

By Senator Saunders

37-934A-04

1 A bill to be entitled
2 An act relating to public health; amending s.
3 17.41, F.S.; authorizing funds from the Tobacco
4 Settlement Clearing Trust Fund to be disbursed
5 to the Biomedical Trust Fund in the Department
6 of Health; amending s. 20.43, F.S.; designating
7 the Division of Emergency Medical Services and
8 Community Health Resources as the "Division of
9 Emergency Medical Operations"; designating the
10 Division of Information Resource Management as
11 the "Division of Information Technology";
12 designating the Division of Health Awareness
13 and Tobacco as the "Division of Health Access
14 and Tobacco"; creating the Division of
15 Disability Determinations; amending s.
16 216.2625, F.S.; providing that certain
17 positions within the Department of Health are
18 exempt from a limitation on the number of
19 authorized positions; amending s. 381.0011,
20 F.S.; revising duties of the Department of
21 Health; providing for a statewide injury
22 prevention program; amending s. 381.006, F.S.;
23 including within the department's environmental
24 health program the function of investigating
25 elevated levels of lead in blood; amending s.
26 381.0065, F.S., relating to onsite sewage
27 treatment and disposal systems; revising a
28 definition; deleting a requirement that the
29 department make certain biennial reports to the
30 Legislature; authorizing the department to
31 require the submission of certain construction

1 plans pursuant to adopted rule; amending s.
2 381.0066, F.S.; continuing a requirement
3 imposing a permit fee on new construction;
4 amending s. 381.0072, F.S.; exempting certain
5 schools, bars, and lounges from certification
6 requirements for food service managers;
7 removing a licensure exemption for certain food
8 service establishments licensed by the Office
9 of Licensure and Certification, the Child Care
10 Services Program Office, or the Developmental
11 Disabilities Program Office; creating s.
12 381.0409, F.S.; requiring the department to
13 establish a tobacco prevention program,
14 contingent upon a specific appropriation;
15 specifying components of the program; providing
16 for the department to provide technical
17 assistance and training to state and local
18 entities; authorizing the department to
19 contract for program activities; creating s.
20 381.86, F.S.; establishing the Institutional
21 Review Board within the Department of Health to
22 review certain biomedical and behavioral
23 research; providing for the membership of the
24 board; authorizing board members to be
25 reimbursed for per diem and travel expenses;
26 authorizing the department to charge fees for
27 the research oversight performed by the board;
28 authorizing the department to adopt rules;
29 amending s. 381.89, F.S.; authorizing the
30 Department of Health to impose certain
31 licensure fees on tanning facilities; amending

1 s. 381.90, F.S.; revising the membership and
2 reporting requirements of the Health
3 Information Systems Council; amending s.
4 383.14, F.S.; authorizing the State Public
5 Health Laboratory to release certain test
6 results to a newborn's primary care physician;
7 revising certain testing requirements for
8 newborns; increasing the membership of the
9 Genetics and Newborn Screening Advisory
10 Council; amending s. 383.402, F.S.; revising
11 the criteria under which the state and local
12 child abuse death review committees are
13 required to review the death of a child;
14 amending s. 391.021, F.S.; redefining the term
15 "children with special health care needs" for
16 purposes of the Children's Medical Services
17 Act; amending ss. 391.025, 391.029, 391.035,
18 and 391.055, F.S., relating to the Children's
19 Medical Services program; revising the
20 application requirements for the program;
21 revising requirements for eligibility for
22 services under the program; authorizing the
23 department to contract with out-of-state health
24 care providers to provide services to program
25 participants; authorizing the department to
26 adopt rules; requiring that certain newborns
27 with abnormal screening results be referred to
28 the program; amending s. 391.302, F.S.;
29 revising certain definitions relating to
30 developmental evaluation and intervention
31 services; amending s. 391.303, F.S.; revising

1 certain requirements for providing those
2 services; amending s. 391.308, F.S.; creating
3 the Infants and Toddlers Early Intervention
4 Program within the Department of Health;
5 requiring the department, jointly with the
6 Department of Education, to prepare grant
7 applications and to include certain services
8 under the program; amending s. 395.1027, F.S.;
9 authorizing certain licensed facilities to
10 release patient information to regional poison
11 control centers; amending s. 395.404, F.S.;
12 requiring trauma centers and acute care
13 hospitals to notify the Department of Health of
14 persons with certain brain or spinal cord
15 injuries; amending s. 401.211, F.S.; providing
16 legislative intent with respect to a statewide
17 injury-prevention program; creating s. 401.243,
18 F.S.; providing duties of the department for
19 establishing such a program; authorizing the
20 department to adopt rules; amending s. 404.056,
21 F.S.; revising the radon testing requirements
22 for schools and certain state-operated or
23 state-licensed facilities; amending s. 409.814,
24 F.S.; providing certain eligibility
25 requirements for the Florida Healthy Kids and
26 Medikids programs; amending s. 468.302, F.S.;
27 revising certain requirements for administering
28 radiation and performing certain other
29 procedures; amending s. 468.304, F.S.; revising
30 requirements for obtaining certification from
31 the department as an X-ray machine operator, a

1 radiographer, or a nuclear medicine
2 technologist; amending s. 468.306, F.S.;
3 requiring remedial education for certain
4 applicants for certification; amending s.
5 468.3065, F.S.; providing that the application
6 fee is nonrefundable; amending s. 468.307,
7 F.S.; revising the expiration date of a
8 certificate; amending s. 468.309, F.S.;
9 revising requirements for certification as a
10 radiologic technologist; providing for a
11 certificateholder to resign a certification;
12 amending s. 468.3095, F.S.; revising
13 requirements for reactivating an expired
14 certificate; amending s. 468.3101, F.S.;
15 authorizing the department to conduct
16 investigations and inspections; clarifying
17 certain grounds for disciplinary actions;
18 amending s. 489.553, F.S.; providing
19 requirements for registration as a master
20 septic tank contractor; amending s. 489.554,
21 F.S.; authorizing inactive registration as a
22 septic tank contractor; providing for renewing
23 a certification of registration following a
24 period of inactive status; amending s. 784.081,
25 F.S.; increasing certain penalties for an
26 assault or battery that is committed against an
27 employee of the Department of Health or against
28 a direct service provider of the department;
29 repealing ss. 381.0098(9), 385.103(2)(f),
30 385.205, 385.209, 391.301(3), 391.305(2),
31 393.064(5), and 445.033(7), F.S., relating to

1 obsolete provisions governing the handling of
2 biomedical waste, rulemaking authority with
3 respect to community intervention programs,
4 programs covering chronic renal disease,
5 information on cholesterol, intervention
6 programs for certain hearing-impaired infants,
7 contract authority over the Raymond C. Philips
8 Research and Education Unit, and an exemption
9 from the Florida Biomedical and Social Research
10 Act for certain evaluations; providing an
11 effective date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (5) of section 17.41, Florida
16 Statutes, is amended to read:

17 17.41 Department of Financial Services Tobacco
18 Settlement Clearing Trust Fund.--

19 (5) The department shall disburse funds, by
20 nonoperating transfer, from the Tobacco Settlement Clearing
21 Trust Fund to the tobacco settlement trust funds of the
22 various agencies or the Biomedical Trust Fund in the
23 Department of Health, as appropriate, in amounts equal to the
24 annual appropriations made from those agencies' trust funds in
25 the General Appropriations Act.

