

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

.  
.
.  
.



1 Representative Farkas offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

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

7 17.41 Department of Financial Services Tobacco Settlement  
8 Clearing Trust Fund.--

9 (5) The department shall disburse funds, by nonoperating  
10 transfer, from the Tobacco Settlement Clearing Trust Fund to the  
11 tobacco settlement trust funds of the various agencies or the  
12 Biomedical Research Trust Fund in the Department of Health, as  
13 appropriate, in amounts equal to the annual appropriations made  
14 from those agencies' trust funds in the General Appropriations  
15 Act.

432837

Amendment No. (for drafter's use only)

16 Section 2. Subsection (2) and paragraphs (f), (i), and (j)  
17 of subsection (3) of section 20.43, Florida Statutes, are  
18 amended, paragraph (k) is added to said subsection, and  
19 subsection (9) is added to said section, to read:

20 20.43 Department of Health.--There is created a Department  
21 of Health.

22 (2)(a) The head of the Department of Health is the  
23 Secretary of Health and State Health Officer. The secretary must  
24 be a physician licensed under chapter 458 or chapter 459 who has  
25 advanced training or extensive experience in public health  
26 administration. The secretary is appointed by the Governor  
27 subject to confirmation by the Senate. The secretary serves at  
28 the pleasure of the Governor.

29 (b) The Officer of Women's Health Strategy is established  
30 within the Department of Health and shall report directly to the  
31 secretary.

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

34 (f) Division of Emergency Medical Operations Services and  
35 Community Health Resources.

36 (i) Division of Information Technology Resource  
37 Management.

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

39 (k) Division of Disability Determinations.

40 (9) There is hereby established within the Department of  
41 Health the Office of Minority Health.

Amendment No. (for drafter's use only)

42 Section 3. Section 216.341, Florida Statutes, is  
43 renumbered as section 216.2625, Florida Statutes, and amended to  
44 read:

45 216.2625 ~~216.341~~ Disbursement of Department of Health  
46 ~~county health department~~ trust funds; appropriation of  
47 authorized positions.--

48 (1) County health department trust funds may be expended  
49 by the Department of Health for the respective county health  
50 departments in accordance with budgets and plans agreed upon by  
51 the county authorities of each county and the Department of  
52 Health.

53 (2) The requirement ~~limitations on appropriations~~ provided  
54 in s. 216.262(1) that the number of authorized positions must be  
55 appropriated shall not apply to Department of Health positions  
56 funded by:

- 57 (a) County health department trust funds; or
- 58 (b) The United States Trust Fund.

59 Section 4. Subsection (12) of section 381.0011, Florida  
60 Statutes, is amended to read:

61 381.0011 Duties and powers of the Department of  
62 Health.--It is the duty of the Department of Health to:

63 (12) Maintain ~~Cooperate with other departments, local~~  
64 ~~officials, and private organizations in developing and~~  
65 ~~implementing~~ a statewide injury prevention control program.

66 Section 5. Section 381.0033, Florida Statutes, is created  
67 to read:

68 381.0033 Influenza virus and pneumococcal bacteria  
69 vaccinations.--Hospitals licensed pursuant to chapter 395 shall

Amendment No. (for drafter's use only)

70 implement a program to offer immunizations against the influenza  
71 virus and pneumococcal bacteria to all patients 65 years of age  
72 or older between October 1, or earlier if the vaccination is  
73 available, and February 1 of every year, subject to the  
74 availability of an adequate supply of the necessary vaccine, in  
75 accordance with the recommendations of the Advisory Committee on  
76 Immunization Practices of the United States Centers of Disease  
77 Control and Prevention and subject to the clinical judgment of  
78 the responsible practitioner.

79 Section 6. Subsection (17) is added to section 381.006,  
80 Florida Statutes, to read:

81 381.006 Environmental health.--The department shall  
82 conduct an environmental health program as part of fulfilling  
83 the state's public health mission. The purpose of this program  
84 is to detect and prevent disease caused by natural and manmade  
85 factors in the environment. The environmental health program  
86 shall include, but not be limited to:

87 (17) A function for investigating elevated levels of lead  
88 in blood. Each participating county health department may expend  
89 funds for federally mandated certification or recertification  
90 fees related to conducting investigations of elevated levels of  
91 lead in blood.

92  
93 The department may adopt rules to carry out the provisions of  
94 this section.

95 Section 7. Paragraph (k) of subsection (2) and paragraphs  
96 (d) and (e) of subsection (4) of section 381.0065, Florida

Amendment No. (for drafter's use only)

97 Statutes, are amended, and paragraph (v) is added to subsection  
98 (4) of said section, to read:

99 381.0065 Onsite sewage treatment and disposal systems;  
100 regulation.--

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

103 (k) "Permanent nontidal surface water body" means a  
104 perennial stream, a perennial river, an intermittent stream, a  
105 perennial lake, a submerged marsh or swamp, a submerged wooded  
106 marsh or swamp, a spring, or a seep, as identified on the most  
107 recent quadrangle map, 7.5 minute series (topographic), produced  
108 by the United States Geological Survey, or products derived from  
109 such series. "Permanent nontidal surface water body" shall also  
110 mean an artificial surface water body that does not have an  
111 impermeable bottom and side and that is designed to hold, or  
112 does hold, visible standing water for at least 180 days of the  
113 year. However, a nontidal surface water body that is drained,  
114 either naturally or artificially, where the intent or the result  
115 is that such drainage be temporary, shall be considered a  
116 permanent nontidal surface water body. A nontidal surface water  
117 body that is drained of all visible surface water, where the  
118 lawful intent or the result of such drainage is that such  
119 drainage will be permanent, shall not be considered a permanent  
120 nontidal surface water body. The boundary of a permanent  
121 nontidal surface water body shall be the mean annual flood line.

122 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person may  
123 not construct, repair, modify, abandon, or operate an onsite  
124 sewage treatment and disposal system without first obtaining a

432837

Amendment No. (for drafter's use only)

125 permit approved by the department. The department may issue  
126 permits to carry out this section, but shall not make the  
127 issuance of such permits contingent upon prior approval by the  
128 Department of Environmental Protection. A construction permit is  
129 valid for 18 months from the issuance date and may be extended  
130 by the department for one 90-day period under rules adopted by  
131 the department. A repair permit is valid for 90 days from the  
132 date of issuance. An operating permit must be obtained prior to  
133 the use of any aerobic treatment unit or if the establishment  
134 generates commercial waste. Buildings or establishments that use  
135 an aerobic treatment unit or generate commercial waste shall be  
136 inspected by the department at least annually to assure  
137 compliance with the terms of the operating permit. The operating  
138 permit for a commercial wastewater system is valid for 1 year  
139 from the date of issuance and must be renewed annually. The  
140 operating permit for an aerobic treatment unit is valid for 2  
141 years from the date of issuance and must be renewed every 2  
142 years. If all information pertaining to the siting, location,  
143 and installation conditions or repair of an onsite sewage  
144 treatment and disposal system remains the same, a construction  
145 or repair permit for the onsite sewage treatment and disposal  
146 system may be transferred to another person, if the transferee  
147 files, within 60 days after the transfer of ownership, an  
148 amended application providing all corrected information and  
149 proof of ownership of the property. There is no fee associated  
150 with the processing of this supplemental information. A person  
151 may not contract to construct, modify, alter, repair, service,  
152 abandon, or maintain any portion of an onsite sewage treatment

432837

Amendment No. (for drafter's use only)

153 and disposal system without being registered under part III of  
154 chapter 489. A property owner who personally performs  
155 construction, maintenance, or repairs to a system serving his or  
156 her own owner-occupied single-family residence is exempt from  
157 registration requirements for performing such construction,  
158 maintenance, or repairs on that residence, but is subject to all  
159 permitting requirements. A municipality or political subdivision  
160 of the state may not issue a building or plumbing permit for any  
161 building that requires the use of an onsite sewage treatment and  
162 disposal system unless the owner or builder has received a  
163 construction permit for such system from the department. A  
164 building or structure may not be occupied and a municipality,  
165 political subdivision, or any state or federal agency may not  
166 authorize occupancy until the department approves the final  
167 installation of the onsite sewage treatment and disposal system.  
168 A municipality or political subdivision of the state may not  
169 approve any change in occupancy or tenancy of a building that  
170 uses an onsite sewage treatment and disposal system until the  
171 department has reviewed the use of the system with the proposed  
172 change, approved the change, and amended the operating permit.

173 (d) Paragraphs (a) and (b) do not apply to any proposed  
174 residential subdivision with more than 50 lots or to any  
175 proposed commercial subdivision with more than 5 lots where a  
176 publicly owned or investor-owned sewerage system is available.  
177 It is the intent of this paragraph not to allow development of  
178 additional proposed subdivisions in order to evade the  
179 requirements of this paragraph. ~~The department shall report to~~

432837

Amendment No. (for drafter's use only)

180 ~~the Legislature by February 1 of each odd-numbered year~~  
181 ~~concerning the success in meeting this intent.~~

182 (e) Onsite sewage treatment and disposal systems must not  
183 be placed closer than:

184 1. Seventy-five feet from a private potable well.

185 2. Two hundred feet from a public potable well serving a  
186 residential or nonresidential establishment having a total  
187 sewage flow of greater than 2,000 gallons per day.

188 3. One hundred feet from a public potable well serving a  
189 residential or nonresidential establishment having a total  
190 sewage flow of less than or equal to 2,000 gallons per day.

191 4. Fifty feet from any nonpotable well.

192 5. Ten feet from any storm sewer pipe, to the maximum  
193 extent possible, but in no instance shall the setback be less  
194 than 5 feet.

195 6. Seventy-five feet from the mean high-water line of a  
196 tidally influenced surface water body.

197 7. Seventy-five feet from the mean ~~normal~~ annual flood  
198 line of a permanent nontidal surface water body.

199 8. Fifteen feet from the design high-water line of  
200 retention areas, detention areas, or swales designed to contain  
201 standing or flowing water for less than 72 hours after a  
202 rainfall or the design high-water level of normally dry drainage  
203 ditches or normally dry individual lot stormwater retention  
204 areas.

205 (v) The department may require the submission of detailed  
206 system construction plans prepared by a professional engineer



Amendment No. (for drafter's use only)

207 registered in this state. The department shall establish by rule  
208 the criteria for determining when such submissions are required.

209 Section 8. Paragraph (k) of subsection (2) of section  
210 381.0066, Florida Statutes, is amended to read:

211 381.0066 Onsite sewage treatment and disposal systems;  
212 fees.--

213 (2) The minimum fees in the following fee schedule apply  
214 until changed by rule by the department within the following  
215 limits:

216 (k) Research: An additional \$5 fee shall be added to each  
217 new system construction permit issued ~~during fiscal years 1996-~~  
218 ~~2004~~ to be used for onsite sewage treatment and disposal system  
219 research, demonstration, and training projects. Five dollars  
220 from any repair permit fee collected under this section shall be  
221 used for funding the hands-on training centers described in s.  
222 381.0065(3)(j).

223  
224 The funds collected pursuant to this subsection must be  
225 deposited in a trust fund administered by the department, to be  
226 used for the purposes stated in this section and ss. 381.0065  
227 and 381.00655.

228 Section 9. Paragraph (a) of subsection (2), paragraph (a)  
229 of subsection (3), and paragraph (a) of subsection (4) of  
230 section 381.0072, Florida Statutes, are amended to read:

231 381.0072 Food service protection.--It shall be the duty of  
232 the Department of Health to adopt and enforce sanitation rules  
233 consistent with law to ensure the protection of the public from  
234 food-borne illness. These rules shall provide the standards and

432837

Amendment No. (for drafter's use only)

235 requirements for the storage, preparation, serving, or display  
236 of food in food service establishments as defined in this  
237 section and which are not permitted or licensed under chapter  
238 500 or chapter 509.

239 (2) DUTIES.--

240 (a) The department shall adopt rules, including  
241 definitions of terms which are consistent with law prescribing  
242 minimum sanitation standards and manager certification  
243 requirements as prescribed in s. 509.039, and which shall be  
244 enforced in food service establishments as defined in this  
245 section. The sanitation standards must address the construction,  
246 operation, and maintenance of the establishment; lighting,  
247 ventilation, laundry rooms, lockers, use and storage of toxic  
248 materials and cleaning compounds, and first-aid supplies; plan  
249 review; design, construction, installation, location,  
250 maintenance, sanitation, and storage of food equipment and  
251 utensils; employee training, health, hygiene, and work  
252 practices; food supplies, preparation, storage, transportation,  
253 and service, including access to the areas where food is stored  
254 or prepared; and sanitary facilities and controls, including  
255 water supply and sewage disposal; plumbing and toilet  
256 facilities; garbage and refuse collection, storage, and  
257 disposal; and vermin control. Public and private schools,  
258 provided that the food service is operated by school employees,  
259 hospitals licensed under chapter 395, nursing homes licensed  
260 under part II of chapter 400, child care facilities as defined  
261 in s. 402.301, ~~and~~ residential facilities colocated with a  
262 nursing home or hospital if all food is prepared in a central

432837

Amendment No. (for drafter's use only)

263 kitchen that complies with nursing or hospital regulations, and  
264 bars and lounges, as defined by rule of the department, shall be  
265 exempt from the rules developed for manager certification. The  
266 department shall administer a comprehensive inspection,  
267 monitoring, and sampling program to ensure such standards are  
268 maintained. With respect to food service establishments  
269 permitted or licensed under chapter 500 or chapter 509, the  
270 department shall assist the Division of Hotels and Restaurants  
271 of the Department of Business and Professional Regulation and  
272 the Department of Agriculture and Consumer Services with  
273 rulemaking by providing technical information.

274 (3) LICENSES REQUIRED.--

275 (a) *Licenses; annual renewals.*--Each food service  
276 establishment regulated under this section shall obtain a  
277 license from the department annually. Food service establishment  
278 licenses shall expire annually and shall not be transferable  
279 from one place or individual to another. However, ~~those~~  
280 facilities licensed by the Department of Children and Family  
281 Services under department's Office of Licensure and  
282 Certification, the Child Care Services Program Office and, ~~or~~  
283 the Developmental Disabilities Program Office are exempt from  
284 this subsection. It shall be a misdemeanor of the second degree,  
285 punishable as provided in s. 381.0061, s. 775.082, or s.  
286 775.083, for such an establishment to operate without this  
287 license. The department may refuse a license, or a renewal  
288 thereof, to any establishment that is not constructed or  
289 maintained in accordance with law and with the rules of the

432837

Amendment No. (for drafter's use only)

290 department. Annual application for renewal shall not be  
291 required.

