

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Homan offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Effective July 1, 2004, section 110.175,

6 Florida Statutes, is created to read:

7 110.175 Employee health and wellness program.--

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

13 (2) Each state agency may dedicate resources to develop  
14 and coordinate an employee health and wellness program or  
15 arrange to cooperate with other agencies within such agency's

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16 geographic proximity for program coordination, including  
17 providers of state employee benefits.

18 (3) Each state agency electing to participate shall  
19 establish an employee health and wellness coordinator and  
20 advisory committee to guide the development of an operational  
21 plan, including the collection of data and development of goals  
22 and objectives, and to oversee program evaluation and use of any  
23 agency-allocated funds.

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

27 (5) Each state agency may establish policies that allow  
28 employees no more than 30 minutes of work time three times each  
29 week, as individual workload allows, to use for the purpose of  
30 engaging in health and wellness activities which may include  
31 physical activity, stress reduction, tobacco cessation, personal  
32 training, nutrition counseling, or weight reduction and control.  
33 Such 30-minute periods may be used to modify the start or end of  
34 the workday or to extend the lunch hour.

35 (6) Each state agency shall use an employee health and  
36 wellness activity agreement form, developed by the Department of  
37 Health, to be completed by the employee, signed by both the  
38 employee and the employee's immediate supervisor, and kept in  
39 the employee's personnel file prior to the employee's  
40 participation in any activity. It is the responsibility of the  
41 employee to complete the form and submit it to the personnel  
42 office. Any change to the employee's activities requires  
43 submission of a revised form. An employee found to be in

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44 violation of the submitted agreement form is not allowed further  
45 participation in the program.

46 (7) Each state agency may designate up to 1 hour each  
47 month for the purpose of providing inservice health and wellness  
48 training for its employees.

49 (8) Each state agency may use electronic mail and other  
50 communication systems to promote the agency's employee health  
51 and wellness activities.

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

53 (a) Enter into an agreement or contract with other public  
54 or private entities to collaborate or participate jointly in  
55 health or wellness education or activity programs.

56 (b) Implement health education activities that focus on  
57 skill development and lifestyle behavior change along with  
58 information dissemination and awareness building, preferably  
59 tailored to the employees' interests and needs.

60 (c) Review and offer recommendations to agency leadership  
61 on environmental and social support policies that pertain to  
62 improving the health of employees.

63 (d) Link the employee health and wellness program to other  
64 programs such as the employee assistance program and other  
65 related programs to help employees balance work and family.

66 (e) Offer free, low-cost, or employee-fee-based programs  
67 on site, including the designation of rooms for the express  
68 purpose of physical activity, nutrition, stress reduction, and  
69 weight control activities. Participating agencies with  
70 established employee health and wellness programs may purchase

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71 exercise equipment to be used in the room designated for this  
72 purpose.

73 (10) Each state agency that develops and implements an  
74 employee health and wellness program shall include and document  
75 an evaluation and improvement process in an annual report to  
76 help enhance the program's efficiency and effectiveness. The  
77 annual report shall be submitted to the Department of Health on  
78 July 1 of each year. Agencies shall use an annual report  
79 template provided by the Department of Health to ensure  
80 consistency in the presentation of data and other evaluation  
81 results.

82 (11) The Department of Health shall provide employee  
83 health and wellness model program guidelines and ongoing  
84 technical assistance to other state agencies to assist in the  
85 development of each agency's employee health and wellness  
86 program.

87 Section 2. Subsections (6) and (7) are added to section  
88 381.0012, Florida Statutes, to read:

89 381.0012 Enforcement authority.--

90 (6) When a violation of s. 386.01, s. 386.041, or  
91 environmental health rules adopted under this chapter occurs,  
92 and such violation is enforceable by administrative or civil  
93 remedy or is a second degree misdemeanor, the department may  
94 issue a citation that contains an order of correction, an order  
95 to pay a fine, or both. A citation issued under this subsection  
96 constitutes a notice of proposed agency action.