26 Section 2. Paragraphs (f), (i), and (j) of subsection
27 (3) of section 20.43, Florida Statutes, are amended, and
28 paragraph (k) is added to that subsection, to read:

29 20.43 Department of Health.--There is created a
30 Department of Health.

31

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

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

5 (i) Division of Information Technology Resource
6 Management.

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

8 (k) Division of Disability Determinations.

9 Section 3. Section 216.341, Florida Statutes, is
10 transferred, renumbered as section 216.2625, Florida Statutes,
11 and amended to read:

12 216.2625 ~~216.341~~ Disbursement of ~~county health~~
13 ~~department~~ trust funds of the Department of Health; authorized
14 positions.--

15 (1) County health department trust funds may be
16 expended by the Department of Health for the respective county
17 health departments in accordance with budgets and plans agreed
18 upon by the county authorities of each county and the
19 Department of Health.

20 (2) The limitations on the number of authorized
21 positions ~~appropriations~~ provided in s. 216.262(1) do shall
22 not apply to positions within the Department of Health which
23 are funded by:

24 (a) County health department trust funds; or-

25 (b) The United States Trust Fund.

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

28 381.0011 Duties and powers of the Department of
29 Health.--It is the duty of the Department of Health to:

30 (12) Maintain ~~Cooperate with other departments, local~~
31 ~~officials, and private organizations in developing and~~

1 ~~implementing~~ a statewide injury-prevention ~~injury control~~
2 program.

3 Section 5. Subsection (17) is added to section
4 381.006, Florida Statutes, to read:

5 381.006 Environmental health.--The department shall
6 conduct an environmental health program as part of fulfilling
7 the state's public health mission. The purpose of this program
8 is to detect and prevent disease caused by natural and manmade
9 factors in the environment. The environmental health program
10 shall include, but not be limited to:

11 (17) A function for investigating elevated levels of
12 lead in blood. Each participating county health department may
13 expend funds for federally mandated certification or
14 recertification fees related to conducting investigations of
15 elevated levels of lead in blood.

16
17 The department may adopt rules to carry out the provisions of
18 this section.

19 Section 6. Paragraph (k) of subsection (2) and
20 paragraphs (d) and (e) of subsection (4) of section 381.0065,
21 Florida Statutes, are amended, and paragraph (v) is added to
22 subsection (4) of that section, to read:

23 381.0065 Onsite sewage treatment and disposal systems;
24 regulation.--

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

27 (k) "Permanent nontidal surface water body" means a
28 perennial stream, a perennial river, an intermittent stream, a
29 perennial lake, a submerged marsh or swamp, a submerged wooded
30 marsh or swamp, a spring, or a seep, as identified on the most
31 recent quadrangle map, 7.5 minute series (topographic),

1 produced by the United States Geological Survey, or products
2 derived from that series. "Permanent nontidal surface water
3 body" shall also mean an artificial surface water body that
4 does not have an impermeable bottom and side and that is
5 designed to hold, or does hold, visible standing water for at
6 least 180 days of the year. However, a nontidal surface water
7 body that is drained, either naturally or artificially, where
8 the intent or the result is that such drainage be temporary,
9 shall be considered a permanent nontidal surface water body. A
10 nontidal surface water body that is drained of all visible
11 surface water, where the lawful intent or the result of such
12 drainage is that such drainage will be permanent, shall not be
13 considered a permanent nontidal surface water body. The
14 boundary of a permanent nontidal surface water body shall be
15 the mean annual flood line.

16 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person
17 may not construct, repair, modify, abandon, or operate an
18 onsite sewage treatment and disposal system without first
19 obtaining a permit approved by the department. The department
20 may issue permits to carry out this section, but shall not
21 make the issuance of such permits contingent upon prior
22 approval by the Department of Environmental Protection. A
23 construction permit is valid for 18 months from the issuance
24 date and may be extended by the department for one 90-day
25 period under rules adopted by the department. A repair permit
26 is valid for 90 days from the date of issuance. An operating
27 permit must be obtained prior to the use of any aerobic
28 treatment unit or if the establishment generates commercial
29 waste. Buildings or establishments that use an aerobic
30 treatment unit or generate commercial waste shall be inspected
31 by the department at least annually to assure compliance with

1 the terms of the operating permit. The operating permit for a
2 commercial wastewater system is valid for 1 year from the date
3 of issuance and must be renewed annually. The operating permit
4 for an aerobic treatment unit is valid for 2 years from the
5 date of issuance and must be renewed every 2 years. If all
6 information pertaining to the siting, location, and
7 installation conditions or repair of an onsite sewage
8 treatment and disposal system remains the same, a construction
9 or repair permit for the onsite sewage treatment and disposal
10 system may be transferred to another person, if the transferee
11 files, within 60 days after the transfer of ownership, an
12 amended application providing all corrected information and
13 proof of ownership of the property. There is no fee
14 associated with the processing of this supplemental
15 information. A person may not contract to construct, modify,
16 alter, repair, service, abandon, or maintain any portion of an
17 onsite sewage treatment and disposal system without being
18 registered under part III of chapter 489. A property owner
19 who personally performs construction, maintenance, or repairs
20 to a system serving his or her own owner-occupied
21 single-family residence is exempt from registration
22 requirements for performing such construction, maintenance, or
23 repairs on that residence, but is subject to all permitting
24 requirements. A municipality or political subdivision of the
25 state may not issue a building or plumbing permit for any
26 building that requires the use of an onsite sewage treatment
27 and disposal system unless the owner or builder has received a
28 construction permit for such system from the department. A
29 building or structure may not be occupied and a municipality,
30 political subdivision, or any state or federal agency may not
31 authorize occupancy until the department approves the final

1 installation of the onsite sewage treatment and disposal
2 system. A municipality or political subdivision of the state
3 may not approve any change in occupancy or tenancy of a
4 building that uses an onsite sewage treatment and disposal
5 system until the department has reviewed the use of the system
6 with the proposed change, approved the change, and amended the
7 operating permit.