292 (4) LICENSE; INSPECTION; FEES.--

293 (a) The department is authorized to collect fees from  
294 establishments licensed under this section ~~and from those~~  
295 ~~facilities exempted from licensure under paragraph (3)(a)~~. It is  
296 the intent of the Legislature that the total fees assessed under  
297 this section be in an amount sufficient to meet the cost of  
298 carrying out the provisions of this section.

299 Section 10. Section 381.04015, Florida Statutes, is  
300 created to read:

301 381.04015 Women's Health Strategy; legislative intent;  
302 duties of Officer of Women's Health Strategy; other state agency  
303 duties.--

304 (1) LEGISLATIVE INTENT.--The Legislature recognizes that  
305 the health care needs of women are gender specific and that  
306 public policy must take into account the distinct  
307 characteristics of women's health issues. Priority shall be  
308 given to improve the overall health status of women through  
309 research and education on women's health issues. The Legislature  
310 recognizes the importance of understanding why there are such  
311 large differences between how women and men experience certain  
312 diseases and also recognizes that biomedical research is the key  
313 to finding these answers. Such research has important  
314 implications for both women and men in terms of clinical  
315 practice and disease prevention and manifestation. The  
316 Legislature recognizes that as the state's population continues  
317 to age and life expectancy for women continues to rise, it is of

Amendment No. (for drafter's use only)

318 the utmost importance for the Legislature to encourage effective  
319 medical research on long-term health issues for women and to  
320 educate elder women about the importance of participating in  
321 medical studies. The Legislature finds and declares that the  
322 design and delivery of health care services and the medical  
323 education of health care practitioners shall be directed by the  
324 principle that health care needs are gender specific.

325 (2) DUTIES.--The Officer of Women's Health Strategy in the  
326 Department of Health shall:

327 (a) Ensure that the state's policies and programs are  
328 responsive to sex and gender differences and to women's health  
329 needs across the life span.

330 (b) Organize an interagency Committee for Women's Health  
331 for the purpose of integrating women's health programs in  
332 current operating and service delivery structures and setting  
333 priorities for women's health. Such committee shall be comprised  
334 of the heads or directors of state agencies with programs  
335 affecting women's health, including, but not limited to, the  
336 Department of Health, the Agency for Health Care Administration,  
337 the Department of Education, the Department of Elderly Affairs,  
338 the Department of Corrections, the Office of Insurance  
339 Regulation of the Department of Financial Services, and the  
340 Department of Juvenile Justice.

341 (c) Assess the health status of women in the state through  
342 the collection and review of health data and trends.

343 (d) Review the state's insurance code as it relates to  
344 women's health issues.

432837

Amendment No. (for drafter's use only)

345 (e) Work with medical school curriculum committees to  
346 develop course requirements on women's health and promote  
347 clinical practice guidelines specific to women.

348 (f) Organize statewide Women's Health Month activities.

349 (g) Coordinate a Governor's statewide conference on  
350 women's health, cosponsored by the agencies participating in the  
351 Committee for Women's Health and other private organizations and  
352 entities impacting women's health in the state.

353 (h) Promote research, treatment, and collaboration on  
354 women's health issues at universities and medical centers in the  
355 state.

356 (i) Promote employer incentives for wellness programs  
357 targeting women's health programs.

358 (j) Serve as the primary state resource for women's health  
359 information.

360 (k) Develop a statewide women's health plan emphasizing  
361 collaborative approaches to meeting the health needs of women.

362 The plan shall:

363 1. Identify activities designed to reduce the number of  
364 premature deaths in women, including:

365 a. Providing specific strategies for reducing the  
366 mortality rate of women.

367 b. Listing conditions that may cause or contribute to  
368 disease in women and the best methods by which to identify,  
369 control, and prevent these conditions from developing.

370 c. Identifying the best methods for ensuring an increase  
371 in the percentage of women in the state who receive diagnostic  
372 and screening testing.

432837

Amendment No. (for drafter's use only)

373 2. Provide for increasing research and appropriate funding  
374 at institutions in the state studying disease in women.

375 3. Provide recommendations for the development of practice  
376 guidelines for addressing disease in women.

377 4. Provide recommendations for reducing health disparities  
378 among women in all races and ethnic groups.

379 5. Coordinate with existing program plans that address  
380 women's health issues.

381 (l) Promote clinical practice guidelines specific to  
382 women.

383 (m) Serve as the state's liaison with other states and  
384 federal agencies and programs to develop best practices in  
385 women's health.

386 (n) Develop a statewide, web-based clearinghouse on  
387 women's health issues and resources.

388 (o) Promote public awareness campaigns and education on  
389 the health needs of women.

390 (p) By January 15 of each year, provide the Governor, the  
391 President of the Senate, and the Speaker of the House of  
392 Representatives a report with policy recommendations for  
393 implementing the provisions of this section.

394 (3) DUTIES OF OTHER STATE AGENCIES.--

395 (a) Women's health issues shall be taken into  
396 consideration in the annual budget planning of the Department of  
397 Health, the Agency for Health Care Administration, and the  
398 Department of Elderly Affairs.

399 (b) The inclusion of gender considerations and  
400 differential impact shall be one of the criteria when assessing

432837

Amendment No. (for drafter's use only)

401 research and demonstration proposals for which state funding is  
402 being sought from the Department of Health, the Agency for  
403 Health Care Administration, and the Department of Elderly  
404 Affairs.

405 (c) Boards or advisory bodies that fall under the purview  
406 of the Department of Health, the Agency for Health Care  
407 Administration, and the Department of Elderly Affairs shall be  
408 encouraged to seek equal representation of women and men and the  
409 inclusion of persons who are knowledgeable and sensitive to  
410 gender and diversity issues.

411 (4) RESPONSIBILITY AND COORDINATION.--The officer and the  
412 department shall direct and carry out the Women's Health  
413 Strategy established under this section in accordance with the  
414 requirements of this section and may work with the Executive  
415 Office of the Governor and other state agencies to carry out  
416 their duties and responsibilities under this section.

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

419 381.86 Department of Health Institutional Review Board.--

420 (1) The Department of Health Institutional Review Board is  
421 hereby created to satisfy federal requirements under 45 C.F.R.  
422 part 46 and 21 C.F.R. parts 50 and 56 for an institutional  
423 review board to review all biomedical and behavioral research on  
424 human subjects that the department funds or supports in any  
425 manner, including the permitting of access to department data or  
426 department resources.

432837



Amendment No. (for drafter's use only)

427       (2) Consistent with federal requirements, the Secretary of  
428 Health shall determine and appoint the membership on the board  
429 and designate the chair.

430       (3) The department's institutional review board may serve  
431 as an institutional review board for other agencies at the  
432 discretion of the secretary.

433       (4) Each board member shall be entitled to per diem and  
434 travel expenses as provided in s. 112.061 while carrying out the  
435 official business of the board.

436       (5) The department shall charge for reasonable costs it  
437 incurs for the research oversight it provides according to a fee  
438 schedule, except that students who are candidates for degrees in  
439 universities located in this state shall have fees waived. The  
440 fee schedule shall provide for fees for initial review,  
441 amendments, and continuing review. The department may adopt  
442 rules as necessary to comply with federal requirements and this  
443 section. Such rules shall also prescribe procedures to apply for  
444 review by the institutional review board.

445       Section 12. Paragraph (e) of subsection (2) of section  
446 381.7353, Florida Statutes, is amended to read:

447       381.7353 Reducing Racial and Ethnic Health Disparities:  
448 Closing the Gap grant program; administration; department  
449 duties.--

450       (2) The department shall:

451       (e) Coordinate with existing community-based programs,  
452 such as chronic disease community intervention programs, cancer  
453 prevention and control programs, diabetes control programs, oral  
454 health care programs, the Healthy Start program, the Florida

432837

Amendment No. (for drafter's use only)

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

458 Section 13. Paragraph (a) of subsection (2) of section  
459 381.7355, Florida Statutes, is amended to read:

460 381.7355 Project requirements; review criteria.--

461 (2) A proposal must include each of the following  
462 elements:

463 (a) The purpose and objectives of the proposal, including  
464 identification of the particular racial or ethnic disparity the  
465 project will address. The proposal must address one or more of  
466 the following priority areas:

467 1. Decreasing racial and ethnic disparities in maternal  
468 and infant mortality rates.

469 2. Decreasing racial and ethnic disparities in morbidity  
470 and mortality rates relating to cancer.

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

473 4. Decreasing racial and ethnic disparities in morbidity  
474 and mortality rates relating to cardiovascular disease.

475 5. Decreasing racial and ethnic disparities in morbidity  
476 and mortality rates relating to diabetes.

477 6. Increasing adult and child immunization rates in  
478 certain racial and ethnic populations.

479 7. Decreasing racial and ethnic disparities in oral health  
480 care.

481 Section 14. Paragraphs (b) and (c) of subsection (3) of  
482 section 381.89, Florida Statutes, are amended to read:

432837

Amendment No. (for drafter's use only)

483 381.89 Regulation of tanning facilities.--

484 (3)

485 (b) The department shall establish procedures for the  
486 issuance and annual renewal of licenses and shall establish  
487 annual license and renewal fees and late payment fees in an  
488 amount necessary to cover the expenses of administering this  
489 section. Annual license and renewal fees shall ~~be not be less~~  
490 ~~than \$125 nor~~ more than \$250 per tanning device, and a maximum  
491 total fee per individual tanning facility may be set by rule.  
492 ~~Effective October 1, 1991, the fee amount shall be the minimum~~  
493 ~~fee proscribed in this paragraph and such fee amount shall~~  
494 ~~remain in effect until the effective date of a fee schedule~~  
495 ~~adopted by the department.~~

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

500 Section 15. Subsection (3) and paragraph (a) of subsection  
501 (7) of section 381.90, Florida Statutes, are amended to read:

502 381.90 Health Information Systems Council; legislative  
503 intent; creation, appointment, duties.--

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

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

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

509 (c) The Secretary of ~~the Department of~~ Children and Family  
510 Services;

432837

Amendment No. (for drafter's use only)

- 511 (d) The Secretary of Health Care Administration;
- 512 (e) The Secretary of ~~the Department of~~ Corrections;
- 513 (f) The Attorney General;
- 514 (g) The executive director of the Correctional Medical  
515 Authority;
- 516 (h) Two members representing county health departments,  
517 one from a small county and one from a large county, appointed  
518 by the Governor;
- 519 (i) A representative from the Florida Association of  
520 Counties;
- 521 (j) The Chief Financial Officer;
- 522 (k) A representative from the Florida Healthy Kids  
523 Corporation;
- 524 (l) A representative from a school of public health chosen  
525 by the Commissioner of Education ~~Board of Regents~~;
- 526 (m) The Commissioner of Education;
- 527 (n) The Secretary of ~~the Department of~~ Elderly Affairs;
- 528 and
- 529 (o) The Secretary of ~~the Department of~~ Juvenile Justice.
- 530
- 531 Representatives of the Federal Government may serve without  
532 voting rights.
- 533 (7) The council's duties and responsibilities include, but  
534 are not limited to, the following:
- 535 (a) By June ~~March~~ 1 of each year, to develop and approve a  
536 strategic plan pursuant to the requirements set forth in s.  
537 186.022(9). ~~Copies of the plan shall be transmitted~~  
538 ~~electronically or in writing to the Executive Office of the~~

432837

Amendment No. (for drafter's use only)

539 ~~Governor, the Speaker of the House of Representatives, and the~~  
540 ~~President of the Senate.~~

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

544 383.14 Screening for metabolic disorders, other hereditary  
545 and congenital disorders, and environmental risk factors.--

546 (1) SCREENING REQUIREMENTS.--To help ensure access to the  
547 maternal and child health care system, the Department of Health  
548 shall promote the screening of all newborns ~~infants born~~ in  
549 Florida for phenylketonuria and other metabolic, hereditary, and  
550 congenital disorders known to result in significant impairment  
551 of health or intellect, as screening programs accepted by  
552 current medical practice become available and practical in the  
553 judgment of the department. The department shall also promote  
554 the identification and screening of all newborns ~~infants born~~ in  
555 this state and their families for environmental risk factors  
556 such as low income, poor education, maternal and family stress,  
557 emotional instability, substance abuse, and other high-risk  
558 conditions associated with increased risk of newborn ~~infant~~  
559 mortality and morbidity to provide early intervention,  
560 remediation, and prevention services, including, but not limited  
561 to, parent support and training programs, home visitation, and  
562 case management. Identification, perinatal screening, and  
563 intervention efforts shall begin prior to and immediately  
564 following the birth of the child by the attending health care  
565 provider. Such efforts shall be conducted in hospitals,  
566 perinatal centers, county health departments, school health

432837

Amendment No. (for drafter's use only)

567 programs that provide prenatal care, and birthing centers, and  
568 reported to the Office of Vital Statistics.

569 (a) *Prenatal screening.*--The department shall develop a  
570 multilevel screening process that includes a risk assessment  
571 instrument to identify women at risk for a preterm birth or  
572 other high-risk condition. The primary health care provider  
573 shall complete the risk assessment instrument and report the  
574 results to the Office of Vital Statistics so that the woman may  
575 immediately be notified and referred to appropriate health,  
576 education, and social services.

577 (b) *Postnatal screening.*--A risk factor analysis using the  
578 department's designated risk assessment instrument shall also be  
579 conducted as part of the medical screening process upon the  
580 birth of a child and submitted to the department's Office of  
581 Vital Statistics for recording and other purposes provided for  
582 in this chapter. The department's screening process for risk  
583 assessment shall include a scoring mechanism and procedures that  
584 establish thresholds for notification, further assessment,  
585 referral, and eligibility for services by professionals or  
586 paraprofessionals consistent with the level of risk. Procedures  
587 for developing and using the screening instrument, notification,  
588 referral, and care coordination services, reporting  
589 requirements, management information, and maintenance of a  
590 computer-driven registry in the Office of Vital Statistics which  
591 ensures privacy safeguards must be consistent with the  
592 provisions and plans established under chapter 411, Pub. L. No.  
593 99-457, and this chapter. Procedures established for reporting  
594 information and maintaining a confidential registry must include

432837

Amendment No. (for drafter's use only)

595 a mechanism for a centralized information depository at the  
596 state and county levels. The department shall coordinate with  
597 existing risk assessment systems and information registries. The  
598 department must ensure, to the maximum extent possible, that the  
599 screening information registry is integrated with the  
600 department's automated data systems, including the Florida On-  
601 line Recipient Integrated Data Access (FLORIDA) system. Tests  
602 and screenings must be performed by the State Public Health  
603 Laboratory, in coordination with Children's Medical Services, at  
604 such times and in such manner as is prescribed by the department  
605 after consultation with the Genetics and Newborn Infant  
606 Screening Advisory Council and the State Coordinating Council  
607 for School Readiness Programs.

