corrections or the
4084 Correctional Medical Authority as created under s. 945.602, or



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4085 employees, agents, or consultants of either the department or
4086 the authority or both,

4087 f. A committee of a professional service corporation
4088 formed under chapter 621 or a corporation organized under
4089 chapter 607 or chapter 617, which is formed and operated for the
4090 practice of medicine as defined in s. 458.305(3), and which has
4091 at least 25 health care providers who routinely provide health
4092 care services directly to patients,

4093 g. A committee of a mental health treatment facility
4094 licensed under chapter 394 or a community mental health center
4095 as defined in s. 394.907, provided the quality assurance program
4096 operates pursuant to the guidelines which have been approved by
4097 the governing board of the agency,

4098 h. A committee of a substance abuse treatment and
4099 education prevention program licensed under chapter 397 provided
4100 the quality assurance program operates pursuant to the
4101 guidelines which have been approved by the governing board of
4102 the agency,

4103 i. A peer review or utilization review committee organized
4104 under chapter 440,

4105 j. A committee of the Department of Health, a county
4106 health department, healthy start coalition, or certified rural
4107 health network, when reviewing quality of care, or employees of
4108 these entities when reviewing mortality records, ~~or~~

4109 k. A continuous quality improvement committee of a
4110 pharmacy licensed pursuant to chapter 465,

4111 l. A committee established by a university board of
4112 trustees, or



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4113 m. A committee comprised of faculty, residents, students,
 4114 and administrators of an accredited college of medicine,
 4115 nursing, or other health care discipline,

4116
 4117 which committee is formed to evaluate and improve the quality of
 4118 health care rendered by providers of health service or to
 4119 determine that health services rendered were professionally
 4120 indicated or were performed in compliance with the applicable
 4121 standard of care or that the cost of health care rendered was
 4122 considered reasonable by the providers of professional health
 4123 services in the area; or

4124 2. A committee of an insurer, self-insurer, or joint
 4125 underwriting association of medical malpractice insurance, or
 4126 other persons conducting review under s. 766.106.

4127 Section 100. Paragraphs (a) and (b) of subsection (4) of
 4128 section 766.314, Florida Statutes, are amended to read:

4129 766.314 Assessments; plan of operation.--

4130 (4) The following persons and entities shall pay into the
 4131 association an initial assessment in accordance with the plan of
 4132 operation:

4133 (a) On or before October 1, 1988, each hospital licensed
 4134 under chapter 395 shall pay an initial assessment of \$50 per
 4135 infant delivered in the hospital during the prior calendar year,
 4136 as reported to the Agency for Health Care Administration;
 4137 provided, however, that a hospital owned or operated by the
 4138 state or a county, special taxing district, or other political
 4139 subdivision of the state shall not be required to pay the
 4140 initial assessment or any assessment required by subsection (5).
 4141 The term "infant delivered" includes live births and not
 4142 stillbirths, but the term does not include infants delivered by



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4143 employees or agents of the Board of Regents, ~~or~~ those born in a
4144 teaching hospital as defined in s. 408.07, or those born in a
4145 family practice teaching hospital designated pursuant to s.
4146 395.806 that had been deemed by the association as being exempt
4147 from assessments for fiscal years 1997-1998 through 2001-2002.
4148 The initial assessment and any assessment imposed pursuant to
4149 subsection (5) may not include any infant born to a charity
4150 patient (as defined by rule of the Agency for Health Care
4151 Administration) or born to a patient for whom the hospital
4152 receives Medicaid reimbursement, if the sum of the annual
4153 charges for charity patients plus the annual Medicaid
4154 contractals of the hospital exceeds 10 percent of the total
4155 annual gross operating revenues of the hospital. The hospital is
4156 responsible for documenting, to the satisfaction of the
4157 association, the exclusion of any birth from the computation of
4158 the assessment. Upon demonstration of financial need by a
4159 hospital, the association may provide for installment payments
4160 of assessments.

4161 (b)1. On or before October 15, 1988, all physicians
4162 licensed pursuant to chapter 458 or chapter 459 as of October 1,
4163 1988, other than participating physicians, shall be assessed an
4164 initial assessment of \$250, which must be paid no later than
4165 December 1, 1988.

4166 2. Any such physician who becomes licensed after September
4167 30, 1988, and before January 1, 1989, shall pay into the
4168 association an initial assessment of \$250 upon licensure.

4169 3. Any such physician who becomes licensed on or after
4170 January 1, 1989, shall pay an initial assessment equal to the
4171 most recent assessment made pursuant to this paragraph,
4172 paragraph (5)(a), or paragraph (7)(b).