8 (d) Paragraphs (a) and (b) do not apply to any
9 proposed residential subdivision with more than 50 lots or to
10 any proposed commercial subdivision with more than 5 lots
11 where a publicly owned or investor-owned sewerage system is
12 available. It is the intent of this paragraph not to allow
13 development of additional proposed subdivisions in order to
14 evade the requirements of this paragraph. ~~The department~~
15 ~~shall report to the Legislature by February 1 of each~~
16 ~~odd-numbered year concerning the success in meeting this~~
17 ~~intent.~~

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

- 20 1. Seventy-five feet from a private potable well.
- 21 2. Two hundred feet from a public potable well serving
22 a residential or nonresidential establishment having a total
23 sewage flow of greater than 2,000 gallons per day.
- 24 3. One hundred feet from a public potable well serving
25 a residential or nonresidential establishment having a total
26 sewage flow of less than or equal to 2,000 gallons per day.
- 27 4. Fifty feet from any nonpotable well.
- 28 5. Ten feet from any storm sewer pipe, to the maximum
29 extent possible, but in no instance shall the setback be less
30 than 5 feet.

31

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

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

5 8. Fifteen feet from the design high-water line of
6 retention areas, detention areas, or swales designed to
7 contain standing or flowing water for less than 72 hours after
8 a rainfall or the design high-water level of normally dry
9 drainage ditches or normally dry individual lot stormwater
10 retention areas.

11 (v) The department may require the submission of
12 detailed system construction plans that are prepared by a
13 professional engineer registered in this state. The department
14 shall establish by rule criteria for determining when such a
15 submission is required.

16 Section 7. Paragraph (k) of subsection (2) of section
17 381.0066, Florida Statutes, is amended to read:

18 381.0066 Onsite sewage treatment and disposal systems;
19 fees.--

20 (2) The minimum fees in the following fee schedule
21 apply until changed by rule by the department within the
22 following limits:

23 (k) Research: An additional \$5 fee shall be added to
24 each new system construction permit issued ~~during fiscal years~~
25 ~~1996-2004~~ to be used for onsite sewage treatment and disposal
26 system research, demonstration, and training projects. Five
27 dollars from any repair permit fee collected under this
28 section shall be used for funding the hands-on training
29 centers described in s. 381.0065(3)(j).

30
31

1 The funds collected pursuant to this subsection must be
2 deposited in a trust fund administered by the department, to
3 be used for the purposes stated in this section and ss.
4 381.0065 and 381.00655.

5 Section 8. Paragraph (a) of subsection (2), paragraph
6 (a) of subsection (3), and paragraph (a) of subsection (4) of
7 section 381.0072, Florida Statutes, are amended to read:

8 381.0072 Food service protection.--It shall be the
9 duty of the Department of Health to adopt and enforce
10 sanitation rules consistent with law to ensure the protection
11 of the public from food-borne illness. These rules shall
12 provide the standards and requirements for the storage,
13 preparation, serving, or display of food in food service
14 establishments as defined in this section and which are not
15 permitted or licensed under chapter 500 or chapter 509.

16 (2) DUTIES.--

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

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

20 (3) LICENSES REQUIRED.--

21 (a) Licenses; annual renewals.--Each food service
22 establishment regulated under this section shall obtain a
23 license from the department annually. Food service
24 establishment licenses shall expire annually and shall not be
25 transferable from one place or individual to another. ~~However,~~
26 ~~those facilities licensed by the department's Office of~~
27 ~~Licensure and Certification, the Child Care Services Program~~
28 ~~Office, or the Developmental Disabilities Program Office are~~
29 ~~exempt from this subsection.~~ It shall be a misdemeanor of the
30 second degree, punishable as provided in s. 381.0061, s.
31 775.082, or s. 775.083, for such an establishment to operate

1 without this license. The department may refuse a license, or
2 a renewal thereof, to any establishment that is not
3 constructed or maintained in accordance with law and with the
4 rules of the department. Annual application for renewal shall
5 not be required.

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

7 (a) The department is authorized to collect fees from
8 establishments licensed under this section ~~and from those~~
9 ~~facilities exempted from licensure under paragraph (3)(a)~~. It
10 is the intent of the Legislature that the total fees assessed
11 under this section be in an amount sufficient to meet the cost
12 of carrying out the provisions of this section.

13 Section 9. Section 381.0409, Florida Statutes, is
14 created to read:

15 381.0409 Tobacco prevention program.--The Department
16 of Health shall establish a comprehensive tobacco prevention
17 program designed to reduce premature mortality, reduce
18 morbidity, and increase the life expectancy of people in this
19 state through public health interventions at the state and
20 local levels. Implementation of this program is contingent
21 upon the department's receiving a specific appropriation for
22 this purpose.

23 (1) The comprehensive tobacco prevention program shall
24 include the following components:

25 (a) Program elements based on "Best Practices for
26 Comprehensive Tobacco Control Programs" identified by the
27 Centers for Disease Control and Prevention and on the
28 peer-reviewed scientific literature on tobacco prevention.

29 (b) Advocacy organizations of middle, high school, and
30 college students.

31

1 (c) Cessation programs for youth and adults through
2 schools, county health departments, and local providers,
3 including a toll-free telephone quit line.

4 (d) Partnerships with local communities and schools to
5 prevent and reduce tobacco use, including reducing disparities
6 in tobacco use among different population groups.

7 (e) Local and statewide media campaigns separately
8 directed to youth and adults.

9 (f) Implementation of the provisions of the Florida
10 Clean Indoor Air Act under part II of chapter 386 which are
11 applicable to the department.

12 (2) The department shall act as a clearinghouse for
13 information on best practices and shall provide technical
14 assistance and training to state and local entities on tobacco
15 prevention activities.

16 (3) The department may accept funds from the private
17 sector to implement this section.

18 (4) The department shall conduct surveillance and
19 evaluations to measure program performance and improve
20 implementation strategies.

21 (5) The department may contract for any of the
22 activities specified in this section.

23 Section 10. Section 381.86, Florida Statutes, is
24 created to read:

25 381.86 Institutional Review Board.--

26 (1) The Institutional Review Board is created within
27 the Department of Health in order to satisfy federal
28 requirements under 45 C.F.R. part 46 and 21 C.F.R. parts 50
29 and 56 that an institutional review board review all
30 biomedical and behavioral research on human subjects which is
31 funded or supported in any manner by the department, including

1 the permitting of access to data or resources of the
2 department.

3 (2) Consistent with federal requirements, the
4 Secretary of Health shall determine and appoint the membership
5 of the board and designate its chair.

6 (3) The department's Institutional Review Board may
7 serve as an institutional review board for other agencies at
8 the discretion of the secretary.

9 (4) Each board member is entitled to reimbursement for
10 per diem and travel expenses as provided in s. 112.061 while
11 carrying out the official business of the board.

12 (5) The department shall charge for costs it incurs
13 for the research oversight it provides according to a fee
14 schedule, except that fees shall be waived for any student who
15 is a candidate for a degree at a university located in this
16 state. The fee schedule shall provide fees for initial review,
17 amendments, and continuing review. The department may adopt
18 any rules necessary to comply with federal requirements and
19 this section. The rules must also prescribe procedures for
20 submitting an application for the Institutional Review Board's
21 review.