608 (c) Release of screening results.--Notwithstanding any  
609 other provision of law, the State Public Health Laboratory may  
610 release, directly or through Children's Medical Services, a  
611 newborn's hearing screening results and metabolic screening test  
612 results to the newborn's primary care physician.

613 (2) RULES.--After consultation with the Genetics and  
614 Newborn Infant Screening Advisory Council, the department shall  
615 adopt and enforce rules requiring that every newborn infant born  
616 in this state shall, prior to becoming 1 week ~~2 weeks~~ of age, be  
617 subjected to a test for phenylketonuria and, at the appropriate  
618 age, be tested for such other metabolic diseases and hereditary  
619 or congenital disorders as the department may deem necessary  
620 from time to time. After consultation with the State  
621 Coordinating Council for School Readiness Programs, the  
622 department shall also adopt and enforce rules requiring every

432837

Amendment No. (for drafter's use only)

623 | newborn infant~~born~~ in this state to be screened for  
624 | environmental risk factors that place children and their  
625 | families at risk for increased morbidity, mortality, and other  
626 | negative outcomes. The department shall adopt such additional  
627 | rules as are found necessary for the administration of this  
628 | section, including rules for processing requests and releasing  
629 | test and screening results, rules providing definitions of  
630 | terms, rules relating to the methods used and time or times for  
631 | testing as accepted medical practice indicates, rules relating  
632 | to charging and collecting fees for screenings authorized by  
633 | this section, and rules requiring mandatory reporting of the  
634 | results of tests and screenings for these conditions to the  
635 | department.

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

639 |             (f) Promote the availability of genetic studies and  
640 | counseling in order that the parents, siblings, and affected  
641 | newborns ~~infants~~ may benefit from available knowledge of the  
642 | condition.

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

645 |                 1. A fee of \$20 will be charged for each live birth, as  
646 | recorded by the Office of Vital Statistics, occurring in a  
647 | hospital licensed under part I of chapter 395 or a birth center  
648 | licensed under s. 383.305, up to 3,000 live births per licensed  
649 | hospital per year or over 60 births per birth center per year.  
650 | The department shall calculate the annual assessment for each

432837



Amendment No. (for drafter's use only)

651 hospital and birth center, and this assessment must be paid in  
652 equal amounts quarterly. Quarterly, the department shall  
653 generate and mail to each hospital and birth center a statement  
654 of the amount due.

655 2. As part of the department's legislative budget request  
656 prepared pursuant to chapter 216, the department shall submit a  
657 certification by the department's inspector general, or the  
658 director of auditing within the inspector general's office, of  
659 the annual costs of the uniform testing and reporting procedures  
660 of the newborn ~~infant~~ screening program. In certifying the  
661 annual costs, the department's inspector general or the director  
662 of auditing within the inspector general's office shall  
663 calculate the direct costs of the uniform testing and reporting  
664 procedures, including applicable administrative costs.  
665 Administrative costs shall be limited to those department costs  
666 which are reasonably and directly associated with the  
667 administration of the uniform testing and reporting procedures  
668 of the newborn ~~infant~~ screening program.

669  
670 All provisions of this subsection must be coordinated with the  
671 provisions and plans established under this chapter, chapter  
672 411, and Pub. L. No. 99-457.

673 (5) ADVISORY COUNCIL.--There is established a Genetics and  
674 Newborn ~~Infant~~ Screening Advisory Council made up of 15 ~~12~~  
675 members appointed by the Secretary of Health. The council shall  
676 be composed of two consumer members, three practicing  
677 pediatricians, at least one of whom must be a pediatric  
678 hematologist, one representative from each of the four medical

432837

Amendment No. (for drafter's use only)

679 schools in the state, the Secretary of Health or his or her  
680 designee, one representative from the Department of Health  
681 representing Children's Medical Services, one representative  
682 from the Florida Hospital Association, one representative with  
683 experience in newborn screening programs, one representative  
684 representing audiologists, and one representative from the  
685 Developmental Disabilities Program Office of the Department of  
686 Children and Family Services. All appointments shall be for a  
687 term of 4 years. The chairperson of the council shall be elected  
688 from the membership of the council and shall serve for a period  
689 of 2 years. The council shall meet at least semiannually or upon  
690 the call of the chairperson. The council may establish ad hoc or  
691 temporary technical advisory groups to assist the council with  
692 specific topics which come before the council. Council members  
693 shall serve without pay. Pursuant to the provisions of s.  
694 112.061, the council members are entitled to be reimbursed for  
695 per diem and travel expenses. It is the purpose of the council  
696 to advise the department about:

697 (a) Conditions for which testing should be included under  
698 the screening program and the genetics program.~~+~~

699 (b) Procedures for collection and transmission of  
700 specimens and recording of results.~~+~~~~and~~

701 (c) Methods whereby screening programs and genetics  
702 services for children now provided or proposed to be offered in  
703 the state may be more effectively evaluated, coordinated, and  
704 consolidated.

705 Section 17. Subsection (1) of section 383.402, Florida  
706 Statutes, is amended to read:

432837

Amendment No. (for drafter's use only)

707           383.402 Child abuse death review; State Child Abuse Death  
708 Review Committee; local child abuse death review committees.--

709           (1) It is the intent of the Legislature to establish a  
710 statewide multidisciplinary, multiagency child abuse death  
711 assessment and prevention system that consists of state and  
712 local review committees. The state and local review committees  
713 shall review the facts and circumstances of all deaths of  
714 children from birth through age 18 which occur in this state as  
715 the result of verified child abuse or neglect ~~and for whom at~~  
716 ~~least one report of abuse or neglect was accepted by the central~~  
717 ~~abuse hotline within the Department of Children and Family~~  
718 ~~Services~~. The purpose of the review shall be to:

719           (a) Achieve a greater understanding of the causes and  
720 contributing factors of deaths resulting from child abuse.

721           (b) Whenever possible, develop a communitywide approach to  
722 address such cases and contributing factors.

723           (c) Identify any gaps, deficiencies, or problems in the  
724 delivery of services to children and their families by public  
725 and private agencies which may be related to deaths that are the  
726 result of child abuse.

727           (d) Make and implement recommendations for changes in law,  
728 rules, and policies, as well as develop practice standards that  
729 support the safe and healthy development of children and reduce  
730 preventable child abuse deaths.

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

733           391.021 Definitions.--When used in this act, unless the  
734 context clearly indicates otherwise:

432837

Amendment No. (for drafter's use only)

735 (2) "Children with special health care needs" means those  
736 children who have not reached 21 years of age who have chronic  
737 physical, developmental, behavioral, or emotional conditions and  
738 who also require health care and related services of a type or  
739 amount beyond that which is generally required by children under  
740 age 21 years whose serious or chronic physical or developmental  
741 conditions require extensive preventive and maintenance care  
742 beyond that required by typically healthy children. Health care  
743 utilization by these children exceeds the statistically expected  
744 usage of the normal child adjusted for chronological age. These  
745 children often need complex care requiring multiple providers,  
746 rehabilitation services, and specialized equipment in a number  
747 of different settings.

748 Section 19. Section 391.025, Florida Statutes, is amended  
749 to read:

750 391.025 Applicability and scope.--

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

753 ~~(a)1. Enrolled in the Medicaid program;~~

754 ~~2. Enrolled in the Florida Kidcare program; and~~

755 ~~3. Uninsured or underinsured, provided that they meet the~~  
756 ~~financial eligibility requirements established in this act, and~~  
757 ~~to the extent that resources are appropriated for their care; or~~

758 ~~(b) Infants who receive an award of compensation under s.~~  
759 ~~766.31(1).~~

760 (1)(2) The Children's Medical Services program consists of  
761 the following components:

432837

Amendment No. (for drafter's use only)

762 (a) The newborn ~~infant-metabolic~~ screening program  
763 established in s. 383.14.

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

766 (c) A federal or state program authorized by the  
767 Legislature.

768 (d) The developmental evaluation and intervention program,  
769 including the Infants and Toddlers Early Intervention Program.

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

771 (2)~~(3)~~ The Children's Medical Services program shall not  
772 be deemed an insurer and is not subject to the licensing  
773 requirements of the Florida Insurance Code or the rules adopted  
774 thereunder, when providing services to children who receive  
775 Medicaid benefits, other Medicaid-eligible children with special  
776 health care needs, and children participating in the Florida  
777 Kidcare program.

778 Section 20. Section 391.029, Florida Statutes, is amended  
779 to read:

780 391.029 Program eligibility.--

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

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

786 (a) A high-risk pregnant female who is eligible for  
787 Medicaid.

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

432837

Amendment No. (for drafter's use only)

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

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

795 (a)(d) Children ~~A-child~~ with special health care needs  
796 from birth to ~~age~~ 21 years of age whose family income is above  
797 financial eligibility requirements under Title XXI of the Social  
798 Security Act and whose projected annual cost of care adjusts the  
799 family income to Medicaid financial criteria. In cases where the  
800 family income is adjusted based on a projected annual cost of  
801 care, the family shall participate financially in the cost of  
802 care based on criteria established by the department.

803 (b)(e) Children ~~A-child~~ with special health care needs  
804 from birth to 21 years of age, as provided ~~defined~~ in Title V of  
805 the Social Security Act ~~relating to children with special health~~  
806 ~~care needs.~~

807 (c)(f) An infant who receives an award of compensation  
808 under s. 766.31(1). The Florida Birth-Related Neurological  
809 Injury Compensation Association shall reimburse the Children's  
810 Medical Services Network the state's share of funding, which  
811 must thereafter be used to obtain matching federal funds under  
812 Title XXI of the Social Security Act.

813  
814 The department may continue to serve certain children with  
815 special health care needs who are 21 years of age or older and  
816 who were receiving services from the program prior to April 1,

432837

Amendment No. (for drafter's use only)

817 1998. Such children may be served by the department until July  
818 1, 2000.

819 ~~(4)(3)~~ The department shall determine the financial and  
820 medical eligibility of children for the program. The department  
821 shall also determine the financial ability of the parents, or  
822 persons or other agencies having legal custody over such  
823 individuals, to pay the costs of health services under the  
824 program. The department may pay reasonable travel expenses  
825 related to the determination of eligibility for or the provision  
826 of health services.

827 ~~(5)(4)~~ Any child who has been provided with surgical or  
828 medical care or treatment under this act prior to being adopted  
829 shall continue to be eligible to be provided with such care or  
830 treatment after his or her adoption, regardless of the financial  
831 ability of the persons adopting the child.

832 Section 21. Subsection (4) is added to section 391.035,  
833 Florida Statutes, to read:

834 391.035 Provider qualifications.--

835 (4) Notwithstanding any other provision of law, the  
836 department may contract with health care providers licensed in  
837 another state to provide health services to participants in the  
838 Children's Medical Services program when necessary due to an  
839 emergency, the availability of specialty services, or a greater  
840 convenience to the participant for receiving timely and  
841 effective health care services. The department may adopt rules  
842 to administer this subsection.

843 Section 22. Subsection (4) is added to section 391.055,  
844 Florida Statutes, to read:

432837

Amendment No. (for drafter's use only)

845 391.055 Service delivery systems.--

846 (4) If a newborn has an abnormal screening result for  
847 metabolic or other hereditary and congenital disorders which is  
848 identified through the newborn screening program pursuant to s.  
849 383.14, the newborn shall be referred to Children's Medical  
850 Services for additional testing, medical management, early  
851 intervention services, or medical referral.

852 Section 23. Subsection (4) of section 391.301, Florida  
853 Statutes, is renumbered as subsection (3), and present  
854 subsection (3) of said section is amended to read:

855 391.301 Developmental evaluation and intervention  
856 programs; legislative findings and intent.--

857 ~~(3) It is the intent of the Legislature to provide a~~  
858 ~~statewide coordinated program to screen, diagnose, and manage~~  
859 ~~high-risk infants identified as hearing-impaired. The program~~  
860 ~~shall develop criteria to identify infants who are at risk of~~  
861 ~~having hearing impairments, and shall ensure that all parents or~~  
862 ~~guardians of newborn infants are provided with materials~~  
863 ~~regarding hearing impairments prior to discharge of the newborn~~  
864 ~~infants from the hospital.~~

865 Section 24. Subsections (4), (5), and (6) of section  
866 391.302, Florida Statutes, are renumbered as subsections (2),  
867 (3), and (4), respectively, and present subsections (2) and (3)  
868 of said section are amended to read:

869 391.302 Definitions.--As used in ss. 391.301-391.307, the  
870 term:

871 ~~(2) "Hearing-impaired infant" means an infant who is born~~  
872 ~~with or who has acquired prelingually a hearing loss so severe~~

432837



Amendment No. (for drafter's use only)

873 ~~that, unaided, the infant cannot learn speech and language~~  
874 ~~through normal means.~~

875 ~~(3) "High risk hearing impaired infant" means an infant~~  
876 ~~who exhibits conditions and factors that include, but are not~~  
877 ~~limited to, a family history of hearing impairment or anatomic~~  
878 ~~malformation which place the infant at an increased risk for~~  
879 ~~hearing impairment.~~

880 Section 25. Section 391.303, Florida Statutes, is amended  
881 to read:

882 391.303 Program requirements.--

883 (1) Developmental evaluation and intervention services  
884 shall be established at each hospital that provides Level II or  
885 Level III neonatal intensive care services. Program services  
886 shall be made available to an infant or toddler identified as  
887 being at risk for developmental disabilities, or identified as  
888 medically involved, who, along with his or her family, would  
889 benefit from program services. Program services shall be made  
890 available to infants or toddlers in a Level II or Level III  
891 neonatal intensive care unit or in a pediatric intensive care  
892 unit, ~~infants who are identified as being at high risk for~~  
893 ~~hearing impairment or who are hearing impaired, or~~ infants who  
894 have a metabolic or genetic disorder or condition identified  
895 through the newborn screening program. The developmental  
896 evaluation and intervention programs are subject to the  
897 availability of moneys and the limitations established by the  
898 General Appropriations Act or chapter 216. ~~Hearing screening,~~  
899 Evaluation and referral services, and initial developmental  
900 assessments services shall be provided to each infant or

432837

Amendment No. (for drafter's use only)

901 toddler. Other program services may be provided to an infant or  
902 toddler, and the family of the infant or toddler, who do not  
903 meet the financial eligibility criteria for the Children's  
904 Medical Services program based on the availability of funding,  
905 including insurance and fees.