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97        (a) Citations must be in writing and must describe the  
98 particular nature of the violation, including specific reference  
99 to the provision of statute or rule allegedly violated.

100       (b) The fines imposed may not exceed \$500 for each  
101 violation. Each day constitutes a separate violation for which a  
102 citation may be issued.

103       (c) The citing official shall inform the recipient, by  
104 written notice pursuant to ss. 120.569 and 120.57, of the right  
105 to an administrative hearing. The citation must contain a  
106 conspicuous statement that failure to pay the fine within the  
107 allotted time, or failure to appear to contest the citation  
108 after having requested a hearing, constitutes a waiver of the  
109 right to contest the citation.

110       (d) The department may reduce or waive the fine imposed by  
111 the citation after giving due consideration to such factors as  
112 the gravity of the violation, the good faith of the person who  
113 has allegedly committed the violation, and the person's history  
114 of previous violations, including violations for which  
115 enforcement actions were taken under this section or other  
116 provisions of law.

117       (e) A citation must read, in the space immediately above  
118 the signature line: "Signing this citation is not an admission  
119 of guilt. A refusal to sign this citation is a misdemeanor. You  
120 must be given a copy of this citation." Any person who willfully  
121 refuses to sign and accept a citation issued by the department  
122 commits a misdemeanor of the second degree, punishable as  
123 provided in s. 775.082 or s. 775.083.

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124 (f) The department shall deposit all fines collected under  
125 the authority of this subsection in the County Health Department  
126 Trust Fund for use in the environmental health program under  
127 which the fine was issued and shall use such fines to improve  
128 the respective programs or to provide training to the regulated  
129 industry and department staff working in such programs.

130 (g) The provisions of this subsection are an alternative  
131 means of enforcing environmental health requirements which does  
132 not prohibit the department from using other means of  
133 enforcement. However, the department shall use only one method  
134 of enforcement for a single violation.

135 (7) The department may use positive means of enforcement  
136 to ensure compliance with environmental health requirements  
137 specified in this chapter, ss. 386.01 and 386.041, or  
138 environmental health rules adopted under the authority of this  
139 chapter. Such means of enforcement may include requiring  
140 attendance at training courses applicable to the violations  
141 committed and requiring the use of best management practices  
142 currently used or recognized by the appropriate regulated  
143 industry or governmental agency.

144 Section 3. Section 381.0033, Florida Statutes, is created  
145 to read:

146 381.0033 Influenza virus and pneumococcal bacteria  
147 vaccinations.--Hospitals licensed pursuant to chapter 395 shall  
148 implement a program, in accordance with the recommendations of  
149 the Advisory Committee on Immunization Practices of the United  
150 States Public Health Service, to offer immunizations against the  
151 influenza virus and pneumococcal bacteria to all patients 65

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152 years of age or older between October 1, or earlier if the  
153 vaccination is available, and February 1 of each year, subject  
154 to the availability of an adequate supply of the necessary  
155 vaccine and the clinical judgment of a responsible practitioner.

156 Section 4. Paragraph (d) of subsection (3) of section  
157 381.004, Florida Statutes, is amended to read:

158 381.004 HIV testing.--

159 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED  
160 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

161 (d) No test result shall be determined as positive, and no  
162 positive test result shall be revealed to any person, without  
163 corroborating or confirmatory tests being conducted except in  
164 the following situations:

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

169 2. Preliminary test results may be released to health care  
170 providers and to the person tested when decisions about medical  
171 care or treatment of, or recommendation to, the person tested  
172 and, in the case of an intrapartum or postpartum woman, when  
173 care, treatment, or recommendations regarding her newborn,  
174 cannot await the results of confirmatory testing. Positive  
175 preliminary HIV test results shall not be characterized to the  
176 patient as a diagnosis of HIV infection. Justification for the  
177 use of preliminary test results must be documented in the  
178 medical record by the health care provider who ordered the test.  
179 ~~This subparagraph does not authorize the release of preliminary~~

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180 ~~test results for the purpose of routine identification of HIV-~~  
181 ~~infected individuals or when HIV testing is incidental to the~~  
182 ~~preliminary diagnosis or care of a patient.~~ Corroborating or  
183 confirmatory testing must be conducted as followup to a positive  
184 preliminary test. Results shall be communicated to the patient  
185 according to statute regardless of the outcome. Except as  
186 provided in this section, test results are confidential and  
187 exempt from the provisions of s. 119.07(1).