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4173 4. However, if the physician is a physician specified in
4174 this subparagraph, the assessment is not applicable:

4175 a. A resident physician, assistant resident physician, or
4176 intern in an approved postgraduate training program, as defined
4177 by the Board of Medicine or the Board of Osteopathic Medicine by
4178 rule;

4179 b. A retired physician who has withdrawn from the practice
4180 of medicine but who maintains an active license as evidenced by
4181 an affidavit filed with the Department of Health. Prior to
4182 reentering the practice of medicine in this state, a retired
4183 physician as herein defined must notify the Board of Medicine or
4184 the Board of Osteopathic Medicine and pay the appropriate
4185 assessments pursuant to this section;

4186 c. A physician who holds a limited license pursuant to s.
4187 458.315 ~~458.317~~ and who is not being compensated for medical
4188 services;

4189 d. A physician who is employed full time by the United
4190 States Department of Veterans Affairs and whose practice is
4191 confined to United States Department of Veterans Affairs
4192 hospitals; or

4193 e. A physician who is a member of the Armed Forces of the
4194 United States and who meets the requirements of s. 456.024.

4195 f. A physician who is employed full time by the State of
4196 Florida and whose practice is confined to state-owned
4197 correctional institutions, a county health department, or state-
4198 owned mental health or developmental services facilities, or who
4199 is employed full time by the Department of Health.

4200 Section 101. Section 784.081, Florida Statutes, is amended
4201 to read:



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4202 784.081 Assault or battery on specified officials or
 4203 employees; reclassification of offenses.--Whenever a person is
 4204 charged with committing an assault or aggravated assault or a
 4205 battery or aggravated battery upon any elected official or
 4206 employee of: a school district; a private school; the Florida
 4207 School for the Deaf and the Blind; a university developmental
 4208 research school; a state university or any other entity of the
 4209 state system of public education, as defined in s. 1000.04; an
 4210 employee or protective investigator of the Department of
 4211 Children and Family Services; ~~or~~ an employee of a lead
 4212 community-based provider and its direct service contract
 4213 providers; or an employee of the Department of Health or its
 4214 direct service contract providers, when the person committing
 4215 the offense knows or has reason to know the identity or position
 4216 or employment of the victim, the offense for which the person is
 4217 charged shall be reclassified as follows:

4218 (1) In the case of aggravated battery, from a felony of
 4219 the second degree to a felony of the first degree.

4220 (2) In the case of aggravated assault, from a felony of
 4221 the third degree to a felony of the second degree.

4222 (3) In the case of battery, from a misdemeanor of the
 4223 first degree to a felony of the third degree.

4224 (4) In the case of assault, from a misdemeanor of the
 4225 second degree to a misdemeanor of the first degree.

4226 Section 102. Paragraph (a) of subsection (1) of section
 4227 817.567, Florida Statutes, is amended to read:

4228 817.567 Making false claims of academic degree or title.--

4229 (1) No person in the state may claim, either orally or in
 4230 writing, to possess an academic degree, as defined in s.

4231 1005.02, or the title associated with said degree, unless the



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4232 person has, in fact, been awarded said degree from an
 4233 institution that is:

4234 (a) Accredited by a regional or professional accrediting
 4235 agency recognized by the United States Department of Education
 4236 or the Council for Higher Education ~~Commission on Recognition of~~
 4237 ~~Postsecondary~~ Accreditation;

4238 Section 103. Section 945.6038, Florida Statutes, is
 4239 created to read:

4240 945.6038 Additional services.--The authority is authorized
 4241 to enter into an agreement or contract with the Department of
 4242 Children and Family Services, subject to the availability of
 4243 funding, to conduct surveys of medical services and to provide
 4244 medical quality assurance and improvement assistance at secure
 4245 confinement and treatment facilities for persons confined under
 4246 part V of chapter 394. The authority is authorized to enter into
 4247 similar agreements with other state agencies, subject to the
 4248 availability of funds. The authority may not enter any such
 4249 agreement if it would impair the authority's ability to fulfill
 4250 its obligations with regard to the Department of Corrections as
 4251 set forth in this chapter.

4252 Section 104. Subsection (13) of section 1009.992, Florida
 4253 Statutes, is amended to read:

4254 1009.992 Definitions.--As used in this act:

4255 (13) "Institution" means any college or university which,
 4256 by virtue of law or charter, is accredited by and holds
 4257 membership in the Council for Higher Education ~~Commission on~~
 4258 ~~Recognition of Postsecondary~~ Accreditation; which grants
 4259 baccalaureate or associate degrees; which is not a pervasively
 4260 sectarian institution; and which does not discriminate in the



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4261 admission of students on the basis of race, color, religion,
4262 sex, or creed.