906 (2) Each developmental evaluation and intervention program  
907 shall have a program director, a medical director, and necessary  
908 staff to carry out the program. The program director shall  
909 establish and coordinate the developmental evaluation and  
910 intervention program. The program shall include, but is not  
911 limited to:

912 (a) In-hospital evaluation and intervention services,  
913 parent support and training, and family support planning and  
914 case management.

915 ~~(b) Screening and evaluation services to identify each~~  
916 ~~infant at risk of hearing impairment, and a medical and~~  
917 ~~educational followup and care management program for an infant~~  
918 ~~who is identified as hearing impaired, with management beginning~~  
919 ~~as soon after birth as practicable. The medical management~~  
920 ~~program must include the genetic evaluation of an infant~~  
921 ~~suspected to have genetically determined deafness and an~~  
922 ~~evaluation of the relative risk.~~

923 (b)(e) Regularly held multidisciplinary team meetings to  
924 develop and update the family support plan. In addition to the  
925 family, a multidisciplinary team may include a physician,  
926 physician assistant, psychologist, psychotherapist, educator,  
927 social worker, nurse, physical or occupational therapist, speech  
928 pathologist, developmental evaluation and intervention program

432837

Amendment No. (for drafter's use only)

929 director, case manager, others who are involved with the in-  
930 hospital and posthospital discharge care plan, and anyone the  
931 family wishes to include as a member of the team. The family  
932 support plan is a written plan that describes the infant or  
933 toddler, the ~~therapies and~~ services the infant or toddler and  
934 his or her family need, and the intended outcomes of the  
935 services.

936 ~~(c)(d)~~ Discharge planning by the multidisciplinary team,  
937 including referral and followup to primary medical care and  
938 modification of the family support plan.

939 ~~(d)(e)~~ Education and training for neonatal and pediatric  
940 intensive care services staff, volunteers, and others, as  
941 needed, in order to expand the services provided to high-risk,  
942 developmentally disabled, or medically involved, ~~or hearing-~~  
943 ~~impaired~~ infants and toddlers and their families.

944 ~~(e)(f)~~ Followup intervention services after hospital  
945 discharge, to aid the family and the high-risk, developmentally  
946 disabled, or medically involved, ~~or hearing-impaired~~ infant's or  
947 toddler's transition into the community. Support services shall  
948 be coordinated at the request of the family and within the  
949 context of the family support plan.

950 ~~(f)(g)~~ Referral to and coordination of services with  
951 community providers.

952 ~~(g)(h)~~ Educational materials about infant care, infant  
953 growth and development, community resources, medical conditions  
954 and treatments, and family advocacy. ~~Materials regarding hearing~~  
955 ~~impairments shall be provided to each parent or guardian of a~~  
956 ~~hearing-impaired infant or toddler.~~

432837

Amendment No. (for drafter's use only)

957        ~~(h)(i)~~ Involvement of the parents and guardians of each  
958 identified high-risk, developmentally disabled, or medically  
959 involved, ~~or hearing-impaired~~ infant or toddler.

960        Section 26. Subsections (3) through (6) of section  
961 391.305, Florida Statutes, are renumbered as subsections (2)  
962 through (5), respectively, and present subsection (2) of said  
963 section is amended to read:

964        391.305 Program standards; rules.--

965        ~~(2) Criteria and procedures for screening, identifying,  
966 and diagnosing hearing-impaired infants.~~

967        Section 27. Section 391.308, Florida Statutes, is created  
968 to read:

969        391.308 Infants and Toddlers Early Intervention  
970 program.--The Department of Health may implement and administer  
971 Part C of the federal Individuals with Disabilities Education  
972 Act (IDEA).

973        (1) The department, jointly with the Department of  
974 Education, shall annually prepare a grant application to the  
975 United States Department of Education for funding early  
976 intervention services for infants and toddlers with  
977 disabilities, ages birth through 36 months, and their families  
978 pursuant to Part C of the federal Individuals with Disabilities  
979 Education Act.

980        (2) The department, jointly with the Department of  
981 Education, shall include a reading initiative as an early  
982 intervention service for infants and toddlers.

983        Section 28. Subsection (1) of section 395.003, Florida  
984 Statutes, is amended to read:

432837

Amendment No. (for drafter's use only)

985 395.003 Licensure; issuance, renewal, denial,  
986 modification, suspension, and revocation.--

987 (1)(a) A ~~No~~ person may not ~~shall~~ establish, conduct, or  
988 maintain a hospital, ambulatory surgical center, or mobile  
989 surgical facility in this state without first obtaining a  
990 license under this part.

991 (b)1. It is unlawful for a ~~any~~ person to use or advertise  
992 to the public, in any way or by any medium whatsoever, any  
993 facility as a "hospital," "ambulatory surgical center," or  
994 "mobile surgical facility" unless the ~~such~~ facility has first  
995 secured a license under the provisions of this part.

996 2. ~~Nothing in~~ This part does not apply ~~applies~~ to  
997 veterinary hospitals or to commercial business establishments  
998 using the word "hospital," "ambulatory surgical center," or  
999 "mobile surgical facility" as a part of a trade name if no  
1000 treatment of human beings is performed on the premises of such  
1001 establishments.

1002 3. By December 31, 2004, the Agency for Health Care  
1003 Administration shall submit a report to the President of the  
1004 Senate and to the Speaker of the House of Representatives  
1005 containing the agency's recommendations as to whether it is in  
1006 the public interest to allow a hospital to license or operate an  
1007 emergency department located off premises of the licensed  
1008 hospital. In the event the agency finds it to be in the public  
1009 interest, the report shall also recommend licensure criteria for  
1010 such medical facilities, including, but not limited to, criteria  
1011 related to quality of care and criteria related to, if deemed  
1012 necessary by the agency, the elimination of the possibility of

432837

Amendment No. (for drafter's use only)

1013 public confusion related to the service capabilities of such a  
1014 medical facility in comparison to the service capabilities of an  
1015 emergency department located on the premises of the hospital.  
1016 Until July 1, 2005, no additional emergency departments located  
1017 off the premises of a licensed hospital shall be authorized.

1018 Section 29. Subsections (3) and (4) of section 395.1027,  
1019 Florida Statutes, are renumbered as subsections (4) and (5),  
1020 respectively, and a new subsection (3) is added to said section  
1021 to read:

1022 395.1027 Regional poison control centers.--

1023 (3) Upon request, a licensed facility shall release to a  
1024 regional poison control center any patient information that is  
1025 necessary for case management of poison cases.

1026 Section 30. Section 395.404, Florida Statutes, is amended  
1027 to read:

1028 395.404 Review of trauma registry data; report to central  
1029 registry; confidentiality and limited release.--

1030 (1)(a) Each trauma center shall furnish, and all acute  
1031 care hospitals, upon request of the department, shall furnish  
1032 for department review, trauma registry data as prescribed by  
1033 rule of the department for the purpose of monitoring patient  
1034 outcome and ensuring compliance with the standards of approval.

1035 (b)(3) Trauma registry data obtained pursuant to this  
1036 subsection ~~section~~ are confidential and exempt from the  
1037 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
1038 Constitution. However, the department may provide such trauma  
1039 registry data to the person, trauma center, pediatric trauma  
1040 referral center, hospital, emergency medical service provider,

432837

Amendment No. (for drafter's use only)

1041 local or regional trauma agency, medical examiner, or other  
1042 entity from which the data were obtained. The department may  
1043 also use or provide trauma registry data for purposes of  
1044 research in accordance with the provisions of chapter 405.

1045 (2) Each trauma center, pediatric trauma referral center,  
1046 and acute care hospital shall report to the department's brain  
1047 and spinal cord injury central registry consistent with the  
1048 procedures and timeframes under s. 381.74 any person who has a  
1049 moderate to severe brain or spinal cord injury and shall include  
1050 the name, age, residence, and type of disability of the  
1051 individual and such additional information as may be deemed  
1052 necessary by the department. ~~Notwithstanding the provisions of~~  
1053 ~~s. 381.74, each trauma center and acute care hospital shall~~  
1054 ~~submit severe disability and head injury registry data to the~~  
1055 ~~department as provided by rule. Each trauma center and acute~~  
1056 ~~care hospital shall continue to provide initial notification of~~  
1057 ~~persons who have severe disabilities and head injuries to the~~  
1058 ~~Department of Health within timeframes provided in chapter 413.~~  
1059 ~~Such initial notification shall be made in the manner prescribed~~  
1060 ~~by the Department of Health for the purpose of providing timely~~  
1061 ~~vocational rehabilitation services to the severely disabled or~~  
1062 ~~head-injured person.~~

1063 Section 31. Subsections (3) and (4) of section 400.9905,  
1064 Florida Statutes, are renumbered as subsections (4) and (5),  
1065 respectively, and amended, and new subsections (3), (6), and (7)  
1066 are added to said section, to read:

1067 400.9905 Definitions.--

432837

Amendment No. (for drafter's use only)

1068       (3) "Chief financial officer" means an individual who has  
1069 a bachelor's degree from an accredited university in accounting  
1070 or finance, or a related field, and who is the person  
1071 responsible for the preparation of a clinic's billing.

1072       (4)(3) "Clinic" means an entity at which health care  
1073 services are provided to individuals and which tenders charges  
1074 for reimbursement for such services, including a mobile clinic  
1075 and a portable equipment provider. For purposes of this part,  
1076 the term does not include and the licensure requirements of this  
1077 part do not apply to:

1078       (a) Entities licensed or registered by the state under  
1079 chapter 395; or entities licensed or registered by the state and  
1080 providing only health care services within the scope of services  
1081 authorized under their respective licenses granted under s.  
1082 383.30-383.335, chapter 390, chapter 394, ~~chapter 395,~~ chapter  
1083 397, this chapter except part XIII, chapter 463, chapter 465,  
1084 chapter 466, chapter 478, part I of chapter 483 ~~chapter 480,~~  
1085 chapter 484, or chapter 651; end-stage renal disease providers  
1086 authorized under 42 C.F.R. part 405, subpart U; or providers  
1087 certified under 42 C.F.R. part 485, subpart B or subpart H, or  
1088 any entity that provides neonatal or pediatric hospital-based  
1089 healthcare services by licensed practitioners solely within a  
1090 hospital licensed under chapter 395.

1091       (b) Entities that own, directly or indirectly, entities  
1092 licensed or registered by the state pursuant to chapter 395; or  
1093 entities that own, directly or indirectly, entities licensed or  
1094 registered by the state and providing only health care services  
1095 within the scope of services authorized pursuant to their

432837



Amendment No. (for drafter's use only)

1096 respective licenses granted under s. 383.30-383.335, chapter  
1097 390, chapter 394, chapter 395, chapter 397, this chapter except  
1098 part XIII, chapter 463, chapter 465, chapter 466, chapter 478,  
1099 part I of chapter 483 ~~chapter 480~~, chapter 484, ~~or~~ chapter 651,  
1100 end-stage renal disease providers authorized under 42 C.F.R.  
1101 part 405, subpart U, or providers certified under 42 C.F.R. part  
1102 485, subpart B or subpart H, or any entity that provides  
1103 neonatal or pediatric hospital-based healthcare services by  
1104 licensed practitioners solely within a hospital licensed under  
1105 chapter 395.

1106 (c) Entities that are owned, directly or indirectly, by an  
1107 entity licensed or registered by the state pursuant to chapter  
1108 395; or entities that are owned, directly or indirectly, by an  
1109 entity licensed or registered by the state and providing only  
1110 health care services within the scope of services authorized  
1111 pursuant to their respective licenses granted under s. 383.30-  
1112 383.335, chapter 390, chapter 394, ~~chapter 395~~, chapter 397,  
1113 this chapter except part XIII, chapter 463, chapter 465, chapter  
1114 466, chapter 478, part I of chapter 483 ~~chapter 480~~, chapter  
1115 484, or chapter 651; end-stage renal disease providers  
1116 authorized under 42 C.F.R. part 405, subpart U; or providers  
1117 certified under 42 C.F.R. part 485, subpart B or subpart H, or  
1118 any entity that provides neonatal or pediatric hospital-based  
1119 healthcare services by licensed practitioners solely within a  
1120 hospital under chapter 395.

1121 (d) Entities that are under common ownership, directly or  
1122 indirectly, with an entity licensed or registered by the state  
1123 pursuant to chapter 395; or entities that are under common

432837

Amendment No. (for drafter's use only)

1124 ownership, directly or indirectly, with an entity licensed or  
1125 registered by the state and providing only health care services  
1126 within the scope of services authorized pursuant to their  
1127 respective licenses granted under s. 383.30-383.335, chapter  
1128 390, chapter 394, ~~chapter 395~~, chapter 397, this chapter except  
1129 part XIII, chapter 463, chapter 465, chapter 466, chapter 478,  
1130 part I of chapter 483 480, chapter 484, ~~or~~ chapter 651; end-  
1131 stage renal disease providers authorized under 42 C.F.R. part  
1132 405, subpart U; or providers certified under 42 C.F.R. part 485,  
1133 subpart B or subpart H or any entity that provides neonatal or  
1134 pediatric hospital-based healthcare services by licensed  
1135 practitioners solely within a hospital licensed under chapter  
1136 395.

1137 (e) An entity that is exempt from federal taxation under  
1138 26 U.S.C. s. 501(c)(3) or s. 501(c)(4) and any community college  
1139 or university clinic, and any entity owned or operated by  
1140 federal or state government, including agencies, subdivisions,  
1141 or municipalities thereof.

1142 (f) A sole proprietorship, group practice, partnership, or  
1143 corporation that provides health care services by physicians  
1144 covered by s. 627.419, that is directly supervised by one or  
1145 more of such physicians, and that is wholly owned by one or more  
1146 of those physicians or by a physician and the spouse, child, or  
1147 sibling of that physician.

1148 (g)~~(f)~~ A sole proprietorship, group practice, partnership,  
1149 or corporation that provides health care services by licensed  
1150 health care practitioners under chapter 457, chapter 458,  
1151 chapter 459, chapter 460, chapter 461, chapter 462, chapter 463,

432837

Amendment No. (for drafter's use only)

1152 chapter 466, chapter 467, chapter 480, chapter 484, chapter 486,  
1153 chapter 490, chapter 491, or part I, part III, part X, part  
1154 XIII, or part XIV of chapter 468, or s. 464.012, which are  
1155 wholly owned by one or more a licensed health care practitioners  
1156 ~~practitioner~~, or the licensed health care practitioners set  
1157 forth in this paragraph ~~practitioner~~ and the spouse, parent, ~~or~~  
1158 child, or sibling of a licensed health care practitioner, so  
1159 long as one of the owners who is a licensed health care  
1160 practitioner is supervising the business activities ~~services~~  
1161 ~~performed therein~~ and is legally responsible for the entity's  
1162 compliance with all federal and state laws. However, a health  
1163 care practitioner may not supervise services beyond the scope of  
1164 the practitioner's license, except that, for the purposes of  
1165 this part, a clinic owned by a licensee in s. 456.053(3)(b) that  
1166 provides only services authorized pursuant to s. 456.053(3)(b)  
1167 may be supervised by a licensee specified in s. 456.053(3)(b).