188 3. Positive rapid test results are considered preliminary  
189 and may be released in accordance with the manufacturer's  
190 instructions as approved by the United States Food and Drug  
191 Administration. Positive rapid test results require confirmatory  
192 testing for diagnosis and reporting of HIV infection.

193 Section 5. Paragraph (a) of subsection (3) of section  
194 381.0065, Florida Statutes, is amended, and paragraph (c) is  
195 added to subsection (5) of said section, to read:

196 381.0065 Onsite sewage treatment and disposal systems;  
197 regulation.--

198 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.--The  
199 department shall:

200 (a) Adopt rules to administer ss. 381.0065-381.0067,  
201 including definitions that are consistent with the definitions  
202 in this section, decreases to setback requirements where no  
203 health hazard exists, increases for the lot-flow allowance for  
204 performance-based systems, requirements for separation from  
205 water table elevation during the wettest season, requirements  
206 for the design and construction of any component part of an  
207 onsite sewage treatment and disposal system, application and

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208 permit requirements for persons who maintain an onsite sewage  
209 treatment and disposal system, requirements for maintenance and  
210 service agreements for aerobic treatment units and performance-  
211 based treatment systems, ~~and~~ recommended standards, including  
212 disclosure requirements, for voluntary system inspections to be  
213 performed by individuals who are authorized by law to perform  
214 such inspections and who shall inform a person having ownership,  
215 control, or use of an onsite sewage treatment and disposal  
216 system of the inspection standards and of that person's  
217 authority to request an inspection based on all or part of the  
218 standards, and requirements for implementation of the United  
219 States Environmental Protection Agency's voluntary national  
220 guidelines for management of onsite and clustered or  
221 decentralized wastewater treatment systems.

222 (5) ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.--

223 (c) Department personnel may enter the premises of others  
224 when necessary to conduct site evaluations and inspections  
225 relating to the permitting of onsite sewage treatment and  
226 disposal systems. Such entry does not constitute trespass, and  
227 department personnel making such entry are not subject to arrest  
228 or to a civil action by reason of such entry. This paragraph  
229 does not authorize a department employee to destroy, injure,  
230 damage, or move anything on premises of another without the  
231 written permission of the landowner.

232 Section 6. Subsections (1), (2), (3), and (6) and  
233 paragraph (a) of subsection (5) of section 381.0101, Florida  
234 Statutes, are amended to read:

235 381.0101 Environmental health professionals.--

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236 (1) LEGISLATIVE INTENT.--Persons responsible for providing  
237 technical and scientific evaluations of environmental health and  
238 sanitary conditions in business establishments and communities  
239 throughout the state may create a danger to the public health if  
240 they are not skilled or competent to perform such evaluations.  
241 The public relies on the judgment of environmental health  
242 professionals employed by both government agencies and private  
243 industries to assure them that environmental hazards are  
244 identified and removed before they endanger the health or safety  
245 of the public. The purpose of this section is to assure the  
246 public that persons specifically responsible for performing  
247 environmental health and sanitary evaluations have been  
248 certified by examination as competent to perform such work.

249 (2) DEFINITIONS.--As used in this section:

250 (a) "Accredited" means recognized by the American Council  
251 on Education as meeting acceptable levels of quality and  
252 performance.

253 (b)(a) "Board" means the Environmental Health  
254 Professionals Advisory Board.

255 (c)(b) "Department" means the Department of Health.

256 (d)(e) "Environmental health" means that segment of public  
257 health work which deals with the examination of those factors in  
258 the human environment which may impact adversely on the health  
259 status of an individual or the public.

