

By the Committee on Health, Aging, and Long-Term Care; and
Senator Jones

317-2293-04

1 A bill to be entitled
2 An act relating to public health care; amending
3 s. 381.0012, F.S.; expanding the environmental
4 health enforcement authority of the Department
5 of Health; authorizing the department to issue
6 citations or order payment of fines; providing
7 requirements and limitations; providing a
8 criminal penalty; providing for deposit and use
9 of fines; amending s. 381.004, F.S.; providing
10 additional criteria for release of HIV
11 preliminary test results; amending s. 381.0065,
12 F.S.; modifying standards for rulemaking
13 applicable to regulation of onsite sewage
14 treatment and disposal systems; revising
15 research award qualifications; providing for an
16 extended right of entry; amending s. 381.0101,
17 F.S.; revising definitions; revising
18 environmental health professional certification
19 requirements; clarifying exemptions; creating
20 s. 381.104, F.S.; creating an employee health
21 and wellness program; providing requirements;
22 authorizing state agencies to undertake certain
23 activities relating to agency resources for
24 program purposes; requiring each participating
25 agency to make an annual report; providing
26 duties of the department; amending s. 384.25,
27 F.S.; revising reporting requirements for
28 sexually transmissible diseases; authorizing
29 the department to adopt rules; amending s.
30 384.31, F.S.; revising sexually transmissible
31 disease testing requirements for pregnant

1 women; providing notice requirements; creating
2 s. 385.104, F.S.; establishing the Health
3 Promotion and Health Education Statewide
4 Initiative for certain purposes; providing
5 requirements; authorizing the department to
6 award funding to county health departments for
7 certain purposes; providing funding
8 requirements; providing participation
9 requirements for county health departments;
10 amending s. 945.601, F.S.; revising a
11 cross-reference, to conform; creating s.
12 945.6038, F.S.; authorizing the State of
13 Florida Correctional Medical Authority to enter
14 into agreements with other state agencies to
15 provide additional medical services; providing
16 a limitation; providing an effective date.

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

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20 Section 1. Subsections (6) and (7) are added to
21 section 381.0012, Florida Statutes, to read:

22

381.0012 Enforcement authority.--

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24 (6) When a violation of s. 386.01, s. 386.041, or
25 environmental health rules adopted under this chapter occurs,
26 and such violation is enforceable by administrative or civil
27 remedy or is a second-degree misdemeanor, the department may
28 issue a citation that contains an order of correction, an
29 order to pay a fine, or both. A citation issued under this
30 subsection constitutes a notice of proposed agency action.

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(a) Citations must be in writing and must describe the
particular nature of the violation, including specific

1 reference to the provision of statute or rule allegedly
2 violated.

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

6 (c) The citing official shall inform the recipient, by
7 written notice pursuant to ss. 120.569 and 120.57, of the
8 right to an administrative hearing. The citation must contain
9 a conspicuous statement that failure to pay the fine within
10 the allotted time, or failure to appear to contest the
11 citation after having requested a hearing, constitutes a
12 waiver of the right to contest the citation.

13 (d) The department may reduce or waive the fine
14 imposed by the citation after giving due consideration to such
15 factors as the gravity of the violation, the good faith of the
16 person who has allegedly committed the violation, and the
17 person's history of previous violations, including violations
18 for which enforcement actions were taken under this section or
19 other provisions of law.

20 (e) Any person who willfully refuses to sign and
21 accept a citation issued by the department commits a
22 misdemeanor of the second degree, punishable as provided in s.
23 775.082 or s. 775.083.

24 (f) The department shall deposit all fines collected
25 under the authority of this subsection in the County Health
26 Department Trust Fund for use in the environmental health
27 program under which the fine was issued and shall use such
28 fines to improve the respective programs or to provide
29 training to the regulated industry and department staff
30 working in such programs.

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1 (g) The provisions of this subsection are an
2 alternative means of enforcing environmental health
3 requirements which does not prohibit the department from using
4 other means of enforcement. However, the department shall use
5 only one method of enforcement for a single violation.

6 (7) The department may use positive means of
7 enforcement to ensure compliance with environmental health
8 requirements specified in this chapter, ss. 386.01 and
9 386.041, or environmental health rules adopted under the
10 authority of this chapter. Such means of enforcement may
11 include requiring attendance at training courses applicable to
12 the violations committed and requiring the use of best
13 management practices currently used or recognized by the
14 appropriate regulated industry or governmental agency.