1168 ~~(h)(g)~~ Clinical facilities affiliated with an accredited  
1169 medical school at which training is provided for medical  
1170 students, residents, or fellows.

1171 (i) Entities that provide only oncology or radiation  
1172 therapy services by physicians licensed under chapter 458 or  
1173 chapter 459.

1174 ~~(5)(4)~~ "Medical director" means a physician who is  
1175 employed or under contract with a clinic and who maintains a  
1176 full and unencumbered physician license in accordance with  
1177 chapter 458, chapter 459, chapter 460, or chapter 461. However,  
1178 if the clinic does not provide services pursuant to the  
1179 respective physician practices acts listed in this subsection,

432837

Amendment No. (for drafter's use only)

1180 ~~it is limited to providing health care services pursuant to~~  
1181 ~~chapter 457, chapter 484, chapter 486, chapter 490, or chapter~~  
1182 ~~491 or part I, part III, part X, part XIII, or part XIV of~~  
1183 ~~chapter 468, the clinic may appoint a Florida-licensed health~~  
1184 ~~care practitioner who does not provide services pursuant to the~~  
1185 ~~respective physician practices acts listed in this subsection~~  
1186 ~~licensed under that chapter to serve as a clinic director who is~~  
1187 ~~responsible for the clinic's activities. A health care~~  
1188 ~~practitioner may not serve as the clinic director if the~~  
1189 ~~services provided at the clinic are beyond the scope of that~~  
1190 ~~practitioner's license, except that a licensee specified in s.~~  
1191 ~~456.053(3)(b) who provides only services authorized pursuant to~~  
1192 ~~s. 456.053(3)(b) may serve as clinic director of an entity~~  
1193 ~~providing services as specified in s. 456.053(3)(b).~~

1194 (6) "Mobile clinic" means a movable or detached self-  
1195 contained health care unit within or from which direct health  
1196 care services are provided to individuals and which otherwise  
1197 meets the definition of a clinic in subsection (4).

1198 (7) "Portable equipment provider" means an entity that  
1199 contracts with or employs persons to provide portable equipment  
1200 to multiple locations performing treatment or diagnostic testing  
1201 of individuals, that bills third-party payors for those  
1202 services, and that otherwise meets the definition of a clinic in  
1203 subsection (4).

1204 Section 32. The creation of s. 400.9905(4)(i), Florida  
1205 Statutes, by this act is intended to clarify the legislative  
1206 intent of this provision as it existed at the time the  
1207 provisions initially took effect as ss. 456.0375(1)(b) and

432837

Amendment No. (for drafter's use only)

1208 400.9905(4)(i), Florida Statutes, as created by this act, shall  
1209 operate retroactively to October 1, 2001. Nothing in this  
1210 section shall be construed as amending, modifying, limiting, or  
1211 otherwise affecting in any way the legislative intent, scope,  
1212 terms, prohibition, or requirements of s. 456.053, Florida  
1213 Statutes.

1214 Section 33. Subsections (1), (2), and (3) and paragraphs  
1215 (a) and (b) of subsection (7) of section 400.991, Florida  
1216 Statutes, are amended to read:

1217 400.991 License requirements; background screenings;  
1218 prohibitions.--

1219 (1)(a) Each clinic, as defined in s. 400.9905, must be  
1220 licensed and shall at all times maintain a valid license with  
1221 the agency. Each clinic location shall be licensed separately  
1222 regardless of whether the clinic is operated under the same  
1223 business name or management as another clinic.

1224 (b) Each mobile clinic must obtain a separate health care  
1225 clinic license and ~~clinics~~ must provide to the agency, at least  
1226 quarterly, ~~its~~ ~~their~~ projected street ~~location~~ ~~locations~~ to  
1227 enable the agency to locate and inspect such ~~clinic~~ ~~clinics~~. A  
1228 portable equipment provider must obtain a health care clinic  
1229 license for a single administrative office and is not required  
1230 to submit quarterly projected street locations.

1231 (2) The initial clinic license application shall be filed  
1232 with the agency by all clinics, as defined in s. 400.9905, on or  
1233 before July ~~March~~ 1, 2004. A clinic license must be renewed  
1234 biennially.

432837

Amendment No. (for drafter's use only)

1235 (3) Applicants that submit an application on or before  
1236 ~~July~~ March 1, 2004, which meets all requirements for initial  
1237 licensure as specified in this section shall receive a temporary  
1238 license until the completion of an initial inspection verifying  
1239 that the applicant meets all requirements in rules authorized in  
1240 s. 400.9925. However, a clinic engaged in magnetic resonance  
1241 imaging services may not receive a temporary license unless it  
1242 presents evidence satisfactory to the agency that such clinic is  
1243 making a good faith effort and substantial progress in seeking  
1244 accreditation required under s. 400.9935.

1245 (7) Each applicant for licensure shall comply with the  
1246 following requirements:

1247 (a) As used in this subsection, the term "applicant" means  
1248 individuals owning or controlling, directly or indirectly, 5  
1249 percent or more of an interest in a clinic; the medical or  
1250 clinic director, or a similarly titled person who is responsible  
1251 for the day-to-day operation of the licensed clinic; the  
1252 financial officer or similarly titled individual who is  
1253 responsible for the financial operation of the clinic; and  
1254 licensed health care practitioners ~~medical providers~~ at the  
1255 clinic.

1256 (b) Upon receipt of a completed, signed, and dated  
1257 application, the agency shall require background screening of  
1258 the applicant, in accordance with the level 2 standards for  
1259 screening set forth in chapter 435. Proof of compliance with the  
1260 level 2 background screening requirements of chapter 435 which  
1261 has been submitted within the previous 5 years in compliance  
1262 with any other health care licensure requirements of this state

432837

Amendment No. (for drafter's use only)

1263 is acceptable in fulfillment of this paragraph. Applicants who  
1264 own less than 10 percent of a health care clinic are not  
1265 required to submit fingerprints under this section.

1266 Section 34. Paragraph (g) of subsection (1), subsection  
1267 (9), and paragraph (b) of subsection (11) of section 400.9935,  
1268 Florida Statutes, are amended to read:

1269 400.9935 Clinic responsibilities.--

1270 (1) Each clinic shall appoint a medical director or clinic  
1271 director who shall agree in writing to accept legal  
1272 responsibility for the following activities on behalf of the  
1273 clinic. The medical director or the clinic director shall:

1274 (g) Conduct systematic reviews of clinic billings to  
1275 ensure that the billings are not fraudulent or unlawful. Upon  
1276 discovery of an unlawful charge, the medical director or clinic  
1277 director shall take immediate corrective action. If the clinic  
1278 performs only the technical component of magnetic resonance  
1279 imaging, static radiographs, computed tomography, or positron  
1280 emission tomography and provides the professional interpretation  
1281 of such services, in a fixed facility that is accredited by the  
1282 Joint Commission on Accreditation of Healthcare Organizations or  
1283 the Accreditation Association for Ambulatory Health Care and the  
1284 American College of Radiology, and if, in the preceding quarter,  
1285 the percentage of scans performed by that clinic that were  
1286 billed to a personal injury protection insurance carrier was  
1287 less than 15 percent, the chief financial officer of the clinic  
1288 may, in a written acknowledgment provided to the agency, assume  
1289 the responsibility for the conduct of the systematic reviews of

432837

Amendment No. (for drafter's use only)

1290 clinic billings to ensure that the billings are not fraudulent  
1291 or unlawful.

1292 (9) Any person or entity providing health care services  
1293 which is not a clinic, as defined under s. 400.9905, may  
1294 voluntarily apply for a certificate of exemption from licensure  
1295 under its exempt status with the agency on a form that sets  
1296 forth its name or names and addresses, a statement of the  
1297 reasons why it cannot be defined as a clinic, and other  
1298 information deemed necessary by the agency. An exemption is not  
1299 transferable. The agency may charge an applicant for a  
1300 certificate of exemption in an amount equal to \$100 or the  
1301 actual cost of processing the certificate, whichever is less.

1302 (11)

1303 (b) The agency may deny ~~disallow~~ the application or revoke  
1304 the license of any entity formed for the purpose of avoiding  
1305 compliance with the accreditation provisions of this subsection  
1306 and whose principals were previously principals of an entity  
1307 that was unable to meet the accreditation requirements within  
1308 the specified timeframes. The agency may adopt rules as to the  
1309 accreditation of magnetic resonance imaging clinics.

1310 Section 35. Subsections (1) and (3) of section 400.995,  
1311 Florida Statutes, are amended, and a new subsection (10) is  
1312 added to said section, to read:

1313 400.995 Agency administrative penalties.--

1314 (1) The agency may deny the application for a license  
1315 renewal, revoke or suspend the license, and impose  
1316 administrative finer penalties ~~penalties against clinics~~ of up to \$5,000  
1317 per violation for violations of the requirements of this part or

432837



Amendment No. (for drafter's use only)

1318 rules of the agency. In determining if a penalty is to be  
1319 imposed and in fixing the amount of the fine, the agency shall  
1320 consider the following factors:

1321 (a) The gravity of the violation, including the  
1322 probability that death or serious physical or emotional harm to  
1323 a patient will result or has resulted, the severity of the  
1324 action or potential harm, and the extent to which the provisions  
1325 of the applicable laws or rules were violated.

1326 (b) Actions taken by the owner, medical director, or  
1327 clinic director to correct violations.

1328 (c) Any previous violations.

1329 (d) The financial benefit to the clinic of committing or  
1330 continuing the violation.

1331 (3) Any action taken to correct a violation shall be  
1332 documented in writing by the owner, medical director, or clinic  
1333 director of the clinic and verified through followup visits by  
1334 agency personnel. The agency may impose a fine and, in the case  
1335 of an owner-operated clinic, revoke or deny a clinic's license  
1336 when a clinic medical director or clinic director knowingly  
1337 ~~fraudulently~~ misrepresents actions taken to correct a violation.

1338 (10) If the agency issues a notice of intent to deny a  
1339 license application after a temporary license has been issued  
1340 pursuant to s. 400.991(3), the temporary license shall expire on  
1341 the date of the notice and may not be extended during any  
1342 proceeding for administrative or judicial review pursuant to  
1343 chapter 120.

1344 Section 36. The Agency for Health Care Administration is  
1345 directed to make refunds to applicants that submitted their

432837

Amendment No. (for drafter's use only)

1346 health care clinic licensure fees and applications but were  
1347 subsequently exempted from licensure by this act as follows:

1348 (1) Seventy-five percent of the application fee if the  
1349 temporary license has not been issued;

1350 (2) Fifty percent of the application fee if the temporary  
1351 license has been issued but the inspection has not been  
1352 completed; or

1353 (3) No refund if the inspection has been completed.

1354 Section 37. Any person or entity defined as a clinic under  
1355 s. 400.9905, Florida Statutes, shall not be in violation of part  
1356 XIII of chapter 400, Florida Statutes, due to failure to apply  
1357 for a clinic license by March 1, 2004, as previously required by  
1358 s. 400.991, Florida Statutes. Payment to any such person or  
1359 entity by an insurer or other person liable for payment to such  
1360 person or entity may not be denied on the grounds that the  
1361 person or entity failed to apply for or obtain a clinic license  
1362 before March 1, 2004.

1363 Section 38. Section 33 of this act shall apply  
1364 retroactively to March 1, 2004.

1365 Section 39. Section 401.211, Florida Statutes, is amended  
1366 to read:

1367 401.211 Legislative intent.--The Legislature recognizes  
1368 that the systematic provision of emergency medical services  
1369 saves lives and reduces disability associated with illness and  
1370 injury. In addition, that system of care must be equally capable  
1371 of assessing, treating, and transporting children, adults, and  
1372 frail elderly persons. Further, it is the intent of the  
1373 Legislature to encourage the development and maintenance of

432837

Amendment No. (for drafter's use only)

1374 emergency medical services because such services are essential  
1375 to the health and well-being of all citizens of the state. The  
1376 Legislature also recognizes that the establishment of a  
1377 comprehensive statewide injury prevention program supports state  
1378 and community health systems by further enhancing the total  
1379 delivery system of emergency medical services and reduces  
1380 injuries for all persons. The purpose of this part is to protect  
1381 and enhance the public health, welfare, and safety through the  
1382 establishment of an emergency medical services state plan, an  
1383 advisory council, a comprehensive statewide injury prevention  
1384 program, minimum standards for emergency medical services  
1385 personnel, vehicles, services and medical direction, and the  
1386 establishment of a statewide inspection program created to  
1387 monitor the quality of patient care delivered by each licensed  
1388 service and appropriately certified personnel.

1389 Section 40. Section 401.243, Florida Statutes, is created  
1390 to read:

1391 401.243 Injury prevention.--The department shall establish  
1392 an injury prevention program which shall be responsible for the  
1393 statewide coordination and expansion of injury prevention  
1394 activities. The duties of the program may include, but are not  
1395 limited to, data collection, surveillance, education, and the  
1396 promotion of interventions. In addition, the program may:

1397 (1) Provide communities, county health departments, and  
1398 other state agencies with injury prevention expertise and  
1399 guidance.

432837

Amendment No. (for drafter's use only)

1400       (2) Seek, receive, and expend funds received from grants,  
1401 donations, or contributions from public or private sources for  
1402 program purposes.

1403       (3) Develop, and revise as necessary, a comprehensive  
1404 state plan for injury prevention.

1405       (4) Adopt rules governing the implementation of grant  
1406 programs. Rules may include, but need not be limited to,  
1407 criteria regarding the application process, the selection of  
1408 grantees, the implementation of injury prevention activities,  
1409 data collection, surveillance, education, and the promotion of  
1410 interventions.