22 Section 11. Paragraphs (b) and (c) of subsection (3)
23 of section 381.89, Florida Statutes, are amended to read:

24 381.89 Regulation of tanning facilities.--

25 (3)

26 (b) The department shall establish procedures for the
27 issuance and annual renewal of licenses and shall establish
28 annual license and renewal fees and late-payment fees in an
29 amount necessary to cover the expenses of administering this
30 section. Annual license and renewal fees may not ~~shall be not~~
31 ~~less than \$125 nor~~ more than \$250 per tanning device and a

1 maximum total fee per individual tanning facility may be set
2 by rule. ~~Effective October 1, 1991, the fee amount shall be~~
3 ~~the minimum fee proscribed in this paragraph and such fee~~
4 ~~amount shall remain in effect until the effective date of a~~
5 ~~fee schedule adopted by the department.~~

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

10 Section 12. Subsection (3) and paragraph (a) of
11 subsection (7) of section 381.90, Florida Statutes, are
12 amended to read:

13 381.90 Health Information Systems Council; legislative
14 intent; creation, appointment, duties.--

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

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

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

20 (c) The Secretary ~~of the Department~~ of Children and
21 Family Services;

22 (d) The Secretary of Health Care Administration;

23 (e) The Secretary ~~of the Department~~ of Corrections;

24 (f) The Attorney General;

25 (g) The Executive Director of the Correctional Medical
26 Authority;

27 (h) Two members representing county health
28 departments, one from a small county and one from a large
29 county, appointed by the Governor;

30 (i) A representative from the Florida Association of
31 Counties;

1 (j) The Chief Financial Officer;
2 (k) A representative from the Florida Healthy Kids
3 Corporation;
4 (l) A representative from a school of public health
5 chosen by the Commissioner of Education ~~Board of Regents~~;
6 (m) The Commissioner of Education;
7 (n) The Secretary ~~of the Department~~ of Elderly
8 Affairs; and
9 (o) The Secretary ~~of the Department~~ of Juvenile
10 Justice.
11
12 Representatives of the Federal Government may serve without
13 voting rights.
14 (7) The council's duties and responsibilities include,
15 but are not limited to, the following:
16 (a) By June ~~March~~ 1 of each year, to develop and
17 approve a strategic plan pursuant to the requirements set
18 forth in s. 186.022 ~~s. 186.022(9)~~. ~~Copies of the plan shall be~~
19 ~~transmitted electronically or in writing to the Executive~~
20 ~~Office of the Governor, the Speaker of the House of~~
21 ~~Representatives, and the President of the Senate.~~
22 Section 13. Subsections (1) and (2), paragraphs (f)
23 and (g) of subsection (3), and subsection (5) of section
24 383.14, Florida Statutes, are amended to read:
25 383.14 Screening for metabolic disorders, other
26 hereditary and congenital disorders, and environmental risk
27 factors.--
28 (1) SCREENING REQUIREMENTS.--To help ensure access to
29 the maternal and child health care system, the Department of
30 Health shall promote the screening of all newborns ~~infants~~
31 born in Florida for ~~phenylketonuria and other~~ metabolic,

1 hereditary, and congenital disorders known to result in
2 significant impairment of health or intellect, including
3 hearing impairments, as screening programs accepted by current
4 medical practice become available and practical in the
5 judgment of the department. The department shall also promote
6 the identification and screening of all newborns ~~infants born~~
7 in this state and their families for environmental risk
8 factors such as low income, poor education, maternal and
9 family stress, emotional instability, substance abuse, and
10 other high-risk conditions associated with increased risk of
11 infant mortality and morbidity to provide early intervention,
12 remediation, and prevention services, including, but not
13 limited to, parent support and training programs, home
14 visitation, and case management. Identification, perinatal
15 screening, and intervention efforts shall begin prior to and
16 immediately following the birth of the child by the attending
17 health care provider. Such efforts shall be conducted in
18 hospitals, perinatal centers, county health departments,
19 school health programs that provide prenatal care, and
20 birthing centers, and reported to the Office of Vital
21 Statistics.

22 (a) Prenatal screening.--The department shall develop
23 a multilevel screening process that includes a risk assessment
24 instrument to identify women at risk for a preterm birth or
25 other high-risk condition. The primary health care provider
26 shall complete the risk assessment instrument and report the
27 results to the Office of Vital Statistics so that the woman
28 may immediately be notified and referred to appropriate
29 health, education, and social services.

30 (b) Postnatal screening.--A risk factor analysis using
31 the department's designated risk assessment instrument shall

1 also be conducted as part of the medical screening process
2 upon the birth of a child and submitted to the department's
3 Office of Vital Statistics for recording and other purposes
4 provided for in this chapter. The department's screening
5 process for risk assessment shall include a scoring mechanism
6 and procedures that establish thresholds for notification,
7 further assessment, referral, and eligibility for services by
8 professionals or paraprofessionals consistent with the level
9 of risk. Procedures for developing and using the screening
10 instrument, notification, referral, and care coordination
11 services, reporting requirements, management information, and
12 maintenance of a computer-driven registry in the Office of
13 Vital Statistics which ensures privacy safeguards must be
14 consistent with the provisions and plans established under
15 chapter 411, Pub. L. No. 99-457, and this chapter. Procedures
16 established for reporting information and maintaining a
17 confidential registry must include a mechanism for a
18 centralized information depository at the state and county
19 levels. The department shall coordinate with existing risk
20 assessment systems and information registries. The department
21 must ensure, to the maximum extent possible, that the
22 screening information registry is integrated with the
23 department's automated data systems, including the Florida
24 On-line Recipient Integrated Data Access (FLORIDA) system.
25 Tests and screenings must be performed by the State Public
26 Health Laboratory, in coordination with Children's Medical
27 Services, at such times and in such manner as is prescribed by
28 the department after consultation with the Genetics and Infant
29 Screening Advisory Council and the State Coordinating Council
30 for School Readiness Programs.

31

1 (c) Release of screening results.--Notwithstanding any
2 other law to the contrary, the State Public Health Laboratory
3 may release, directly or through the Children's Medical
4 Services program, the results of a newborn's hearing and
5 metabolic tests or screening to the newborn's primary care
6 physician.

7 (2) RULES.--After consultation with the Genetics and
8 Newborn Infant Screening Advisory Council, the department
9 shall adopt and enforce rules requiring that every newborn
10 ~~infant born~~ in this state shall, prior to becoming 1 week 2
11 ~~weeks~~ of age, be subjected to a test for phenylketonuria and,
12 at the appropriate age, be tested for such other metabolic
13 diseases and hereditary or congenital disorders as the
14 department may deem necessary from time to time. After
15 consultation with the State Coordinating Council for School
16 Readiness Programs, the department shall also adopt and
17 enforce rules requiring every newborn ~~infant born~~ in this
18 state to be screened for environmental risk factors that place
19 children and their families at risk for increased morbidity,
20 mortality, and other negative outcomes. The department shall
21 adopt such additional rules as are found necessary for the
22 administration of this section, including rules providing
23 definitions of terms, rules relating to the methods used and
24 time or times for testing as accepted medical practice
25 indicates, rules relating to charging and collecting fees for
26 screenings authorized by this section, rules for processing
27 requests and releasing test and screening results,and rules
28 requiring mandatory reporting of the results of tests and
29 screenings for these conditions to the department.