260 (e)(d) "Environmental health professional" means a person  
261 who is employed or assigned the responsibility for assessing the  
262 environmental health or sanitary conditions, as defined by the  
263 department, within a building, on an individual's property, or

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264 within the community at large, and who has the knowledge,  
265 skills, and abilities to carry out these tasks. Environmental  
266 health professionals may be either field, supervisory, or  
267 administrative staff members.

268 ~~(f)~~(e) "Certified" means a person who has displayed  
269 competency to perform evaluations of environmental or sanitary  
270 conditions through examination.

271 ~~(g)~~(f) "Registered sanitarian," "R.S.," "Registered  
272 Environmental Health Specialist," or "R.E.H.S." means a person  
273 who has been certified by either the National Environmental  
274 Health Association or the Florida Environmental Health  
275 Association as knowledgeable in the environmental health  
276 profession.

277 ~~(h)~~(g) "Primary environmental health program" means those  
278 programs determined by the department to be essential for  
279 providing basic environmental and sanitary protection to the  
280 public. These programs shall be established by rule and, at a  
281 minimum, ~~these programs~~ shall include food protection program  
282 work and onsite sewage treatment and disposal ~~systems program~~  
283 work ~~system evaluations.~~

284 (3) CERTIFICATION REQUIRED.--No person shall perform  
285 environmental health or sanitary evaluations in any primary  
286 program area of environmental health without being certified by  
287 the department as competent to perform such evaluations. The  
288 requirements of this section shall not be mandatory for persons  
289 performing inspections of public or retail food service  
290 establishments licensed under chapter 500 or chapter 509.

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291 (5) STANDARDS FOR CERTIFICATION.--The department shall  
292 adopt rules that establish definitions of terms and minimum  
293 standards of education, training, or experience for those  
294 persons subject to this section. The rules must also address the  
295 process for application, examination, issuance, expiration, and  
296 renewal of certification and ethical standards of practice for  
297 the profession.

298 (a) Persons employed as environmental health professionals  
299 shall exhibit a knowledge of rules and principles of  
300 environmental and public health law in Florida through  
301 examination. A person may not conduct environmental health  
302 evaluations in a primary program area unless he or she is  
303 currently certified in that program area or works under the  
304 direct supervision, during his or her initial probationary  
305 period for that position, of a certified environmental health  
306 professional.

307 1. All persons who begin employment in a primary  
308 environmental health program on or after September 21, 1994,  
309 must be certified in that program within the initial  
310 probationary period for that position ~~6 months after employment.~~

311 2. Persons employed in the primary environmental health  
312 programs ~~program~~ of a food protection ~~program~~ or an onsite  
313 sewage treatment and disposal systems ~~system~~ prior to September  
314 21, 1994, shall be considered certified while employed in that  
315 position and shall be required to adhere to any professional  
316 standards established by the department pursuant to paragraph  
317 (b), complete any continuing education requirements imposed

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318 under paragraph (d), and pay the certificate renewal fee imposed  
319 under subsection (7).

320 3. Persons employed in the primary environmental health  
321 ~~programs program~~ of a food protection ~~program~~ or an onsite  
322 sewage treatment and disposal systems ~~system~~ prior to September  
323 21, 1994, who change positions or program areas and transfer  
324 into another primary environmental health program area on or  
325 after September 21, 1994, must be certified by examination in  
326 that program within 6 months after such transfer, except that  
327 they will not be required to possess the college degree required  
328 under paragraph (e).

329 4. Registered sanitarians shall be considered certified  
330 and shall be required to adhere to any professional standards  
331 established by the department pursuant to paragraph (b).

332 (6) EXEMPTIONS.--A person who conducts primary  
333 environmental evaluation activities and maintains a current  
334 registration or certification from another state agency which  
335 examined the person's knowledge of the primary program area and  
336 requires comparable continuing education to maintain the  
337 certificate shall not be required to be certified by this  
338 section. ~~Examples of persons not subject to certification are~~  
339 ~~physicians, registered dietitians, certified laboratory~~  
340 ~~personnel, and nurses.~~

341 Section 7. Effective July 1, 2004, section 384.25, Florida  
342 Statutes, is amended to read:

343 384.25 Reporting required.--

344 (1) Each person who makes a diagnosis of or treats a  
345 person with a sexually transmissible disease, including, but not

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346 limited to, HIV and AIDS, and each laboratory that performs a  
347 test for a sexually transmissible disease, including, but not  
348 limited to, HIV, which concludes with a positive result shall  
349 report such facts as may be required by the department by rule,  
350 within a time period as specified by rule of the department, but  
351 in no case to exceed 2 weeks.