1411       Section 41. Subsection (4) of section 404.056, Florida  
1412 Statutes, is amended to read:

1413       404.056 Environmental radiation standards and projects;  
1414 certification of persons performing measurement or mitigation  
1415 services; mandatory testing; notification on real estate  
1416 documents; rules.--

1417       (4) MANDATORY TESTING.--All public and private school  
1418 buildings or school sites housing students in kindergarten  
1419 through grade 12; all state-owned, state-operated, state-  
1420 regulated, or state-licensed 24-hour care facilities; and all  
1421 state-licensed day care centers for children or minors which are  
1422 located in counties designated within the Department of  
1423 Community Affairs' Florida Radon Protection Map Categories as  
1424 "Intermediate" or "Elevated Radon Potential" shall be measured  
1425 to determine the level of indoor radon, using measurement  
1426 procedures established by the department. Initial measurements  
1427 Testing shall be conducted ~~completed within the first year of~~

432837

Amendment No. (for drafter's use only)

1428 ~~construction~~ in 20 percent of the habitable first floor spaces  
1429 within any of the regulated buildings ~~and. Initial measurements~~  
1430 shall be completed and reported to the department within 1 ~~by~~  
1431 ~~July 1 of the year~~ after the date the building is opened for  
1432 occupancy or within 1 year after license approval for the entity  
1433 residing in the existing building. Followup testing must be  
1434 completed in 5 percent of the habitable first floor spaces  
1435 within any of the regulated buildings after the building has  
1436 been occupied for 5 years, and results must be reported to the  
1437 department by the 1st day ~~July 1~~ of the 6th ~~5th~~ year of  
1438 occupancy. After radon measurements have been made twice,  
1439 regulated buildings need not undergo further testing unless  
1440 significant structural changes occur. No funds collected  
1441 pursuant to s. 553.721 shall be used to carry out the provisions  
1442 of this subsection.

1443 Section 42. Subsection (1) and paragraph (g) of subsection  
1444 (3) of section 468.302, Florida Statutes, are amended to read:

1445 468.302 Use of radiation; identification of certified  
1446 persons; limitations; exceptions.--

1447 (1) Except as hereinafter provided, no person shall use  
1448 radiation or otherwise practice radiologic technology on a human  
1449 being unless he or she:

1450 (a) Is a licensed practitioner; or

1451 (b) Is the holder of a certificate, as provided in this  
1452 part, and is operating under the direct supervision or general  
1453 supervision of a licensed practitioner in each particular case.

1454 (3)

Amendment No. (for drafter's use only)

1455 (g)1. A person holding a certificate as a nuclear medicine  
1456 technologist may only:

1457 a. Conduct in vivo and in vitro measurements of  
1458 radioactivity and administer radiopharmaceuticals to human  
1459 beings for diagnostic and therapeutic purposes.

1460 b. Administer X-radiation from a combination nuclear  
1461 medicine-computed tomography device if that radiation is  
1462 administered as an integral part of a nuclear medicine procedure  
1463 that uses an automated computed tomography protocol for the  
1464 purposes of attenuation correction and anatomical localization  
1465 and the person has received device-specific training on the  
1466 combination device.

1467 2. ~~However,~~ The authority of a nuclear medicine  
1468 technologist under this paragraph excludes:

1469 a. Radioimmunoassay and other clinical laboratory testing  
1470 regulated pursuant to chapter 483.

1471 b. Creating or modifying automated computed tomography  
1472 protocols.

1473 c. Any other operation of a computed tomography device,  
1474 especially for the purposes of stand-alone diagnostic imaging,  
1475 which must be performed by a general radiographer certified  
1476 under this part.

1477 Section 43. Section 468.304, Florida Statutes, is amended  
1478 to read:

1479 468.304 Certification ~~examination; admission.~~--The  
1480 department shall certify ~~admit to examination for certification~~  
1481 any applicant who meets the following criteria:

432837

Amendment No. (for drafter's use only)

1482       (1) Pays to the department a nonrefundable fee not to  
1483 exceed \$100 plus the actual per-applicant cost to the department  
1484 for purchasing the examination from a national organization.

1485       (2) Submits a completed application on a form specified by  
1486 the department. An incomplete application shall expire 6 months  
1487 after initial filing. The application shall require the social  
1488 security number of the applicant. Each applicant shall notify  
1489 the department in writing of his or her current mailing address.  
1490 Notwithstanding the provisions of any other statute, service by  
1491 regular mail to an applicant's last reported mailing address  
1492 constitutes adequate and sufficient notice of any official  
1493 department communication to the applicant.

1494       (3) and Submits satisfactory evidence, verified by oath or  
1495 affirmation, that she or he:

1496       (a)(1) Is at least 18 years of age at the time of  
1497 application;

1498       (b)(2) Is a high school, vocational school, technical  
1499 school, or college graduate or has successfully completed the  
1500 requirements for a graduate equivalency diploma (GED) or its  
1501 equivalent;

1502       (c)(3) Is of good moral character; ~~and~~

1503       (d) Has passed an examination as specified in s. 468.306  
1504 or meets the requirements specified in s. 468.3065; and

1505       (e)1.(4)(a) Has successfully completed an educational  
1506 program, which program may be established in a hospital licensed  
1507 pursuant to chapter 395 or in an accredited postsecondary  
1508 academic institution which is subject to approval by the  
1509 department as maintaining a satisfactory standard; or

432837

Amendment No. (for drafter's use only)

1510        ~~2.a.(b)1.~~ With respect to an applicant for a basic X-ray  
1511 machine operator's certificate, has completed a course of study  
1512 approved by the department with appropriate study material  
1513 provided the applicant by the department;

1514        ~~b.2.~~ With respect to an applicant for a basic X-ray  
1515 machine operator-podiatric medicine certificate, has completed a  
1516 course of study approved by the department, provided that such  
1517 course of study shall be limited to that information necessary  
1518 to perform radiographic procedures within the scope of practice  
1519 of a podiatric physician licensed pursuant to chapter 461;

1520        ~~c.3.~~ With respect only to an applicant for a general  
1521 radiographer's certificate who is a basic X-ray machine operator  
1522 certificateholder, has completed an educational program or a 2-  
1523 year training program that takes into account the types of  
1524 procedures and level of supervision usually and customarily  
1525 practiced in a hospital, which educational or training program  
1526 complies with the rules of the department; or

1527        ~~d.4.~~ With respect only to an applicant for a nuclear  
1528 medicine technologist's certificate who is a general  
1529 radiographer certificateholder, has completed an educational  
1530 program or a 2-year training program that takes into account the  
1531 types of procedures and level of supervision usually and  
1532 customarily practiced in a hospital, which educational or  
1533 training program complies with the rules of the department.

1534        (4) Submits complete documentation of any criminal offense  
1535 in any jurisdiction of which the applicant has been found  
1536 guilty, regardless of whether adjudication of guilt was

432837



Amendment No. (for drafter's use only)

1537 withheld, or to which the applicant has pled guilty or nolo  
1538 contendere.

1539 (5) Submits complete documentation of any final  
1540 disciplinary action taken against the applicant by a licensing  
1541 or regulatory body in any jurisdiction, by a national  
1542 organization, or by a specialty board that is recognized by the  
1543 department. Disciplinary action includes revocation, suspension,  
1544 probation, reprimand, or being otherwise acted against,  
1545 including being denied certification, or resigning from or  
1546 nonrenewal of membership taken in lieu of or in settlement of a  
1547 pending disciplinary case.

1548  
1549 The department may not certify any applicant who has committed  
1550 an offense that would constitute a violation of any of the  
1551 provisions of s. 468.3101 or the rules adopted thereunder if the  
1552 applicant had been certified by the department at the time of  
1553 the offense. In addition, no application for a limited computed  
1554 tomography certificate shall be accepted, and- all persons  
1555 holding valid computed tomography certificates as of October 1,  
1556 1984, are subject to the provisions of s. 468.309.

1557 Section 44. Section 468.306, Florida Statutes, is amended  
1558 to read:

1559 468.306 Examinations.--All applicants, except those  
1560 certified pursuant to s. 468.3065, shall be required to pass an  
1561 examination. The department is authorized to develop or use  
1562 examinations for each type of certificate. The department may  
1563 require an applicant who does not pass an examination after five  
1564 attempts to complete additional remedial education, as specified

432837

Amendment No. (for drafter's use only)

1565 by rule of the department, before admitting the applicant to  
1566 subsequent examinations.

1567 (1) The department shall have the authority to contract  
1568 with organizations that develop such test examinations.  
1569 Examinations may be administered by the department or the  
1570 contracting organization.

1571 (2) Examinations shall be given for each type of  
1572 certificate at least twice a year at such times and places as  
1573 the department may determine to be advantageous for applicants.  
1574 ~~If an applicant applies less than 75 days before an examination,~~  
1575 ~~the department may schedule the applicant for a later~~  
1576 ~~examination.~~

1577 (3) All examinations shall be written and include  
1578 positioning, technique, and radiation protection. The department  
1579 shall either pass or fail each applicant on the basis of his or  
1580 her final grade. The examination for a basic X-ray machine  
1581 operator shall include basic positioning and basic techniques  
1582 directly related to the skills necessary to safely operate  
1583 radiographic equipment.

1584 (4) A nonrefundable fee not to exceed \$75 plus the actual  
1585 per-applicant cost for purchasing the examination from a  
1586 national organization shall be charged for any subsequent  
1587 examination.

1588 Section 45. Section 468.3065, Florida Statutes, is amended  
1589 to read:

1590 468.3065 Certification by endorsement.--The department may  
1591 issue a certificate by endorsement to practice radiologic  
1592 technology to an applicant who, upon applying to the department

432837

Amendment No. (for drafter's use only)

1593 and remitting a nonrefundable fee not to exceed \$50,  
1594 demonstrates to the department that he or she holds a current  
1595 certificate, license, or registration to practice radiologic  
1596 technology, provided that the requirements for such certificate,  
1597 license, or registration are deemed by the department to be  
1598 substantially equivalent to those established under this part  
1599 and rules adopted hereunder.

1600 Section 46. Subsection (1) of section 468.307, Florida  
1601 Statutes, is amended to read:

1602 468.307 Certificate; issuance; display.--

1603 (1) The department shall issue a certificate to each  
1604 candidate who has met the requirements of ss. 468.304 and  
1605 468.306 or has qualified under s. 468.3065. The department may  
1606 by rule establish a subcategory of a certificate issued under  
1607 this part limiting the certificateholder to a specific procedure  
1608 or specific type of equipment. The first regular certificate  
1609 issued to a new certificateholder shall expire on the last day  
1610 of the certificateholder's birth month and shall be at least 12  
1611 months but no more than 24 months in duration. However, if the  
1612 new certificateholder already holds a regular, active  
1613 certificate in a different category under this part, the new  
1614 certificate shall be combined with and expire on the same date  
1615 as the existing certificate.

1616 Section 47. Section 468.309, Florida Statutes, is amended  
1617 to read:

1618 468.309 Certificate; duration; renewal; reversion to  
1619 inactive status; members of Armed Forces and spouses.--

432837

Amendment No. (for drafter's use only)

1620 (1)(a) A radiologic technologist's certificate issued in  
1621 accordance with this part expires as specified in rules adopted  
1622 by the department which establish a procedure for the biennial  
1623 renewal of certificates. A certificate shall be renewed by the  
1624 department for a period of 2 years upon payment of a renewal fee  
1625 in an amount not to exceed \$75 and upon submission of a renewal  
1626 application containing such information as the department deems  
1627 necessary to show that the applicant for renewal is a radiologic  
1628 technologist in good standing and has completed any continuing  
1629 education requirements that the department establishes.

1630 (b) Sixty days before the end of the biennium, the  
1631 department shall mail a notice of renewal to the last known  
1632 address of the certificateholder.

1633 (c) Each certificateholder shall notify the department in  
1634 writing of his or her current mailing address and place of  
1635 practice. Notwithstanding the provisions of any other statute,  
1636 service by regular mail to a certificateholder's last reported  
1637 mailing address constitutes adequate and sufficient notice of  
1638 any official department communication to the certificateholder.

1639 (2) The department shall adopt rules establishing a  
1640 procedure for the biennial renewal of certificates.

1641 (3) The department may, by rule, prescribe continuing  
1642 education requirements, not to exceed 24 hours each licensure  
1643 period, as a condition for renewal of a certificate. The  
1644 criteria for approval of continuing education providers,  
1645 courses, and programs shall be as specified ~~approved~~ by the  
1646 department. Continuing education, which may be required for

432837

Amendment No. (for drafter's use only)

1647 persons certified under this part, may be obtained through home  
1648 study courses approved by the department.

1649 (4) Any certificate which is not renewed by its expiration  
1650 date at the end of the biennium prescribed by the department  
1651 shall automatically be placed in an expired status and the  
1652 certificateholder shall not practice radiologic technology until  
1653 the certificate has been reactivated ~~revert to an inactive~~  
1654 ~~status. Such certificate may be reactivated only if the~~  
1655 ~~certificateholder meets the other qualifications for~~  
1656 ~~reactivation in s. 468.3095.~~

1657 (5) A certificateholder in good standing remains in good  
1658 standing when he or she becomes a member of the Armed Forces of  
1659 the United States on active duty without paying renewal fees or  
1660 accruing continuing education credits as long as he or she is a  
1661 member of the Armed Forces on active duty and for a period of 6  
1662 months after discharge from active duty, if he or she is not  
1663 engaged in practicing radiologic technology in the private  
1664 sector for profit. The certificateholder must pay a renewal fee  
1665 and complete continuing education not to exceed 12 classroom  
1666 hours to renew the certificate.

1667 (6) A certificateholder who is in good standing remains in  
1668 good standing if he or she is absent from the state because of  
1669 his or her spouse's active duty with the Armed Forces of the  
1670 United States. The certificateholder remains in good standing  
1671 without paying renewal fees or completing continuing education  
1672 as long as his or her spouse is a member of the Armed Forces on  
1673 active duty and for a period of 6 months after the spouse's  
1674 discharge from active duty, if the certificateholder is not

432837

Amendment No. (for drafter's use only)

1675 engaged in practicing radiologic technology in the private  
1676 sector for profit. The certificateholder must pay a renewal fee  
1677 and complete continuing education not to exceed 12 classroom  
1678 hours to renew the certificate.

1679 (7) A certificateholder may resign his or her  
1680 certification by submitting to the department a written,  
1681 notarized resignation on a form specified by the department. The  
1682 resignation shall automatically become effective upon the  
1683 department's receipt of the resignation form, at which time the  
1684 certificateholder's certification automatically becomes null and  
1685 void and cannot be reactivated or renewed or used to practice  
1686 radiologic technology. A certificateholder who has resigned may  
1687 become certified again only by reapplying to the department for  
1688 certification as a new applicant and meeting the certification  
1689 requirements pursuant to s. 468.304 or s. 468.3065. Any  
1690 disciplinary action that had been imposed on the  
1691 certificateholder prior to his or her resignation shall be  
1692 tolled until he or she again becomes certified. Any disciplinary  
1693 action proposed at the time of the certificateholder's  
1694 resignation shall be tolled until he or she again becomes  
1695 certified.