15 Section 2. Paragraph (d) of subsection (3) of section
16 381.004, Florida Statutes, is amended to read:

17 381.004 HIV testing.--

18 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
19 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

20 (d) No test result shall be determined as positive,
21 and no positive test result shall be revealed to any person,
22 without corroborating or confirmatory tests being conducted
23 except in the following situations:

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

28 2. Preliminary test results may be released to health
29 care providers and to the person tested when decisions about
30 medical care or treatment of, or recommendation to, the person
31 tested and, in the case of an intrapartum or postpartum woman,

1 when care, treatment, or recommendations regarding her
2 newborn, cannot await the results of confirmatory testing.
3 Positive preliminary HIV test results shall not be
4 characterized to the patient as a diagnosis of HIV infection.
5 Justification for the use of preliminary test results must be
6 documented in the medical record by the health care provider
7 who ordered the test. ~~This subparagraph does not authorize the~~
8 ~~release of preliminary test results for the purpose of routine~~
9 ~~identification of HIV-infected individuals or when HIV testing~~
10 ~~is incidental to the preliminary diagnosis or care of a~~
11 ~~patient.~~ Corroborating or confirmatory testing must be
12 conducted as followup to a positive preliminary test. Results
13 shall be communicated to the patient according to statute
14 regardless of the outcome. Except as provided in this section,
15 test results are confidential and exempt from the provisions
16 of s. 119.07(1).

17 3. Positive rapid test results are considered
18 preliminary and may be released in accordance with the
19 manufacturer's instructions as approved by the United States
20 Food and Drug Administration. Positive rapid test results
21 require confirmatory testing for diagnosis and reporting of
22 HIV infection.

23 Section 3. Paragraphs (a) and (j) of subsection (3) of
24 section 381.0065, Florida Statutes, are amended, and paragraph
25 (c) is added to subsection (5) of that section, to read:

26 381.0065 Onsite sewage treatment and disposal systems;
27 regulation.--

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

30 (a) Adopt rules to administer ss. 381.0065-381.0067,
31 including definitions that are consistent with the definitions

1 in this section, decreases to setback requirements where no
2 health hazard exists, increases for the lot-flow allowance for
3 performance-based systems, requirements for separation from
4 water table elevation during the wettest season, requirements
5 for the design and construction of any component part of an
6 onsite sewage treatment and disposal system, application and
7 permit requirements for persons who maintain an onsite sewage
8 treatment and disposal system, requirements for maintenance
9 and service agreements for aerobic treatment units and
10 performance-based treatment systems, ~~and~~ recommended
11 standards, including disclosure requirements, for voluntary
12 system inspections to be performed by individuals who are
13 authorized by law to perform such inspections and who shall
14 inform a person having ownership, control, or use of an onsite
15 sewage treatment and disposal system of the inspection
16 standards and of that person's authority to request an
17 inspection based on all or part of the standards, and
18 requirements for implementation of the United States
19 Environmental Protection Agency's voluntary national
20 guidelines for management of onsite and clustered or
21 decentralized wastewater treatment systems.

22 (j) Supervise research on, demonstration of, and
23 training on the performance, environmental impact, and public
24 health impact of onsite sewage treatment and disposal systems
25 within this state. Research fees collected under s.
26 381.0066(2)(k) must be used to develop and fund hands-on
27 training centers designed to provide practical information
28 about onsite sewage treatment and disposal systems to septic
29 tank contractors, master septic tank contractors, contractors,
30 inspectors, engineers, and the public and must also be used to
31 fund research projects which focus on improvements of onsite

1 sewage treatment and disposal systems, including use of
2 performance-based standards and reduction of environmental
3 impact. Research projects shall be initially approved by the
4 technical advisory panel and shall be applicable to and
5 reflect the soil conditions specific to Florida. Such projects
6 shall be awarded through competitive negotiation, using the
7 procedures provided in s. 287.055, to public or private
8 entities that have experience in onsite sewage treatment and
9 disposal systems in Florida and that are principally located
10 in Florida. ~~Research projects shall not be awarded to firms or~~
11 ~~entities that employ or are associated with persons who serve~~
12 ~~on either the technical advisory panel or the research review~~
13 ~~and advisory committee.~~

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

15 (c) Department personnel may enter the premises of
16 others when necessary to conduct site evaluations and
17 inspections relating to the permitting of onsite sewage
18 treatment and disposal systems. Such entry does not constitute
19 trespass, and department personnel making such entry are not
20 subject to arrest or to a civil action by reason of such
21 entry. This paragraph does not authorize a department employee
22 to destroy, injure, damage, or move anything on the premises
23 of another without the written permission of the landowner.