352 ~~(a)(2)~~ The department shall adopt rules specifying the  
353 information required in and a maximum ~~minimum~~ time period for  
354 reporting a sexually transmissible disease, including, but not  
355 limited to, HIV and AIDS. In adopting such rules, the department  
356 shall consider the need for information, protections for the  
357 privacy and confidentiality of the patient, and the practical  
358 ability of persons and laboratories to report in a reasonable  
359 fashion. To ensure the confidentiality of persons infected with  
360 HIV ~~the human immunodeficiency virus (HIV),~~ reporting of HIV  
361 ~~infection~~ and AIDS ~~acquired immune deficiency syndrome (AIDS)~~  
362 must be conducted using a system ~~the HIV/AIDS Reporting System~~  
363 ~~(HARS)~~ developed by the Centers for Disease Control and  
364 Prevention of the United States Public Health Service or an  
365 equivalent system.

366 ~~(3) The department shall require reporting of physician~~  
367 ~~diagnosed cases of AIDS based upon diagnostic criteria from the~~  
368 ~~Centers for Disease Control and Prevention.~~

369 ~~(b)(4) The department may require physician and laboratory~~  
370 ~~reporting of HIV infection. However, only reports of HIV~~  
371 ~~infection identified on or after the effective date of the rule~~  
372 ~~developed by the department pursuant to this subsection shall be~~  
373 ~~accepted. The Reporting may not affect or relate to anonymous~~

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374 HIV testing programs conducted pursuant to s. 381.004(4) ~~or to~~  
375 ~~university-based medical research protocols as determined by the~~  
376 ~~department.~~

377 (2)~~(5)~~ After notification of the test subject ~~under~~  
378 ~~subsection (4)~~, the department may, with the consent of the test  
379 subject, notify school superintendents of students and school  
380 personnel whose HIV tests are positive.

381 (3) The department shall adopt rules requiring each  
382 physician and laboratory to report any newborn or infant up to  
383 18 months of age who has been exposed to HIV. The rules may  
384 include the method and time period for reporting, information to  
385 be included in the report, requirements for enforcement, and  
386 followup activities by the department.

387 (4)~~(6)~~ The department shall by February 1 of each year  
388 submit to the Legislature an annual report relating to all  
389 information obtained pursuant to this section.

390 (5)~~(7)~~ Each person who violates the provisions of this  
391 section or the rules adopted hereunder may be fined by the  
392 department up to \$500 for each offense. The department shall  
393 report each violation of this section to the regulatory agency  
394 responsible for licensing each health care professional and each  
395 laboratory to which these provisions apply.

396 Section 8. Effective July 1, 2004, section 384.31, Florida  
397 Statutes, is amended to read:

398 384.31 ~~Serological~~ Testing of pregnant women; duty of the  
399 attendant.--

400 ~~(1)~~ Every person, including every physician licensed under  
401 chapter 458 or chapter 459 or midwife licensed under part I of

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402 chapter 464 or chapter 467, attending a pregnant woman for  
403 conditions relating to pregnancy during the period of gestation  
404 and delivery shall ~~take or~~ cause the woman to be tested for  
405 sexually transmissible diseases, including, but not limited to,  
406 HIV, as required by rule of the department, notwithstanding s.  
407 381.004(3)(a), ~~taken a sample of venous blood~~ at a time or times  
408 specified by the department. The tests ~~Each sample of blood~~  
409 shall be performed ~~tested~~ by a laboratory approved for such  
410 purposes under part I of chapter 483 ~~for sexually transmissible~~  
411 ~~diseases as required by rule of the department.~~ Pregnant women  
412 shall be notified of the tests that will be conducted and of  
413 their right to refuse testing. If a woman objects to testing, a  
414 written statement of objection, signed by the patient, shall be  
415 placed in the patient's medical record and no testing shall  
416 occur. If the patient refuses to sign the statement of  
417 objection, the refusal shall be noted on the form by a licensed  
418 health care professional who shall print his or her name by the  
419 notation and who shall sign the notation.