1696 Section 48. Subsection (2) of section 468.3095, Florida  
1697 Statutes, is amended to read:

1698 468.3095 Expired or inactive status; reactivation;  
1699 automatic suspension; reinstatement.--

1700 (2)(a) A certificate which has been expired ~~inactive~~ for  
1701 less than 10 years ~~1 year after the end of the biennium~~  
1702 ~~prescribed by the department~~ may be reactivated ~~renewed pursuant~~

432837

Amendment No. (for drafter's use only)

1703 ~~to s. 468.309~~ upon payment of the biennial renewal fee and a  
1704 late renewal fee not to exceed \$100 and submission of a  
1705 reactivation application containing such information as the  
1706 department deems necessary to show that the applicant is a  
1707 radiologic technologist in good standing and has met the  
1708 continuing education requirements. ~~The renewed certificate shall~~  
1709 ~~expire 2 years after the date the certificate automatically~~  
1710 ~~reverted to inactive status.~~

1711 (b) A certificate which has been inactive for less than 10  
1712 years ~~more than 1 year~~ may be reactivated by meeting all of the  
1713 requirements of s. 468.3095(2)(a) for expired certificates  
1714 except for payment of the late renewal fee upon application to  
1715 ~~the department.~~ The department shall prescribe, by rule,  
1716 continuing education requirements as a condition of reactivating  
1717 a certificate. The continuing education requirements for  
1718 reactivating a certificate shall not exceed 10 classroom hours  
1719 for each year the certificate was inactive and shall in no event  
1720 exceed 100 classroom hours for all years in which the  
1721 certificate was inactive.

1722 (c) A certificate which has been inactive or expired for  
1723 ~~more than~~ 10 years or more shall automatically become void and  
1724 cannot be reactivated, renewed, or used to practice radiologic  
1725 technology ~~be suspended.~~ ~~One year before the suspension, the~~  
1726 ~~department shall give notice to the certificateholder. A~~  
1727 ~~suspended certificate may be reinstated as provided for original~~  
1728 ~~issuance in s. 468.307.~~ A certificateholder whose certificate  
1729 has become null and void may only become certified again by

432837

Amendment No. (for drafter's use only)

1730 reapplying to the department as a new applicant and meeting the  
1731 requirements pursuant to s. 468.304 or s. 468.3065.

1732 (d) When an expired or inactive certificate is  
1733 reactivated, the reactivated certificate shall expire on the  
1734 last day of the certificateholder's birth month and shall be at  
1735 least 12 months but no more than 24 months in duration. However,  
1736 if the reactivating certificateholder already holds a regular,  
1737 active certificate in a different category under this part, then  
1738 the reactivated certificate shall be combined with and expire on  
1739 the same date as the existing certificate.

1740 Section 49. Subsection (1) of section 468.3101, Florida  
1741 Statutes, is amended, and subsections (5) and (6) are added to  
1742 said section, to read:

1743 468.3101 Disciplinary grounds and actions.--

1744 (1) The department may make or require to be made such  
1745 investigations, inspections, evaluations, and tests, and require  
1746 the submission of such documents and statements, as it deems  
1747 necessary to determine whether a violation of this part has  
1748 occurred. The following acts shall be grounds for disciplinary  
1749 action as set forth in this section:

1750 (a) Procuring, attempting to procure, or renewing a  
1751 certificate to practice radiologic technology by bribery, by  
1752 fraudulent misrepresentation, or through an error of the  
1753 department.

1754 (b) Having a voluntary or mandatory certificate to  
1755 practice radiologic technology revoked, suspended, or otherwise  
1756 acted against, including being denied certification, by a  
1757 national organization, by a specialty board recognized by the

432837



Amendment No. (for drafter's use only)

1758 department, or by a ~~the~~ certification authority of another  
1759 state, territory, or country.

1760 (c) Being convicted or found guilty, regardless of  
1761 adjudication, in any jurisdiction of a crime which directly  
1762 relates to the practice of radiologic technology or to the  
1763 ability to practice radiologic technology. Pleading ~~A plea of~~  
1764 nolo contendere shall be considered a conviction for the purpose  
1765 of this provision.

1766 (d) Being convicted or found guilty, regardless of  
1767 adjudication, in any jurisdiction of a crime against a person.  
1768 Pleading ~~A plea of~~ nolo contendere shall be considered a  
1769 conviction for the purposes of this provision.

1770 (e) Making or filing a false report or record which the  
1771 certificateholder knows to be false, intentionally or  
1772 negligently failing to file a report or record required by state  
1773 or federal law, or willfully impeding or obstructing such filing  
1774 or inducing another to do so. Such reports or records include  
1775 only those reports or records which are signed in the capacity  
1776 as a radiologic technologist.

1777 (f) Engaging in unprofessional conduct, which includes,  
1778 but is not limited to, any departure from, or the failure to  
1779 conform to, the standards of practice of radiologic technology  
1780 as established by the department, in which case actual injury  
1781 need not be established.

1782 (g) Being unable to practice radiologic technology with  
1783 reasonable skill and safety to patients by reason of illness;  
1784 ~~drunkenness;~~ or use of alcohol, drugs, narcotics, chemicals, or  
1785 other materials or as a result of any mental or physical

432837

Amendment No. (for drafter's use only)

1786 condition. A radiologic technologist affected under this  
1787 paragraph shall, at reasonable intervals, be afforded an  
1788 opportunity to demonstrate that he or she can resume the  
1789 competent practice of radiologic technology with reasonable  
1790 skill and safety.

1791 (h) Failing to report to the department any person who the  
1792 certificateholder knows is in violation of this part or of the  
1793 rules of the department.

1794 (i) Violating any provision of this part, any rule of the  
1795 department, or any lawful order of the department previously  
1796 entered in a disciplinary proceeding or failing to comply with a  
1797 lawfully issued subpoena of the department.

1798 (j) Employing, for the purpose of applying ionizing  
1799 radiation or otherwise practicing radiologic technology on ~~to~~  
1800 any human being, any individual who is not certified under the  
1801 provisions of this part.

1802 (k) Testing positive for any drug, as defined in s.  
1803 112.0455, on any confirmed preemployment or employer-required  
1804 drug screening when the radiologic technologist does not have a  
1805 lawful prescription and legitimate medical reason for using such  
1806 drug.

1807 (l) Failing to report to the department in writing within  
1808 30 days after the certificateholder has had a voluntary or  
1809 mandatory certificate to practice radiologic technology revoked,  
1810 suspended, or otherwise acted against, including being denied  
1811 certification, by a national organization, by a specialty board  
1812 recognized by the department, or by a certification authority of  
1813 another state, territory, or country.

432837

Amendment No. (for drafter's use only)

1814 (m) Having been found guilty of, regardless of  
1815 adjudication, or pleading nolo contendere or guilty to, any  
1816 offense prohibited under s. 435.03 or under any similar statute  
1817 of another jurisdiction.

1818 (n) Failing to comply with the recommendations of the  
1819 department's impaired practitioner program for treatment,  
1820 evaluation, or monitoring. A letter from the director of the  
1821 impaired practitioner program that the certificateholder is not  
1822 in compliance shall be considered conclusive proof under this  
1823 part.

1824 (5) A final disciplinary action taken against a radiologic  
1825 technologist in another jurisdiction, whether voluntary or  
1826 mandatory, shall be considered conclusive proof of grounds for a  
1827 disciplinary proceeding under this part.

1828 (6) The department may revoke a continuing education  
1829 provider and its approved courses if the provider has been  
1830 revoked, suspended, or otherwise acted against by a national  
1831 organization, by a specialty board recognized by the department,  
1832 or by a certification authority of another state, territory, or  
1833 country. The department may, by rule, establish additional  
1834 guidelines and criteria for the discipline of continuing  
1835 education providers, including, but not limited to, revocation  
1836 of a continuing education provider or continuing education  
1837 course and the refusal to approve a continuing education  
1838 provider or continuing education course.

1839 Section 50. Paragraph (a) of subsection (5) of section  
1840 489.553, Florida Statutes, is amended to read:

432837

Amendment No. (for drafter's use only)

1841 489.553 Administration of part; registration  
1842 qualifications; examination.--

1843 (5) To be eligible for registration by the department as a  
1844 master septic tank contractor, the applicant must:

1845 (a) Have been a registered septic tank contractor in  
1846 Florida for at least 3 years or a plumbing contractor certified  
1847 under part I of this chapter who has provided septic tank  
1848 contracting services for at least 3 years. The 3 years must  
1849 immediately precede the date of application and may not be  
1850 interrupted by any probation, suspension, or revocation imposed  
1851 by the licensing agency.

1852 Section 51. Section 489.554, Florida Statutes, is amended  
1853 to read:

1854 489.554 Registration renewal.--

1855 (1) The department shall prescribe by rule the method for  
1856 approval of continuing education courses, ~~and~~ for renewal of  
1857 annual registration, for inactive status for late filing of  
1858 renewal applications, for allowing contractors to hold their  
1859 registration in inactive status for a specified time period, and  
1860 for reactivating registrations.

1861 (2) At a minimum, annual renewal shall include continuing  
1862 education requirements of not less than 6 classroom hours  
1863 annually for septic tank contractors and not less than 12  
1864 classroom hours annually for master septic tank contractors. The  
1865 12 classroom hours of continuing education required for master  
1866 septic tank contractors may include the 6 classroom hours  
1867 required for septic tank contractors, but at a minimum must

432837

Amendment No. (for drafter's use only)

1868 include 6 classroom hours of approved master septic tank  
1869 contractor coursework.

1870 (3) Certificates of registration shall become inactive  
1871 when a renewal application is not filed in a timely manner. A  
1872 certificate that has become inactive may be reactivated under  
1873 this section by application to the department. A licensed  
1874 contractor may apply to the department for voluntary inactive  
1875 status at any time during the period of registration.

1876 (4) Master septic tank contractors may elect to revert to  
1877 registered septic tank contractor status at any time during the  
1878 period of registration. The department shall prescribe by rule  
1879 the method for a master septic tank contractor who has reverted  
1880 to registered septic tank contractor status to reapply for  
1881 master septic tank contractor status.

1882 (5) The department shall deny an application for renewal  
1883 if there is any outstanding administrative penalty with the  
1884 department when the penalty is final agency action and all  
1885 judicial reviews are exhausted.

1886 Section 52. Paragraph (d) is added to subsection (1) of  
1887 section 766.309, Florida Statutes, to read:

1888 766.309 Determination of claims; presumption; findings of  
1889 administrative law judge binding on participants.--

1890 (1) The administrative law judge shall make the following  
1891 determinations based upon all available evidence:

1892 (d) Whether, if raised by the claimant or other party, the  
1893 factual determinations regarding the notice requirements in s.  
1894 766.316 are satisfied. The administrative law judge has the  
1895 exclusive jurisdiction to make these factual determinations.

432837

Amendment No. (for drafter's use only)

1896           Section 53. The amendment to s. 766.309, Florida Statutes,  
1897 contained in this act, is intended to clarify that the  
1898 administrative law judge has always had the exclusive  
1899 jurisdiction to make factual determinations as to whether the  
1900 notice requirements in s. 766.316, Florida Statutes, are  
1901 satisfied.

1902           Section 54. Paragraph (e) of subsection (5) of section  
1903 766.315, Florida Statutes, is amended to read:

1904           766.315 Florida Birth-Related Neurological Injury  
1905 Compensation Association; board of directors.--

1906           (5)

1907           (e) Funds held on behalf of the plan are funds of the  
1908 State of Florida. The association may only invest plan funds in  
1909 the investments and securities described in s. 215.47, and shall  
1910 be subject to the limitations on investments contained in that  
1911 section. All income derived from such investments will be  
1912 credited to the plan. The State Board of Administration may  
1913 invest and reinvest funds held on behalf of the plan in  
1914 accordance with the trust agreement approved by the association  
1915 and the State Board of Administration and within the provisions  
1916 of ss. 215.44 through 215.53.

1917           Section 55. Section 784.081, Florida Statutes, is amended  
1918 to read:

1919           784.081 Assault or battery on specified officials or  
1920 employees; reclassification of offenses.--Whenever a person is  
1921 charged with committing an assault or aggravated assault or a  
1922 battery or aggravated battery upon any elected official or  
1923 employee of: a school district; a private school; the Florida

432837

Amendment No. (for drafter's use only)

1924 School for the Deaf and the Blind; a university developmental  
1925 research school; a state university or any other entity of the  
1926 state system of public education, as defined in s. 1000.04; an  
1927 employee or protective investigator of the Department of  
1928 Children and Family Services; ~~or~~ an employee of a lead  
1929 community-based provider and its direct service contract  
1930 providers; or an employee of the Department of Health or its  
1931 direct service contract providers, when the person committing  
1932 the offense knows or has reason to know the identity or position  
1933 or employment of the victim, the offense for which the person is  
1934 charged shall be reclassified as follows:

1935 (1) In the case of aggravated battery, from a felony of  
1936 the second degree to a felony of the first degree.

1937 (2) In the case of aggravated assault, from a felony of  
1938 the third degree to a felony of the second degree.

1939 (3) In the case of battery, from a misdemeanor of the  
1940 first degree to a felony of the third degree.

1941 (4) In the case of assault, from a misdemeanor of the  
1942 second degree to a misdemeanor of the first degree.

1943 Section 56. Effective July 1, 2004, there is appropriated  
1944 the sum of \$150,000 from the General Revenue Fund, and one full-  
1945 time equivalent position is authorized, for the Department of  
1946 Health to implement the establishment of the Officer of Women's  
1947 Health Strategy by this act.