24 Section 4. Subsections (1), (2), (3), and (6) and
25 paragraph (a) of subsection (5) of section 381.0101, Florida
26 Statutes, are amended to read:

27 381.0101 Environmental health professionals.--

28 (1) LEGISLATIVE INTENT.--Persons responsible for
29 providing technical and scientific evaluations of
30 environmental health and sanitary conditions in business
31 establishments and communities throughout the state may create

1 a danger to the public health if they are not skilled or
2 competent to perform such evaluations. The public relies on
3 the judgment of environmental health professionals employed by
4 both government agencies and private industries to assure them
5 that environmental hazards are identified and removed before
6 they endanger the health or safety of the public. The purpose
7 of this section is to assure the public that persons
8 specifically responsible for performing environmental health
9 and sanitary evaluations have been certified by examination as
10 competent to perform such work.

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

12 (a) "Accredited" means recognized by the American
13 Council on Education as meeting acceptable levels of quality
14 and performance.

15 (b)~~(a)~~ "Board" means the Environmental Health
16 Professionals Advisory Board.

17 (c)~~(b)~~ "Department" means the Department of Health.

18 (d)~~(c)~~ "Environmental health" means that segment of
19 public health work which deals with the examination of those
20 factors in the human environment which may impact adversely on
21 the health status of an individual or the public.

22 (e)~~(d)~~ "Environmental health professional" means a
23 person who is employed or assigned the responsibility for
24 assessing the environmental health or sanitary conditions, as
25 defined by the department, within a building, on an
26 individual's property, or within the community at large, and
27 who has the knowledge, skills, and abilities to carry out
28 these tasks. Environmental health professionals may be either
29 field, supervisory, or administrative staff members.

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1 (f)(e) "Certified" means a person who has displayed
2 competency to perform evaluations of environmental or sanitary
3 conditions through examination.

4 (g)(f) "Registered sanitarian," "R.S.," "Registered
5 Environmental Health Specialist," or "R.E.H.S." means a person
6 who has been certified by either the National Environmental
7 Health Association or the Florida Environmental Health
8 Association as knowledgeable in the environmental health
9 profession.

10 (h)(g) "Primary environmental health program" means
11 those programs determined by the department to be essential
12 for providing basic environmental and sanitary protection to
13 the public. These programs shall be established by rule and,
14 at a minimum, ~~these programs~~ shall include food protection
15 program work and onsite sewage treatment and disposal systems
16 program work ~~system evaluations~~.

17 (3) CERTIFICATION REQUIRED.--No person shall perform
18 environmental health or sanitary evaluations in any primary
19 program area of environmental health without being certified
20 by the department as competent to perform such evaluations.
21 The requirements of this section shall not be mandatory for
22 persons performing inspections of public or retail food
23 service establishments licensed under chapter 500 or chapter
24 509.

25 (5) STANDARDS FOR CERTIFICATION.--The department shall
26 adopt rules that establish definitions of terms and minimum
27 standards of education, training, or experience for those
28 persons subject to this section. The rules must also address
29 the process for application, examination, issuance,
30 expiration, and renewal of certification and ethical standards
31 of practice for the profession.

1 (a) Persons employed as environmental health
2 professionals shall exhibit a knowledge of rules and
3 principles of environmental and public health law in Florida
4 through examination. A person may not conduct environmental
5 health evaluations in a primary program area unless he or she
6 is currently certified in that program area or works under the
7 direct supervision, during his or her initial probationary
8 period for that position,of a certified environmental health
9 professional.

10 1. All persons who begin employment in a primary
11 environmental health program on or after September 21, 1994,
12 must be certified in that program within the initial
13 probationary period for that position ~~6 months after~~
14 ~~employment.~~

15 2. Persons employed in the primary environmental
16 health programs ~~program~~ of a food protection ~~program~~ or an
17 onsite sewage treatment and disposal systems ~~system~~ prior to
18 September 21, 1994, shall be considered certified while
19 employed in that position and shall be required to adhere to
20 any professional standards established by the department
21 pursuant to paragraph (b), complete any continuing education
22 requirements imposed under paragraph (d), and pay the
23 certificate renewal fee imposed under subsection (7).

24 3. Persons employed in the primary environmental
25 health programs ~~program~~ of a food protection ~~program~~ or an
26 onsite sewage treatment and disposal systems ~~system~~ prior to
27 September 21, 1994, who change positions or program areas and
28 transfer into another primary environmental health program
29 area on or after September 21, 1994, must be certified by
30 examination in that program within 6 months after such
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1 transfer, except that they will not be required to possess the
2 college degree required under paragraph (e).