30
31

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

4 (f) Promote the availability of genetic studies and
5 counseling in order that the parents, siblings, and affected
6 newborns ~~infants~~ may benefit from available knowledge of the
7 condition.

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

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

20 2. As part of the department's legislative budget
21 request prepared pursuant to chapter 216, the department shall
22 submit a certification by the department's inspector general,
23 or the director of auditing within the inspector general's
24 office, of the annual costs of the uniform testing and
25 reporting procedures of the newborn ~~infant~~ screening program.
26 In certifying the annual costs, the department's inspector
27 general or the director of auditing within the inspector
28 general's office shall calculate the direct costs of the
29 uniform testing and reporting procedures, including applicable
30 administrative costs. Administrative costs shall be limited to
31 those department costs which are reasonably and directly

1 associated with the administration of the uniform testing and
2 reporting procedures of the newborn ~~infant~~ screening program.

3
4 All provisions of this subsection must be coordinated with the
5 provisions and plans established under this chapter, chapter
6 411, and Pub. L. No. 99-457.

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

31

1 (a) Conditions for which testing should be included
2 under the screening program and the genetics program.~~†~~

3 (b) Procedures for collection and transmission of
4 specimens and recording of results.~~† and~~

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

9 Section 14. Subsection (1) of section 383.402, Florida
10 Statutes, is amended to read:

11 383.402 Child abuse death review; State Child Abuse
12 Death Review Committee; local child abuse death review
13 committees.--

14 (1) It is the intent of the Legislature to establish a
15 statewide multidisciplinary, multiagency child abuse death
16 assessment and prevention system that consists of state and
17 local review committees. The state and local review committees
18 shall review the facts and circumstances of all deaths of
19 children from birth through age 18 which occur in this state
20 as the result of verified child abuse or neglect ~~and for whom~~
21 ~~at least one report of abuse or neglect was accepted by the~~
22 ~~central abuse hotline within the Department of Children and~~
23 ~~Family Services~~. The purpose of the review shall be to:

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

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

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

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

5 Section 15. Subsection (2) of section 391.021, Florida
6 Statutes, is amended to read:

7 391.021 Definitions.--When used in this act, unless
8 the context clearly indicates otherwise:

9 (2) "Children with special health care needs" means
10 those children younger than ~~under age~~ 21 years of age who have
11 chronic physical, developmental, behavioral, or emotional
12 conditions and who also require health care and related
13 services of a type or amount beyond that which is generally
14 required by children ~~whose serious or chronic physical or~~
15 ~~developmental conditions require extensive preventive and~~
16 ~~maintenance care beyond that required by typically healthy~~
17 ~~children. Health care utilization by these children exceeds~~
18 ~~the statistically expected usage of the normal child adjusted~~
19 ~~for chronological age. These children often need complex care~~
20 ~~requiring multiple providers, rehabilitation services, and~~
21 ~~specialized equipment in a number of different settings.~~

22 Section 16. Section 391.025, Florida Statutes, is
23 amended to read:

24 391.025 Applicability and scope.--

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

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

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

29 ~~3. Uninsured or underinsured, provided that they meet~~
30 ~~the financial eligibility requirements established in this~~
31

1 ~~act, and to the extent that resources are appropriated for~~
2 ~~their care; or~~

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

5 (1)(2) The Children's Medical Services program
6 consists of the following components:

7 (a) The newborn infant metabolic screening program
8 established in s. 383.14.

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

11 (c) A federal or state program authorized by the
12 Legislature.

13 (d) The developmental evaluation and intervention
14 program, including the Florida Infants and Toddlers Early
15 Intervention Program.

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

17 (2)(3) The Children's Medical Services program shall
18 not be deemed an insurer and is not subject to the licensing
19 requirements of the Florida Insurance Code or the rules
20 adopted thereunder, when providing services to children who
21 receive Medicaid benefits, other Medicaid-eligible children
22 with special health care needs, and children participating in
23 the Florida Kidcare program.

24 Section 17. Section 391.029, Florida Statutes, is
25 amended to read:

26 391.029 Program eligibility.--

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

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

1 (a) A high-risk pregnant female who is eligible for
2 Medicaid.

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

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

9 (3) Subject to the availability of funds, the
10 following individuals may receive services through the
11 program:

12 ~~(a)(d)~~ Children ~~A child~~ with special health care needs
13 from birth to ~~age~~ 21 years of age whose family income is above
14 the requirements for financial eligibility under Title XXI of
15 the Social Security Act and whose projected annual cost of
16 care adjusts the family income to Medicaid financial criteria.
17 In cases where the family income is adjusted based on a
18 projected annual cost of care, the family shall participate
19 financially in the cost of care based on criteria established
20 by the department.

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

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

31

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

6 ~~(4)(3)~~ The department shall determine the financial
7 and medical eligibility of children for the program. The
8 department shall also determine the financial ability of the
9 parents, or persons or other agencies having legal custody
10 over such individuals, to pay the costs of health services
11 under the program. The department may pay reasonable travel
12 expenses related to the determination of eligibility for or
13 the provision of health services.

14 ~~(5)(4)~~ Any child who has been provided with surgical
15 or medical care or treatment under this act prior to being
16 adopted shall continue to be eligible to be provided with such
17 care or treatment after his or her adoption, regardless of the
18 financial ability of the persons adopting the child.

19 Section 18. Subsection (4) is added to section
20 391.035, Florida Statutes, to read:

21 391.035 Provider qualifications.--

22 (4) Notwithstanding any other law, the department may
23 contract with health care providers licensed in another state
24 to provide health services to participants in the Children's
25 Medical Services program when necessary due to an emergency or
26 in order to provide specialty services or greater convenience
27 to the participants for receiving timely and effective health
28 care services. The department may adopt rules to administer
29 this subsection.

30 Section 19. Subsection (4) is added to section
31 391.055, Florida Statutes, to read:

1 391.055 Service delivery systems.--

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

8 Section 20. Section 391.302, Florida Statutes, is
9 amended to read:

10 391.302 Definitions.--As used in ss. 391.301-391.307,
11 the term:

12 (1) "Developmental intervention" means individualized
13 therapies and services needed to enhance both the infant's or
14 toddler's growth and development and family functioning.

15 ~~(2) "Hearing-impaired infant" means an infant who is~~
16 ~~born with or who has acquired prelingually a hearing loss so~~
17 ~~severe that, unaided, the infant cannot learn speech and~~
18 ~~language through normal means.~~

19 ~~(3) "High-risk hearing-impaired infant" means an~~
20 ~~infant who exhibits conditions and factors that include, but~~
21 ~~are not limited to, a family history of hearing impairment or~~
22 ~~anatomic malformation which place the infant at an increased~~
23 ~~risk for hearing impairment.~~

24 (2)(4) "Infant or toddler" means a child from birth
25 until the child's third birthday.