420 ~~(2) At the time the venous blood sample is taken, testing~~  
421 ~~for human immunodeficiency virus (HIV) infection shall be~~  
422 ~~offered to each pregnant woman. The prevailing professional~~  
423 ~~standard of care in this state requires each health care~~  
424 ~~provider and midwife who attends a pregnant woman to counsel the~~  
425 ~~woman to be tested for human immunodeficiency virus (HIV).~~  
426 ~~Counseling shall include a discussion of the availability of~~  
427 ~~treatment if the pregnant woman tests HIV positive. If a~~  
428 ~~pregnant woman objects to HIV testing, reasonable steps shall be~~  
429 ~~taken to obtain a written statement of such objection, signed by~~

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430 ~~the patient, which shall be placed in the patient's medical~~  
431 ~~record. Every person, including every physician licensed under~~  
432 ~~chapter 458 or chapter 459 or midwife licensed under part I of~~  
433 ~~chapter 464 or chapter 467, who attends a pregnant woman who has~~  
434 ~~been offered and objects to HIV testing shall be immune from~~  
435 ~~liability arising out of or related to the contracting of HIV~~  
436 ~~infection or acquired immune deficiency syndrome (AIDS) by the~~  
437 ~~child from the mother.~~

438 Section 9. Section 385.104, Florida Statutes, is created  
439 to read:

440 385.104 Health Promotion and Health Education Statewide  
441 Initiative.--

442 (1) The Department of Health shall establish the Health  
443 Promotion and Health Education Statewide Initiative to provide a  
444 comprehensive and community-based health promotion and education  
445 program. The program is designed to provide funding to counties  
446 in this state to improve individual and community health, aimed  
447 specifically at preventing and reducing the impact of chronic  
448 diseases and promoting healthy lifestyles.

449 (2) The program's targeted diseases include, but are not  
450 limited to, diabetes, heart disease, stroke, asthma, and cancer,  
451 with a focus on the preventable risk factors of tobacco use,  
452 physical inactivity, and poor nutrition.

453 (3) The implementation of these activities shall be  
454 coordinated with and linked to existing state plans and national  
455 priorities, focusing on evidence-based programs and population-  
456 based efforts that specifically address social and environmental  
457 policy strategies.

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458       (4) Subject to the availability of funds, the Department  
459 of Health may award funding to county health departments for  
460 purposes of improving individual and community health by  
461 expanding and improving the health infrastructure through  
462 environmental and policy changes aimed specifically at  
463 preventing and reducing the impact of chronic diseases and  
464 promoting healthy lifestyles.

465       (5) To be eligible to receive funding under this section,  
466 a county health department shall submit an application to the  
467 secretary of the Department of Health containing information as  
468 required, including:

469       (a) A description of the proposed activities and how they  
470 promote tobacco cessation, healthy eating, or physical fitness  
471 and address the health and social consequences to residents of  
472 this state that have chronic diseases.

473       (b) Information describing how health promotion and  
474 education activities are to be coordinated at the local level  
475 with other health activities conducted by other education,  
476 health, and agricultural agencies.

477       (c) Information describing how local health promotion and  
478 education activities reflect state and national objectives for  
479 health.

480       (d) A description of the collaborative process that the  
481 county health department employed in the development of the  
482 health promotion and education program, including consultations  
483 with individuals and organizations with expertise in promoting  
484 public health, nutrition, or physical activity.

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485 (e) A description of how the county health department will  
486 evaluate the effectiveness of its program.