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

7 (6) EXEMPTIONS.--A person who conducts primary
8 environmental evaluation activities and maintains a current
9 registration or certification from another state agency which
10 examined the person's knowledge of the primary program area
11 and requires comparable continuing education to maintain the
12 certificate shall not be required to be certified by this
13 section. ~~Examples of persons not subject to certification are~~
14 ~~physicians, registered dietitians, certified laboratory~~
15 ~~personnel, and nurses.~~

16 Section 5. Section 381.104, Florida Statutes, is
17 created to read:

18 381.104 Employee health and wellness program.--

19 (1) Each state agency may allocate, from existing
20 resources, the necessary funding and facilities for the
21 development and maintenance of an employee health and wellness
22 program and may seek additional funding from other sources to
23 support the program for the benefit of the agency's employees.

24 (2) Each state agency may dedicate resources to
25 develop and coordinate an employee health and wellness program
26 or arrange to cooperate with other agencies within such
27 agency's geographic proximity for program coordination,
28 including providers of state employee benefits.

29 (3) Each state agency electing to participate shall
30 establish an employee health and wellness coordinator and
31 advisory committee to guide the development of an operational

1 plan, including the collection of data and development of
2 goals and objectives, and to oversee program evaluation and
3 use of any agency-allocated funds.

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

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

16 (6) Each state agency shall use an employee health and
17 wellness activity agreement form, developed by the Department
18 of Health, to be completed by the employee, signed by both the
19 employee and the employee's immediate supervisor, and kept in
20 the employee's personnel file prior to the employee's
21 participation in any activity. It is the responsibility of the
22 employee to complete the form and submit it to the personnel
23 office. Any change to the employee's activities requires
24 submission of a revised form. An employee found to be in
25 violation of the submitted agreement form is not allowed
26 further participation in the program.

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

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

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

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

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

12 (c) Review and offer recommendations to agency
13 leadership on environmental and social support policies that
14 pertain to improving the health of employees.

15 (d) Link the employee health and wellness program to
16 other programs such as the employee assistance program and
17 other related programs to help employees balance work and
18 family.

19 (e) Offer free, low-cost, or employee-fee-based
20 programs on site, including the designation of rooms for the
21 express purpose of physical activity, nutrition, stress
22 reduction, and weight control activities. Participating
23 agencies with established employee health and wellness
24 programs may purchase exercise equipment to be used in the
25 room designated for this purpose.

26 (10) Each state agency that develops and implements an
27 employee health and wellness program shall include and
28 document an evaluation and improvement process in an annual
29 report to help enhance the program's efficiency and
30 effectiveness. The annual report shall be submitted to the
31 Department of Health on July 1 of each year. Agencies shall

1 use an annual report template provided by the Department of
2 Health to ensure consistency in the presentation of data and
3 other evaluation results.

4 (11) The Department of Health shall provide employee
5 health and wellness model program guidelines and ongoing
6 technical assistance to other state agencies to assist in the
7 development of each agency's employee health and wellness
8 program.

9 Section 6. Section 384.25, Florida Statutes, is
10 amended to read:

11 384.25 Reporting required.--

12 (1) Each person who makes a diagnosis of or treats a
13 person with a sexually transmissible disease, including, but
14 not limited to, HIV and AIDS,and each laboratory that
15 performs a test for a sexually transmissible disease,
16 including, but not limited to, HIV,which concludes with a
17 positive result shall report such facts as may be required by
18 the department by rule, within a time period as specified by
19 rule of the department, but in no case to exceed 2 weeks.

20 (a)(2) The department shall adopt rules specifying the
21 information required in and a maximum ~~minimum~~ time period for
22 reporting a sexually transmissible disease, including, but not
23 limited to, HIV and AIDS. In adopting such rules, the
24 department shall consider the need for information,
25 protections for the privacy and confidentiality of the
26 patient, and the practical ability of persons and laboratories
27 to report in a reasonable fashion. To ensure the
28 confidentiality of persons infected with HIV ~~the human~~
29 ~~immunodeficiency virus (HIV),~~ reporting of HIV infection and
30 AIDS ~~acquired immune deficiency syndrome (AIDS)~~ must be
31 conducted using a system ~~the HIV/AIDS Reporting System (HARS)~~

1 developed by the Centers for Disease Control and Prevention of
2 the United States Public Health Service or an equivalent
3 system.