26 (3)(5) "In-hospital intervention services" means the
27 provision of assessments; the provision of individualized
28 services ~~therapies~~; monitoring and modifying the delivery of
29 medical interventions; and enhancing the environment for the
30 high-risk, developmentally disabled, or medically involved, ~~or~~

31

1 ~~hearing-impaired~~ infant or toddler in order to achieve optimum
2 growth and development.

3 (4)~~(6)~~ "Parent support and training" means a range of
4 services to families of high-risk, developmentally disabled,
5 or ~~medically involved, or hearing-impaired~~ infants or
6 toddlers, including family counseling; financial planning;
7 agency referral; development of parent-to-parent support
8 groups; education concerning growth, development, and
9 developmental intervention and objective measurable skills,
10 including abuse avoidance skills; training of parents to
11 advocate for their child; and bereavement counseling.

12 Section 21. Section 391.303, Florida Statutes, is
13 amended to read:

14 391.303 Program requirements.--

15 (1) Developmental evaluation and intervention services
16 shall be established at each hospital that provides Level II
17 or Level III neonatal intensive care services. Program
18 services shall be made available to an infant or toddler
19 identified as being at risk for developmental disabilities, or
20 identified as medically involved, who, along with his or her
21 family, would benefit from program services. Program services
22 shall be made available to infants or toddlers in a Level II
23 or Level III neonatal intensive care unit or in a pediatric
24 intensive care unit, ~~infants who are identified as being at~~
25 ~~high risk for hearing impairment or who are hearing-impaired,~~
26 or infants who have a metabolic or genetic disorder or a
27 condition identified through the newborn screening program.

28 The developmental evaluation and intervention programs are
29 subject to the availability of moneys and the limitations
30 established by the General Appropriations Act or chapter 216.
31 ~~Hearing screening,~~ Evaluation and referral services, and

1 initial developmental assessments services shall be provided
2 to each infant or toddler. Other program services may be
3 provided to an infant or toddler, and the family of the infant
4 or toddler, who do not meet the financial eligibility criteria
5 for the Children's Medical Services program based on the
6 availability of funding, including insurance and fees.

7 (2) Each developmental evaluation and intervention
8 program shall have a program director, a medical director, and
9 necessary staff to carry out the program. The program director
10 shall establish and coordinate the developmental evaluation
11 and intervention program. The program shall include, but is
12 not limited to:

13 (a) In-hospital evaluation and intervention services,
14 parent support and training, and family support planning and
15 case management.

16 ~~(b) Screening and evaluation services to identify each~~
17 ~~infant at risk of hearing impairment, and a medical and~~
18 ~~educational followup and care management program for an infant~~
19 ~~who is identified as hearing-impaired, with management~~
20 ~~beginning as soon after birth as practicable. The medical~~
21 ~~management program must include the genetic evaluation of an~~
22 ~~infant suspected to have genetically determined deafness and~~
23 ~~an evaluation of the relative risk.~~

24 (b)(c) Regularly held multidisciplinary team meetings
25 to develop and update the family support plan. In addition to
26 the family, a multidisciplinary team may include a physician,
27 physician assistant, psychologist, psychotherapist, educator,
28 social worker, nurse, physical or occupational therapist,
29 speech pathologist, developmental evaluation and intervention
30 program director, case manager, others who are involved with
31 the in-hospital and posthospital discharge care plan, and

1 anyone the family wishes to include as a member of the team.
2 The family support plan is a written plan that describes the
3 infant or toddler, the ~~therapies and~~ services the infant or
4 toddler and his or her family need, and the intended outcomes
5 of the services.

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

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

14 (e)~~(f)~~ Followup intervention services after hospital
15 discharge, to aid the family and the high-risk,
16 developmentally disabled, or medically involved,~~or~~
17 ~~hearing-impaired~~ infant's or toddler's transition into the
18 community. Support services shall be coordinated at the
19 request of the family and within the context of the family
20 support plan.

21 (f)~~(g)~~ Referral to and coordination of services with
22 community providers.

23 (g)~~(h)~~ Educational materials about infant care, infant
24 growth and development, community resources, medical
25 conditions and treatments, and family advocacy. ~~Materials~~
26 ~~regarding hearing impairments shall be provided to each parent~~
27 ~~or guardian of a hearing-impaired infant or toddler.~~

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

31

1 Section 22. Section 391.308, Florida Statutes, is
2 created to read:

3 391.308 Infants and Toddlers Early Intervention
4 Program.--The Department of Health may implement and
5 administer Part C of the federal Individuals with Disabilities
6 Education Act (IDEA).

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

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

17 Section 23. Present subsections (3) and (4) of section
18 395.1027, Florida Statutes, are redesignated as subsections
19 (4) and (5), respectively, and a new subsection (3) is added
20 to that section, to read:

21 395.1027 Regional poison control centers.--

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

25 Section 24. Section 395.404, Florida Statutes, is
26 amended to read:

27 395.404 Review of trauma registry data; report to
28 central registry; confidentiality and limited release.--

29 (1)(a) Each trauma center shall furnish, and all acute
30 care hospitals shall, upon the request of the department,
31 furnish for department review, trauma registry data as

1 prescribed by rule of the department for the purpose of
2 monitoring patient outcome and ensuring compliance with the
3 standards of approval.

4 ~~(2) Notwithstanding the provisions of s. 381.74, each~~
5 ~~trauma center and acute care hospital shall submit severe~~
6 ~~disability and head-injury registry data to the department as~~
7 ~~provided by rule. Each trauma center and acute care hospital~~
8 ~~shall continue to provide initial notification of persons who~~
9 ~~have severe disabilities and head injuries to the Department~~
10 ~~of Health within timeframes provided in chapter 413. Such~~
11 ~~initial notification shall be made in the manner prescribed by~~
12 ~~the Department of Health for the purpose of providing timely~~
13 ~~vocational rehabilitation services to the severely disabled or~~
14 ~~head-injured person.~~

15 (b)(3) Trauma registry data obtained pursuant to this
16 section are confidential and exempt from the provisions of s.
17 119.07(1) and s. 24(a), Art. I of the State Constitution.
18 However, the department may provide such trauma registry data
19 to the person, trauma center, pediatric trauma referral
20 center, hospital, emergency medical service provider, local or
21 regional trauma agency, medical examiner, or other entity from
22 which the data were obtained. The department may also use or
23 provide trauma registry data for purposes of research in
24 accordance with the provisions of chapter 405.

25 (2) Each trauma center and acute care hospital shall
26 report to the department's brain and spinal cord injury
27 central registry, consistent with the procedures and
28 timeframes of s. 381.74, any person who has a
29 moderate-to-severe brain or spinal cord injury, and shall
30 include the name, age, residence, and type of disability of
31

1 the individual and any additional information that the
2 department finds necessary.