487 (6) Subject to the availability of funds, a county health  
488 department receiving funds under this section shall, pending  
489 successful implementation or evaluation as determined by  
490 department headquarters staff, conduct the project for at least  
491 a period of 3 consecutive years.

492 (7) A county health department that receives funds under  
493 this section may use the funds to carry out one or more of the  
494 following activities:

495 (a) Collect, analyze, and disseminate data related to  
496 diabetes, heart disease, stroke, asthma, and cancer, with a  
497 focus on the preventable risk factors of tobacco use, physical  
498 inactivity, and poor nutrition.

499 (b) Develop and implement activities to create a  
500 comprehensive, coordinated nutrition and physical fitness  
501 awareness and chronic disease prevention program.

502 (c) Develop and implement programs in schools and  
503 worksites to increase physical fitness and to enhance the  
504 nutritional status of residents of this state.

505 (d) Develop and implement policy and environmental changes  
506 related to the cessation of tobacco, healthful nutrition, and  
507 physical education.

508 (e) Collaborate with community-based organizations,  
509 volunteer organizations, state medical associations, and public  
510 health groups to develop and implement health education and  
511 promotion activities.

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512 (f) Collaborate with public and private organizations that  
513 have a mission to increase public awareness of the importance of  
514 a balanced diet and an active lifestyle.

515 Section 10. Section 458.3215, Florida Statutes, is created  
516 to read:

517 458.3215 Reactivation of license for clinical research  
518 purposes.--

519 (1) Any person who left the practice of medicine for  
520 purposes of retirement and who, at the time of retirement, was  
521 in good standing with the board may apply to have his or her  
522 license reactivated, without examination, for purposes of seeing  
523 patients solely in a clinical research setting. Such person must  
524 not have been out of the practice of medicine for more than 10  
525 years at the time of application under this section.

526 (2) The board shall by rule set the reactivation fee, not  
527 to exceed \$300, and develop criteria for reactivation of a  
528 license under this section, including appropriate continuing  
529 education requirements, not to exceed those prescribed in s.  
530 458.321 for reactivation of a license.

531 Section 11. Section 945.601, Florida Statutes, is amended  
532 to read:

533 945.601 Correctional Medical Authority; ss. 945.601-  
534 945.6038; ~~945.601-945.6035~~, definitions.--As used in this act:

535 (1) "Authority" means the State of Florida Correctional  
536 Medical Authority created in this act.

537 (2) "Health care provider" means:

538 (a) A regional research hospital or research center which  
539 is authorized by law to provide hospital services in accordance

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540 with chapter 395, which has a contractual or operating  
541 arrangement with a regional school of medicine, and which is  
542 located at that regional school of medicine;

543 (b) Any entity which has agreed to provide hospital  
544 services to inmates in the Department of Corrections; or

545 (c) Any entity licensed to provide hospital services in  
546 accordance with chapter 395.

547 (3) "Project" means any structure, facility, machinery,  
548 equipment, or other property suitable for use by a health  
549 facility in connection with its operations or proposed  
550 operations, including, without limitation, real property  
551 therefor; a clinic, computer facility, dining hall, firefighting  
552 facility, fire prevention facility, long-term care facility,  
553 hospital, interns' residence, laboratory, laundry, maintenance  
554 facility, nurses' residence, office, parking area, pharmacy,  
555 recreational facility, research facility, storage facility,  
556 utility, or X-ray facility, or any combination of the foregoing;  
557 and other structure or facility related thereto or required or  
558 useful for health care purposes, the conducting of research, or  
559 the operation of a health facility, including a facility or  
560 structure essential or convenient for the orderly conduct of the  
561 health facility and other similar items necessary or convenient  
562 for the operation of a particular facility or structure in the  
563 manner for which its use is intended. "Project" does not include  
564 such items as fuel, supplies, or other items which are  
565 customarily deemed to result in a current operating charge.

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566 (4) "Quality management program" means to monitor and  
567 evaluate inmate health care and includes the following  
568 objectives:

569 (a) Assuring that all inmates receive appropriate and  
570 timely services in a safe environment.