1948 Section 57. Subsection (9) of section 381.0098, Florida  
1949 Statutes, is repealed:

1950 381.0098 Biomedical waste.--

1951 ~~(9) TRANSITION.~~

432837

Amendment No. (for drafter's use only)

1952       ~~(a) Nothing in this act is intended to repeal or modify~~  
1953 ~~any existing rules of the Department of Environmental Protection~~  
1954 ~~relating to biomedical waste unless such rule or part thereof is~~  
1955 ~~in direct conflict with this act. Rules of the Department of~~  
1956 ~~Environmental Protection relating to transport, storage, or~~  
1957 ~~treatment of biomedical waste existing on the effective date of~~  
1958 ~~this act shall remain in effect and be enforceable by the~~  
1959 ~~department until comparable rules are adopted by the department,~~  
1960 ~~and no judicial or administrative proceeding pending on the~~  
1961 ~~effective date of this act shall be abated as a result of the~~  
1962 ~~provisions of this act.~~

1963       ~~(b) Any person operating or in the process of constructing~~  
1964 ~~a biomedical storage or treatment facility, or any person~~  
1965 ~~transporting biomedical waste, in accordance with a permit or~~  
1966 ~~registration issued by the Department of Environmental~~  
1967 ~~Protection on the effective date of this act, may continue to~~  
1968 ~~operate under that permit or registration until that permit or~~  
1969 ~~registration expires, or until December 31, 1996, whichever is~~  
1970 ~~later. The department's rules concerning the permitting or~~  
1971 ~~registering of biomedical waste storage facilities, treatment~~  
1972 ~~facilities, and transporters shall be designed to accomplish a~~  
1973 ~~smooth transition between permitting or registration~~  
1974 ~~authorities.~~

1975       ~~(c) A permit application which is received after or which~~  
1976 ~~is pending on the effective date of this act, which would have~~  
1977 ~~been considered a renewal application if submitted to the~~  
1978 ~~Department of Environmental Protection, will be considered a~~

432837



Amendment No. (for drafter's use only)

1979 ~~renewal application for purposes of s. 120.60 when submitted to~~  
1980 ~~the department.~~

1981 ~~(d) Prior to implementing the change in the regulation of~~  
1982 ~~offsite treatment facilities described in this act, and after~~  
1983 ~~full consultation with affected persons, the department and the~~  
1984 ~~Department of Environmental Protection shall establish an~~  
1985 ~~interagency agreement to streamline the permitting and~~  
1986 ~~inspection of these treatment facilities. The agreement also~~  
1987 ~~shall be designed to avoid any duplicative or overlapping~~  
1988 ~~regulation of these treatment facilities. Such agreement shall~~  
1989 ~~at least provide:~~

1990 ~~1. That the Department of Environmental Protection will~~  
1991 ~~continue to accept and act on permit applications for these~~  
1992 ~~facilities;~~

1993 ~~2. That the department will review these permit~~  
1994 ~~applications with respect to those matters within its~~  
1995 ~~jurisdiction;~~

1996 ~~3. That these permits will be consolidated with other~~  
1997 ~~required Department of Environmental Protection permits, where~~  
1998 ~~possible; and~~

1999 ~~4. That any inspections will be consolidated to avoid~~  
2000 ~~duplicate inspections, where possible.~~

2001 Section 58. Paragraph (f) of subsection (2) of section  
2002 385.103, Florida Statutes, is repealed:

2003 385.103 Community intervention programs.--

2004 (2) OPERATION OF COMMUNITY INTERVENTION PROGRAMS.--

2005 ~~(f) The department shall adopt rules governing the~~  
2006 ~~operation of the community intervention programs.~~

Amendment No. (for drafter's use only)

2007 Section 59. Subsection (5) of section 393.064, Florida  
2008 Statutes, is repealed:

2009 393.064 Prevention.--

2010 ~~(5) The Department of Children and Family Services shall~~  
2011 ~~have the authority, within available resources, to contract for~~  
2012 ~~the supervision and management of the Raymond C. Philips~~  
2013 ~~Research and Education Unit, and such contract shall include~~  
2014 ~~specific program objectives.~~

2015 Section 60. Subsection (7) of section 445.033, Florida  
2016 Statutes, is repealed:

2017 445.033 Evaluation.--The board of directors of Workforce  
2018 Florida, Inc., and the Department of Children and Family  
2019 Services shall arrange for evaluation of TANF-funded programs  
2020 operated under this chapter, as follows:

2021 ~~(7) Evaluations described in this section are exempt from~~  
2022 ~~the provisions of s. 381.85.~~

2023 Section 61. Sections 381.85, 385.205, and 385.209, Florida  
2024 Statutes, are repealed.

2025 Section 62. Except as otherwise provided herein, this act  
2026 shall take effect upon becoming a law.

2027  
2028 ===== T I T L E A M E N D M E N T =====

2029 Remove the entire title and insert:

2030 A bill to be entitled  
2031 An act relating to public health; amending s. 17.41, F.S.;  
2032 authorizing the Department of Financial Services to  
2033 disburse funds into the Biomedical Research Trust Fund in  
2034 the Department of Health; amending s. 20.43, F.S.;

Amendment No. (for drafter's use only)

2035 | establishing the Officer of Women's Health Strategy in the  
2036 | Department of Health; revising the names of certain  
2037 | divisions of the Department of Health; creating the  
2038 | Division of Disability Determinations; creating the Office  
2039 | of Minority Health; amending and renumbering s. 216.341,  
2040 | F.S.; providing an exemption from legislative funding for  
2041 | certain authorized Department of Health positions;  
2042 | amending s. 381.0011, F.S.; deleting a requirement that  
2043 | the Department of Health work with other departments to  
2044 | develop and implement a statewide injury control program;  
2045 | requiring the department to maintain a statewide injury  
2046 | prevention program; creating s. 381.0033, F.S.; requiring  
2047 | hospitals to implement a program to offer immunizations  
2048 | against the influenza virus and pneumococcal bacteria;  
2049 | amending s. 381.006, F.S.; authorizing each county to  
2050 | expend funds to conduct elevated blood lead level  
2051 | investigations; amending s. 381.0065, F.S.; revising a  
2052 | definition; deleting a requirement that the Department of  
2053 | Health make a certain report to the Legislature;  
2054 | specifying a certain annual flood line; authorizing the  
2055 | department to require the submission of certain onsite  
2056 | sewage treatment and disposal system construction plans;  
2057 | requiring the department to establish rules for submission  
2058 | of such plans; amending s. 381.0066, F.S.; extending the  
2059 | period in which a certain fee is collected; amending s.  
2060 | 381.0066, F.S.; authorizing the continuation of permit  
2061 | fees for system construction permits for onsite sewage  
2062 | treatment and disposal systems; amending s. 381.0072,

432837

Amendment No. (for drafter's use only)

2063 F.S.; providing limitations on a certain exemption from  
2064 food service protection requirements; removing a license  
2065 exemption; creating s. 381.04015, F.S.; providing  
2066 legislative intent; providing the duties of the Officer of  
2067 Women's Health Strategy; requiring an annual report to the  
2068 Governor and Legislature with policy recommendations for  
2069 implementing the Women's Health Strategy; requiring  
2070 consideration of women's health issues and gender in state  
2071 policy, planning, and budgeting; providing for  
2072 responsibility and coordination; creating s. 381.86, F.S.;  
2073 creating the Department of Health Institutional Review  
2074 Board; authorizing the secretary of the department to  
2075 appoint members and a chair; authorizing the board to  
2076 serve as the institutional review board for other agencies  
2077 at the department secretary's discretion; providing for  
2078 per diem and travel expenses for members of the board;  
2079 requiring the department to charge for review costs  
2080 incurred; providing an exception; authorizing rulemaking;  
2081 amending s. 381.7353, F.S.; providing an additional  
2082 program for department coordination; amending s. 381.7355,  
2083 F.S.; providing an additional priority area; amending s.  
2084 381.89, F.S.; providing for late payment fees for tanning  
2085 facility licenses; deleting the minimum license fee;  
2086 authorizing a maximum total fee for each facility to be  
2087 set by rule; revising the annual renewal fees to be  
2088 prorated quarterly; amending s. 381.90, F.S.; revising the  
2089 membership of the Health Information Systems Council;  
2090 revising the date by which the council must develop and

432837

Amendment No. (for drafter's use only)

2091 approve its strategic plan; deleting a requirement to  
2092 provide copies of such plan to the Governor and  
2093 Legislature; amending s. 383.14, F.S.; revising references  
2094 to infants; providing for release of certain screening  
2095 results; revising the age by which a newborn shall have  
2096 certain tests; requiring the department to adopt certain  
2097 additional rules; providing additional members on the  
2098 Genetics and Newborn Screening Advisory Council; amending  
2099 s. 383.402, F.S.; requiring child abuse or neglect to be  
2100 verified before inclusion in a certain assessment;  
2101 amending s. 391.021, F.S.; revising a definition; amending  
2102 s. 391.025, F.S.; limiting the applicability and scope of  
2103 Children's Medical Services program components; amending  
2104 s. 391.029, F.S.; limiting certain services for  
2105 availability of funds under such program; providing an  
2106 additional eligibility requirement; amending s. 391.035,  
2107 F.S.; allowing the program to contract with providers  
2108 licensed in other states; amending s. 391.055, F.S.;  
2109 requiring newborn screening results to be reported to the  
2110 department if abnormal; amending ss. 391.301 and 391.305,  
2111 F.S., deleting provisions for screening hearing impaired  
2112 infants; amending s. 391.302, F.S.; deleting definitions  
2113 relating to hearing-impaired infants; amending s. 391.303,  
2114 F.S.; removing risk of hearing impairment as a condition  
2115 that requires referrals to an intervention program;  
2116 creating s. 391.308, F.S.; providing that the Department  
2117 of Health may implement and administer certain federal  
2118 programs as part of the Infants and Toddlers Early

432837

Amendment No. (for drafter's use only)

2119 Intervention program; requiring the department to apply  
2120 for federal funding for the program in conjunction with  
2121 the Department of Education; amending s. 395.1027, F.S.;  
2122 requiring licensed facilities to release to a regional  
2123 poison control center certain patient information upon  
2124 request; amending s. 395.404, F.S.; requiring trauma  
2125 centers to report to a central registry; requiring the  
2126 reporting of certain information to the department's brain  
2127 and spinal cord injury central registry; amending s.  
2128 400.9905, F.S.; revising and providing definitions;  
2129 amending s. 400.991, F.S.; revising health care clinic  
2130 licensing requirements; requiring separate licenses for  
2131 each mobile clinic; providing licensing requirements for  
2132 portable equipment providers; amending s. 400.9935, F.S.;  
2133 providing that a chief financial officer may assume  
2134 responsibility for clinic billings under certain  
2135 circumstances; providing that an exemption is not  
2136 transferable; authorizing a fee for a certificate of  
2137 exemption; allowing the agency to deny or revoke a  
2138 license; amending s. 400.995, F.S.; allowing the agency to  
2139 deny the renewal of a license or to revoke or suspend a  
2140 license; prohibiting extension of a temporary license  
2141 under certain circumstances; requiring the Agency for  
2142 Health Care Administration to refund certain application  
2143 fees; providing exceptions for certain late filed  
2144 applications and providing for contingent effect; amending  
2145 s. 401.211, F.S.; specifying legislative intent with  
2146 respect to a comprehensive statewide injury prevention

432837

Amendment No. (for drafter's use only)

2147 program; creating s. 401.243, F.S.; requiring the  
2148 department to establish an injury prevention program;  
2149 specifying the duties of the program; allowing the  
2150 department to obtain and expend funds from grants,  
2151 donations, or contributions; authorizing rulemaking;  
2152 amending s. 404.056, F.S.; changing mandatory radon  
2153 testing criteria; amending s. 468.302, F.S.; specifying  
2154 the use of medical radiation; specifying persons that may  
2155 use a nuclear medicine-computed tomography device;  
2156 specifying the authority of a nuclear medicine  
2157 technologist; amending s. 468.304, F.S.; providing  
2158 additional certification requirements; amending s.  
2159 468.306, F.S.; authorizing the department to require  
2160 additional education of certain applicants; amending s.  
2161 468.3065, F.S.; specifying that the fee for certification  
2162 by endorsement is nonrefundable; amending s. 468.307,  
2163 F.S.; specifying the expiration date of a certificate;  
2164 amending s. 468.309, F.S.; requiring notification of  
2165 mailing address and place of practice; revising continuing  
2166 education provider, course, and program approval  
2167 provisions; providing for expired status and prohibiting  
2168 practice under such status; specifying the process of  
2169 certificate resignation; amending s. 468.3095, F.S.;  
2170 providing the process to reactivate an expired or inactive  
2171 certificate; specifying a timeframe for the automatic  
2172 nullification of a certificate; specifying the expiration  
2173 date of a reactivated certificate; amending s. 468.3101,  
2174 F.S.; authorizing the department to investigate or compel

432837

Amendment No. (for drafter's use only)

2175 document production to determine compliance; revising and  
2176 providing grounds for disciplinary action; providing  
2177 disciplinary actions; providing for actions against  
2178 continuing education providers and courses; amending s.  
2179 489.553, F.S.; setting criteria to register as a master  
2180 septic tank contractor; amending s. 489.554, F.S.;  
2181 revising the registration renewal process; providing when  
2182 certificates of registration shall become inactive;  
2183 allowing a master septic tank contractor to revert to  
2184 registered status; requiring the department to deny  
2185 certain applications for renewal; amending s. 499.003,  
2186 F.S.; providing a definition; amending s. 499.01, F.S.;  
2187 requiring a person or establishment to obtain a permit in  
2188 order to operate as a veterinary prescription drug  
2189 wholesaler; amending s. 499.012, F.S.; requiring a person  
2190 to have a veterinary prescription drug wholesaler permit  
2191 to distribute veterinary prescription drugs in or into  
2192 this state; requiring a veterinary prescription drug  
2193 wholesaler who also distributes human prescription drugs  
2194 that it did not manufacture to obtain a prescription drug  
2195 wholesaler or out-of-state prescription drug wholesaler  
2196 permit in lieu of the veterinary prescription drug  
2197 wholesaler permit; amending s. 499.0121, F.S.; requiring  
2198 certain prescription wholesalers and repackagers to use  
2199 due diligence when purchasing prescription drugs from  
2200 certain distributors; amending s. 499.041, F.S.; requiring  
2201 an annual fee for a veterinary prescription drug  
2202 wholesaler's permit; amending s. 499.065, F.S.; requiring

432837



Amendment No. (for drafter's use only)

2203 the Department of Health to inspect veterinary  
2204 prescription drug wholesale establishments; authorizing  
2205 the department to close the establishment if it creates an  
2206 imminent danger to the public health; amending s. 784.081,  
2207 F.S.; providing additional officials covered under  
2208 penalties for assault and battery on specified officials;  
2209 providing an appropriation; repealing s. 381.0098(9),  
2210 F.S., relating to transition provisions involving  
2211 regulation of biomedical waste; repealing s.  
2212 385.103(2)(f), F.S., relating to authority to adopt rules  
2213 to govern the operation of community intervention  
2214 programs; repealing s. 393.064(5), F.S., relating to  
2215 authority to contract for supervision and management of  
2216 the Raymond C. Philips Research and Education Unit;  
2217 repealing s. 445.033(7), F.S., relating to an exemption  
2218 for evaluations of TANF-funded programs; repealing ss.  
2219 381.85, 385.205, and 385.209, F.S., relating to biomedical  
2220 and social research, care and assistance of persons  
2221 suffering from chronic renal diseases and establishment of  
2222 programs in kidney disease control, and dissemination of  
2223 information on cholesterol health risks, respectively;  
2224 providing an effective date.