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

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

15 (2)(5) ~~After notification of the test subject under~~
16 ~~subsection (4), the department may, with the consent of the~~
17 ~~test subject, notify school superintendents of students and~~
18 ~~school personnel whose HIV tests are positive.~~

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

25 (4)(6) ~~The department shall by February 1 of each year~~
26 ~~submit to the Legislature an annual report relating to all~~
27 ~~information obtained pursuant to this section.~~

28 (5)(7) ~~Each person who violates the provisions of this~~
29 ~~section or the rules adopted hereunder may be fined by the~~
30 ~~department up to \$500 for each offense. The department shall~~
31 ~~report each violation of this section to the regulatory agency~~

1 responsible for licensing each health care professional and
2 each laboratory to which these provisions apply.

3 Section 7. Section 384.31, Florida Statutes, is
4 amended to read:

5 384.31 ~~Serological~~ Testing of pregnant women; duty of
6 the attendant.--

7 ~~(1)~~ Every person, including every physician licensed
8 under chapter 458 or chapter 459 or midwife licensed under
9 part I of chapter 464 or chapter 467, attending a pregnant
10 woman for conditions relating to pregnancy during the period
11 of gestation and delivery shall ~~take or cause the woman to be~~
12 tested for sexually transmissible diseases, including, but not
13 limited to, HIV, as required by rule of the department,
14 notwithstanding s. 381.004(3)(a), taken a sample of venous
15 blood at a time or times specified by the department. The
16 tests Each sample of blood shall be performed tested by a
17 laboratory approved for such purposes under part I of chapter
18 483 ~~for sexually transmissible diseases as required by rule of~~
19 ~~the department. Pregnant women shall be notified of the tests~~
20 that will be conducted and of their right to refuse testing.
21 If a woman objects to testing, a written statement of
22 objection, signed by the patient, shall be placed in the
23 patient's medical record and no testing shall occur.

24 ~~(2) At the time the venous blood sample is taken,~~
25 ~~testing for human immunodeficiency virus (HIV) infection shall~~
26 ~~be offered to each pregnant woman. The prevailing professional~~
27 ~~standard of care in this state requires each health care~~
28 ~~provider and midwife who attends a pregnant woman to counsel~~
29 ~~the woman to be tested for human immunodeficiency virus (HIV).~~
30 ~~Counseling shall include a discussion of the availability of~~
31 ~~treatment if the pregnant woman tests HIV positive. If a~~

1 ~~pregnant woman objects to HIV testing, reasonable steps shall~~
2 ~~be taken to obtain a written statement of such objection,~~
3 ~~signed by the patient, which shall be placed in the patient's~~
4 ~~medical record. Every person, including every physician~~
5 ~~licensed under chapter 458 or chapter 459 or midwife licensed~~
6 ~~under part I of chapter 464 or chapter 467, who attends a~~
7 ~~pregnant woman who has been offered and objects to HIV testing~~
8 ~~shall be immune from liability arising out of or related to~~
9 ~~the contracting of HIV infection or acquired immune deficiency~~
10 ~~syndrome (AIDS) by the child from the mother.~~

11 Section 8. Section 385.104, Florida Statutes, is
12 created to read:

13 385.104 Health Promotion and Health Education
14 Statewide Initiative.--

15 (1) The Department of Health shall establish the
16 Health Promotion and Health Education Statewide Initiative to
17 provide a comprehensive and community-based health promotion
18 and education program. The program is designed to provide
19 funding to counties in this state to improve individual and
20 community health, aimed specifically at preventing and
21 reducing the impact of chronic diseases and promoting healthy
22 lifestyles.

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

27 (3) The implementation of these activities shall be
28 coordinated with and linked to existing state plans and
29 national priorities, focusing on evidence-based programs and
30 population-based efforts that specifically address social and
31 environmental policy strategies.

1 (4) Subject to the availability of funds, the
2 Department of Health may award funding to county health
3 departments for purposes of improving individual and community
4 health by expanding and improving the health infrastructure
5 through environmental and policy changes aimed specifically at
6 preventing and reducing the impact of chronic diseases and
7 promoting healthy lifestyles.

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

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

16 (b) Information describing how health promotion and
17 education activities are to be coordinated at the local level
18 with other health activities conducted by other education,
19 health, and agricultural agencies.

20 (c) Information describing how local health promotion
21 and education activities reflect state and national objectives
22 for health.