571 (b) Assuring systematic monitoring of the treatment  
572 environment.

573 (c) Assisting in the reduction of professional and general  
574 liability risks.

575 (d) Enhancing efficient utilization of resources.

576 (e) Assisting in credential review and privilege  
577 delineation.

578 (f) Enhancing the identification of continuing educational  
579 needs.

580 (g) Facilitating the identification of strengths,  
581 weaknesses, and opportunities for improvement.

582 (h) Facilitating the coordination and integration of  
583 information systems.

584 (i) Assuring the resolution of identified problems.

585 (5) "Real property" includes all lands, including  
586 buildings, structures, improvements, and fixtures thereon; any  
587 property of any nature appurtenant thereto or used in connection  
588 therewith; and every estate, interest, and right, legal or  
589 equitable, therein, including any such interest for a term of  
590 years.

591 Section 12. Section 945.6038, Florida Statutes, is created  
592 to read:

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593       945.6038 Additional services.--The authority is authorized  
594 to enter into an agreement or may contract with the Department  
595 of Children and Family Services, subject to the availability of  
596 funding, to conduct surveys of medical services and to provide  
597 medical quality assurance and improvement assistance at secure  
598 confinement and treatment facilities for persons confined under  
599 part V of chapter 394. The authority may enter into similar  
600 agreements with other state agencies, subject to the  
601 availability of funds. The authority may not enter into any such  
602 agreement if doing so would impair the authority's ability to  
603 fulfill its obligations with regard to the Department of  
604 Corrections as set forth in this chapter.

605       Section 13. Except as otherwise provided herein, this act  
606 shall take effect upon becoming a law.

607

608

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

610       Remove the entire title and insert:

611                       A bill to be entitled

612       An act relating to public health care; creating s.  
613       110.175, F.S.; creating an employee health and wellness  
614       program; providing requirements; authorizing state  
615       agencies to undertake certain activities relating to  
616       agency resources for program purposes; requiring each  
617       participating agency to make an annual report; providing  
618       duties of the department; amending s. 381.0012, F.S.;  
619       expanding the environmental health enforcement authority  
620       of the Department of Health; authorizing the department to

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621 issue citations or order payment of fines; providing  
622 requirements and limitations; providing a criminal  
623 penalty; providing for deposit and use of fines; creating  
624 s. 381.0033, F.S.; requiring hospitals to implement a  
625 program to offer immunizations against the influenza virus  
626 and pneumococcal bacteria to certain patients; amending s.  
627 381.004, F.S.; providing additional criteria for release  
628 of HIV preliminary test results; amending s. 381.0065,  
629 F.S.; modifying standards for rulemaking applicable to  
630 regulation of onsite sewage treatment and disposal  
631 systems; providing for an extended right of entry;  
632 amending s. 381.0101, F.S.; revising definitions; revising  
633 environmental health professional certification  
634 requirements; clarifying exemptions; amending s. 384.25,  
635 F.S.; revising reporting requirements for sexually  
636 transmissible diseases; authorizing the department to  
637 adopt rules; amending s. 384.31, F.S.; revising sexually  
638 transmissible disease testing requirements for pregnant  
639 women; providing notice requirements; creating s. 385.104,  
640 F.S.; establishing the Health Promotion and Health  
641 Education Statewide Initiative for certain purposes;  
642 providing requirements; authorizing the department to  
643 award funding to county health departments for certain  
644 purposes; providing funding requirements; providing  
645 participation requirements for county health departments;  
646 creating s. 458.3215, F.S.; providing for reactivation of  
647 licenses of certain physicians for certain limited  
648 purposes; providing for a reactivation fee; amending s.

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HOUSE AMENDMENT

Bill No. CS/CS/SB 2216

Amendment No. (for drafter's use only)

649 945.601, F.S.; revising a cross reference, to conform;  
650 creating s. 945.6038, F.S.; authorizing the State of  
651 Florida Correctional Medical Authority to enter into  
652 agreements with other state agencies to provide additional  
653 medical services; providing a limitation; providing  
654 effective dates.

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