3 Section 25. Section 401.211, Florida Statutes, is
4 amended to read:

5 401.211 Legislative intent.--The Legislature
6 recognizes that the systematic provision of emergency medical
7 services saves lives and reduces disability associated with
8 illness and injury. In addition, that system of care must be
9 equally capable of assessing, treating, and transporting
10 children, adults, and frail elderly persons. Further, it is
11 the intent of the Legislature to encourage the development and
12 maintenance of emergency medical services because such
13 services are essential to the health and well-being of all
14 citizens of the state. The Legislature also recognizes that
15 the establishment of a comprehensive statewide
16 injury-prevention program supports state and community health
17 systems by further enhancing the total delivery system of
18 emergency medical services and reduces injuries for all
19 persons.The purpose of this part is to protect and enhance
20 the public health, welfare, and safety through the
21 establishment of an emergency medical services state plan, an
22 advisory council, a comprehensive statewide injury-prevention
23 program,minimum standards for emergency medical services
24 personnel, vehicles, services and medical direction, and the
25 establishment of a statewide inspection program created to
26 monitor the quality of patient care delivered by each licensed
27 service and appropriately certified personnel.

28 Section 26. Section 401.243, Florida Statutes, is
29 created to read:

30 401.243 Injury prevention.--The department shall
31 establish an injury-prevention program with responsibility for

1 the statewide coordination and expansion of injury-prevention
2 activities. The duties of the department under the program may
3 include, but are not limited to, data collection,
4 surveillance, education, and the promotion of interventions.

5 In addition, the department may:

6 (1) Provide communities, county health departments,
7 and other state agencies with expertise and guidance in injury
8 prevention.

9 (2) Seek, receive, and expend funds received from
10 grants, donations, or contributions from public or private
11 sources for program purposes.

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

14 (4) Adopt rules governing the implementation of grant
15 programs. The rules may include, but need not be limited to,
16 criteria regarding the application process, the selection of
17 grantees, the implementation of injury-prevention activities,
18 data collection, surveillance, education, and the promotion of
19 interventions.

20 Section 27. Subsection (4) of section 404.056, Florida
21 Statutes, is amended to read:

22 404.056 Environmental radiation standards and
23 projects; certification of persons performing measurement or
24 mitigation services; mandatory testing; notification on real
25 estate documents; rules.--

26 (4) MANDATORY TESTING.--All public and private school
27 buildings or school sites housing students in kindergarten
28 through grade 12; all state-owned, state-operated,
29 state-regulated, or state-licensed 24-hour care facilities;
30 and all state-licensed day care centers for children or minors
31 which are located in counties designated within the Department

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

21 Section 28. Subsection (5) of section 409.814, Florida
22 Statutes, is amended to read:

23 409.814 Eligibility.--A child whose family income is
24 equal to or below 200 percent of the federal poverty level is
25 eligible for the Florida Kidcare program as provided in this
26 section. In determining the eligibility of such a child, an
27 assets test is not required. An applicant under 19 years of
28 age who, based on a complete application, appears to be
29 eligible for the Medicaid component of the Florida Kidcare
30 program is presumed eligible for coverage under Medicaid,
31 subject to federal rules. A child who has been deemed

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

24 (5) A child whose family income is above 200 percent
25 of the federal poverty level or a child who is excluded under
26 the provisions of subsection (4) may participate in the
27 Florida Healthy Kids program or the Medikids ~~Kidcare~~ program,
28 excluding the Medicaid program, ~~but is~~ subject to the
29 following provisions:

30
31

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

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

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

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

23 Section 29. Subsection (1) and paragraph (g) of
24 subsection (3) of section 468.302, Florida Statutes, are
25 amended to read:

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

28 (1) Except as ~~hereinafter~~ provided in this section, a
29 no person may not shall use radiation or otherwise practice
30 radiologic technology on a human being unless he or she:

31 (a) Is a licensed practitioner; or

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

5 (3)

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

8 a. Conduct in vivo and in vitro measurements of
9 radioactivity and administer radiopharmaceuticals to human
10 beings for diagnostic and therapeutic purposes.

11 b. Administer X radiation from a combination nuclear
12 medicine-computed tomography device if that radiation is
13 administered as an integral part of a nuclear medicine
14 procedure that uses an automated computed tomography protocol
15 for the purposes of attenuation correction and anatomical
16 localization and the person has received device-specific
17 training on the combination device.~~However,~~

18 2. The authority of a nuclear medicine technologist
19 under this paragraph excludes:

20 a. Radioimmunoassay and other clinical laboratory
21 testing regulated pursuant to chapter 483;~~-~~

22 b. Creating or modifying automated computed tomography
23 protocols; and

24 c. Any other operation of a computed tomography
25 device, especially for the purposes of stand-alone diagnostic
26 imaging, which must be performed by a general radiographer
27 certified under this part.

28 Section 30. Section 468.304, Florida Statutes, is
29 amended to read:

30 468.304 Certification ~~examination; admission.~~--The
31 department shall certify ~~admit to examination for~~

1 ~~certification~~ any applicant who meets the following criteria
2 ~~pays to the department a nonrefundable fee not to exceed \$100~~
3 ~~plus the actual per-applicant cost to the department for~~
4 ~~purchasing the examination from a national organization and~~
5 ~~submits satisfactory evidence, verified by oath or~~
6 ~~affirmation, that she or he:~~

7 (1) Pays to the department a nonrefundable fee that
8 may not exceed \$100, plus the actual per-applicant cost to the
9 department for purchasing the examination from a national
10 organization.

11 (2) Submits a completed application on a form
12 specified by the department. An incomplete application expires
13 6 months after initial filing. The application must include
14 the social security number of the applicant. Each applicant
15 shall notify the department in writing of his or her current
16 mailing address. Notwithstanding any other law, service by
17 regular mail to an applicant's last reported mailing address
18 constitutes adequate and sufficient notice of any official
19 departmental communication to the applicant.

20 (3) Submits satisfactory evidence, verified by oath or
21 affirmation, that she or he:

22 (a)(1) Is at least 18 years of age at the time of
23 application;

24 (b)(2) Is a high school, vocational school, technical
25 school, or college graduate or has successfully completed the
26 requirements for a graduate equivalency diploma (GED) or its
27 equivalent;

28 (c)(3) Is of good moral character; and

29 (d) Has passed an examination as specified in s.
30 468.306 or meets the requirements specified in s. 468.3065;

31 and

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

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

11 b.2. With respect to an applicant for a basic X-ray
12 machine operator-podiatric medicine certificate, has completed
13 a course of study approved by the department, provided that
14 such course of study shall be limited to that information
15 necessary to perform radiographic procedures within the scope
16 of practice of a podiatric physician licensed pursuant to
17 chapter 461;

18 c.3. With respect only to an applicant for a general
19 radiographer's certificate who is a basic X-ray machine
20 operator certificateholder, has completed an educational
21 program or a 2-year training program that takes into account
22 the types of procedures and level of supervision usually and
23 customarily practiced in a hospital, which educational or
24 training program complies with the rules of the department; or

25 d.4. With respect only to an applicant for a nuclear
26 medicine technologist's certificate who is a general
27 radiographer certificateholder, has completed an educational
28 program or a 2-year training program that takes into account
29 the types of procedures and level of supervision usually and
30 customarily practiced in a hospital, which educational or
31 training program complies with the rules of the department.