23 (d) A description of the collaborative process that
24 the county health department employed in the development of
25 the health promotion and education program, including
26 consultations with individuals and organizations with
27 expertise in promoting public health, nutrition, or physical
28 activity.

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

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

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

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

13 (b) Develop and implement activities to create a
14 comprehensive, coordinated nutrition and physical fitness
15 awareness and chronic disease prevention program.

16 (c) Develop and implement programs in schools and
17 worksites to increase physical fitness and to enhance the
18 nutritional status of residents of this state.

19 (d) Develop and implement policy and environmental
20 changes related to the cessation of tobacco, healthful
21 nutrition, and physical education.

22 (e) Collaborate with community-based organizations,
23 volunteer organizations, state medical associations, and
24 public health groups to develop and implement health education
25 and promotion activities.

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

29 Section 9. Section 945.601, Florida Statutes, is
30 amended to read:

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1 945.601 Correctional Medical Authority; ss.
2 945.601-945.6038; ~~945.601-945.6035~~, definitions.--As used in
3 this act:
4 (1) "Authority" means the State of Florida
5 Correctional Medical Authority created in this act.
6 (2) "Health care provider" means:
7 (a) A regional research hospital or research center
8 which is authorized by law to provide hospital services in
9 accordance with chapter 395, which has a contractual or
10 operating arrangement with a regional school of medicine, and
11 which is located at that regional school of medicine;
12 (b) Any entity which has agreed to provide hospital
13 services to inmates in the Department of Corrections; or
14 (c) Any entity licensed to provide hospital services
15 in accordance with chapter 395.
16 (3) "Project" means any structure, facility,
17 machinery, equipment, or other property suitable for use by a
18 health facility in connection with its operations or proposed
19 operations, including, without limitation, real property
20 therefor; a clinic, computer facility, dining hall,
21 firefighting facility, fire prevention facility, long-term
22 care facility, hospital, interns' residence, laboratory,
23 laundry, maintenance facility, nurses' residence, office,
24 parking area, pharmacy, recreational facility, research
25 facility, storage facility, utility, or X-ray facility, or any
26 combination of the foregoing; and other structure or facility
27 related thereto or required or useful for health care
28 purposes, the conducting of research, or the operation of a
29 health facility, including a facility or structure essential
30 or convenient for the orderly conduct of the health facility
31 and other similar items necessary or convenient for the

1 operation of a particular facility or structure in the manner
2 for which its use is intended. "Project" does not include such
3 items as fuel, supplies, or other items which are customarily
4 deemed to result in a current operating charge.

5 (4) "Quality management program" means to monitor and
6 evaluate inmate health care and includes the following
7 objectives:

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

10 (b) Assuring systematic monitoring of the treatment
11 environment.

12 (c) Assisting in the reduction of professional and
13 general liability risks.

14 (d) Enhancing efficient utilization of resources.

15 (e) Assisting in credential review and privilege
16 delineation.

17 (f) Enhancing the identification of continuing
18 educational needs.

19 (g) Facilitating the identification of strengths,
20 weaknesses, and opportunities for improvement.

21 (h) Facilitating the coordination and integration of
22 information systems.

23 (i) Assuring the resolution of identified problems.

24 (5) "Real property" includes all lands, including
25 buildings, structures, improvements, and fixtures thereon; any
26 property of any nature appurtenant thereto or used in
27 connection therewith; and every estate, interest, and right,
28 legal or equitable, therein, including any such interest for a
29 term of years.

30 Section 10. Section 945.6038, Florida Statutes, is
31 created to read:

1 945.6038 Additional services.--The authority is
2 authorized to enter into an agreement or may contract with the
3 Department of Children and Family Services, subject to the
4 availability of funding, to conduct surveys of medical
5 services and to provide medical quality assurance and
6 improvement assistance at secure confinement and treatment
7 facilities for persons confined under part V of chapter 394.
8 The authority may enter into similar agreements with other
9 state agencies, subject to the availability of funds. The
10 authority may not enter into any such agreement if doing so
11 would impair the authority's ability to fulfill its
12 obligations with regard to the Department of Corrections as
13 set forth in this chapter.

14 Section 11. This act shall take effect upon becoming a
15 law.

16
17 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
18 COMMITTEE SUBSTITUTE FOR
19 Senate Bill 2216

20 The Committee Substitute no longer grants authority to the
21 Department of Health to adopt rules, issue permits, and assess
22 fees in its enforcement of environmental health in group care
23 facilities. The requirement for the department to reactivate
24 the license of a retired medical physician to participate in
25 clinical research is deleted.
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