4263 Section 105. Section 1012.46, Florida Statutes, is amended
4264 to read:

4265 1012.46 Athletic trainers.--

4266 (1) School districts may establish and implement an
4267 athletic injuries prevention and treatment program. Central to
4268 this program should be the employment and availability of
4269 persons trained in the prevention and treatment of physical
4270 injuries which may occur during athletic activities. The program
4271 should reflect opportunities for progressive advancement and
4272 compensation in employment as provided in subsection (2) and
4273 meet certain other minimum standards developed by the Department
4274 of Education. ~~The goal of the Legislature is to have school~~
4275 ~~districts employ and have available a full-time teacher athletic~~
4276 ~~trainer in each high school in the state.~~

4277 (2) To the extent practicable, a school district program
4278 should include the following employment classification and
4279 advancement scheme:

4280 (a) First responder.--To qualify as a first responder, a
4281 person must possess a professional, temporary, part-time,
4282 adjunct, or substitute certificate pursuant to s. 1012.56, be
4283 certified in cardiopulmonary resuscitation, first aid, and have
4284 15 semester hours in courses such as care and prevention of
4285 athletic injuries, anatomy, physiology, nutrition, counseling,
4286 and other similar courses approved by the Commissioner of
4287 Education. This person may only administer first aid and similar
4288 care, and shall not hold himself or herself out to the school
4289 district or public as an athletic trainer pursuant to part XIII
4290 of chapter 468.



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4291 (b) ~~Teacher~~ Athletic trainer.--To qualify as an a~~teacher~~
4292 athletic trainer, a person must be licensed as required by part
4293 XIII of chapter 468 and may be utilized by the school district
4294 as ~~possess~~ a professional, temporary, part-time, adjunct, or
4295 substitute teacher certificate pursuant to s. 1012.35, s.
4296 1012.56, or s. 1012.57, ~~and be licensed as required by part XIII~~
4297 ~~of chapter 468.~~

4298 Section 106. (1) All payments made after July 1, 2003, by
4299 the Department of Health to the Division of Administrative
4300 Hearings which are based on a formula in effect prior to that
4301 date shall revert to the Department of Health. Effective July 1,
4302 2004, the Division of Administrative Hearings shall bill the
4303 Department of Health in accordance with s. 456.073(5), Florida
4304 Statutes.

4305 (2) The Office of Program Policy Analysis and Government
4306 Accountability and the Auditor General shall conduct a joint
4307 audit of all hearings and billings therefor conducted by the
4308 Division of Administrative Hearings for all state agencies and
4309 nonstate agencies and shall present a report to the President of
4310 the Senate and the Speaker of the House of Representatives on or
4311 before January 1, 2004, which contains findings and
4312 recommendations regarding the manner in which the division
4313 charges for its services. The report shall recommend alternative
4314 billing formulas.

4315 Section 107. (1) The Department of Health, in
4316 consultation with the Miami-Dade Community College Physician
4317 Assistant Program, the University of Florida Physician Assistant
4318 Program, the Nova Southeastern University Physician Assistant
4319 Program, the Florida Academy of Physician Assistants, and the
4320 Barry University Physician Assistant Program, shall conduct a



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4321 study to establish the most advantageous methods to utilize the
 4322 medical skills of foreign-trained physicians to practice as
 4323 physician assistants in this state. Such study shall indicate:

4324 (a) The existing pathways or methods for a foreign-trained
 4325 physician to receive a license to practice as a physician
 4326 assistant in Florida.

4327 (b) National standards, national examinations, and
 4328 credentialing requirements for a foreign-trained physician to be
 4329 licensed to practice as a physician assistant in other states in
 4330 the United States.

4331 (c) Training, education requirements, remedial courses,
 4332 and supervisory needs of a foreign-trained physician desiring to
 4333 become eligible to practice as a physician assistant.

4334 (d) The scope of practice of a foreign-trained physician
 4335 assistant.

4336 (e) Any other areas of study that the department and
 4337 educational institutions deem appropriate to further the intent
 4338 of this section.

4339 (2) A copy of the study, including results and
 4340 recommendations, shall be presented to the Governor, the
 4341 President of the Senate, and the Speaker of the House of
 4342 Representatives no later than January 1, 2004.

4343 Section 108. Subsection (9) of section 381.0098, section
 4344 381.85, paragraph (f) of subsection (2) of section 385.103,
 4345 sections 385.205 and 385.209, subsection (7) of section 445.033,
 4346 sections 456.031, 456.033, 456.034, 458.313, 458.316, 458.3165,
 4347 458.317, 468.356, and 468.357, and subsection (3) of section
 4348 468.711, Florida Statutes, are repealed.

4349 Section 109. If any law amended by this act was also
 4350 amended by a law enacted at the 2003 Regular Session of the



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4351 Legislature, such laws shall be construed as if they had been
4352 enacted at the same session of the Legislature, and full effect
4353 shall be given to each if possible.

4354 Section 110. Except as otherwise provided herein, this act
4355 shall take effect July 1, 2003.