1 (4) Submits complete documentation of any criminal
2 offense in any jurisdiction of which the applicant has been
3 found guilty, regardless of whether adjudication of guilt was
4 withheld, or to which the applicant has pled guilty or nolo
5 contendere.

6 (5) Submits complete documentation of any final
7 disciplinary action taken against the applicant by a licensing
8 or regulatory body in any jurisdiction, by a national
9 organization, or by a specialty board that is recognized by
10 the department. Disciplinary action includes revocation,
11 suspension, probation, reprimand, or being otherwise acted
12 against, including being denied certification or resigning
13 from or nonrenewal of membership taken in lieu of or in
14 settlement of a pending disciplinary case.

15
16 The department may not certify any applicant who has committed
17 an offense that would constitute a violation of any of the
18 provisions of s. 468.3101 or the rules adopted thereunder if
19 the applicant had been certified by the department at the time
20 of the offense.No application for a limited computed
21 tomography certificate shall be accepted. All persons holding
22 valid computed tomography certificates as of October 1, 1984,
23 are subject to the provisions of s. 468.309.

24 Section 31. Section 468.306, Florida Statutes, is
25 amended to read:

26 468.306 Examinations.--All applicants, except those
27 certified pursuant to s. 468.3065, shall be required to pass
28 an examination. The department is authorized to develop or
29 use examinations for each type of certificate. The department
30 may require an applicant who does not pass an examination
31 after five attempts to complete additional remedial education,

1 as specified by rule of the department, before admitting the
2 applicant to subsequent examinations.

3 (1) The department shall have the authority to
4 contract with organizations that develop such test
5 examinations. Examinations may be administered by the
6 department or the contracting organization.

7 (2) Examinations shall be given for each type of
8 certificate at least twice a year at such times and places as
9 the department may determine to be advantageous for
10 applicants. ~~If an applicant applies less than 75 days before~~
11 ~~an examination, the department may schedule the applicant for~~
12 ~~a later examination.~~

13 (3) All examinations shall be written and include
14 positioning, technique, and radiation protection. The
15 department shall either pass or fail each applicant on the
16 basis of his or her final grade. The examination for a basic
17 X-ray machine operator shall include basic positioning and
18 basic techniques directly related to the skills necessary to
19 safely operate radiographic equipment.

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

24 Section 32. Section 468.3065, Florida Statutes, is
25 amended to read:

26 468.3065 Certification by endorsement.--The department
27 may issue a certificate by endorsement to practice radiologic
28 technology to an applicant who, upon applying to the
29 department and remitting a nonrefundable fee not to exceed
30 \$50, demonstrates to the department that he or she holds a
31 current certificate, license, or registration to practice

1 radiologic technology, provided that the requirements for such
2 certificate, license, or registration are deemed by the
3 department to be substantially equivalent to those established
4 under this part and rules adopted under this part hereunder.

5 Section 33. Subsection (1) of section 468.307, Florida
6 Statutes, is amended to read:

7 468.307 Certificate; issuance; display.--

8 (1) The department shall issue a certificate to each
9 candidate who has met the requirements of ss. 468.304 and
10 468.306 or has qualified under s. 468.3065. The department may
11 by rule establish a subcategory of a certificate issued under
12 this part limiting the certificateholder to a specific
13 procedure or specific type of equipment. The first regular
14 certificate issued to a new certificateholder expires on the
15 last day of the certificateholder's birth month and shall be
16 valid for at least 12 months but no more than 24 months.
17 However, if the new certificateholder already holds a regular,
18 active certificate in a different category under this part,
19 the new certificate shall be combined with and expire on the
20 same date as the existing certificate.

21 Section 34. Section 468.309, Florida Statutes, is
22 amended to read:

23 468.309 Certificate; duration; renewal; reversion to
24 inactive status; members of Armed Forces and spouses.--

25 (1)(a) A radiologic technologist's certificate issued
26 in accordance with this part expires as specified in rules
27 adopted by the department which establish a procedure for the
28 biennial renewal of certificates. A certificate shall be
29 renewed by the department for a period of 2 years upon payment
30 of a renewal fee in an amount not to exceed \$75 and upon
31 submission of a renewal application containing such

1 information as the department deems necessary to show that the
2 applicant for renewal is a radiologic technologist in good
3 standing and has completed any continuing education
4 requirements that the department establishes.

5 (b) Sixty days before the end of the biennium, the
6 department shall mail a notice of renewal to the last known
7 address of the certificateholder.

8 (c) Each certificateholder shall notify the department
9 in writing of his or her current mailing address and place of
10 practice. Notwithstanding any other law, service by regular
11 mail to a certificateholder's last reported mailing address
12 constitutes adequate and sufficient notice of any official
13 departmental communication to the certificateholder.

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

16 (3) The department may, by rule, prescribe continuing
17 education requirements, not to exceed 24 hours each licensure
18 period, as a condition for renewal of a certificate. The
19 criteria for approval of continuing education providers,
20 courses, and programs shall be as specified ~~approved~~ by the
21 department. Continuing education, which may be required for
22 persons certified under this part, may be obtained through
23 home study courses approved by the department.

24 (4) Any certificate that ~~which~~ is not renewed by its
25 expiration date ~~at the end of the biennium prescribed by the~~
26 ~~department~~ shall automatically be placed in an expired status,
27 and the certificateholder may not practice radiologic
28 technology until the certificate has been reactivated ~~revert~~
29 ~~to an inactive status. Such certificate may be reactivated~~
30 ~~only if the certificateholder meets the other qualifications~~
31 ~~for reactivation in s. 468.3095.~~

1 (5) A certificateholder in good standing remains in
2 good standing when he or she becomes a member of the Armed
3 Forces of the United States on active duty without paying
4 renewal fees or accruing continuing education credits as long
5 as he or she is a member of the Armed Forces on active duty
6 and for a period of 6 months after discharge from active duty,
7 if he or she is not engaged in practicing radiologic
8 technology in the private sector for profit. The
9 certificateholder must pay a renewal fee and complete
10 continuing education not to exceed 12 classroom hours to renew
11 the certificate.

12 (6) A certificateholder who is in good standing
13 remains in good standing if he or she is absent from the state
14 because of his or her spouse's active duty with the Armed
15 Forces of the United States. The certificateholder remains in
16 good standing without paying renewal fees or completing
17 continuing education as long as his or her spouse is a member
18 of the Armed Forces on active duty and for a period of 6
19 months after the spouse's discharge from active duty, if the
20 certificateholder is not engaged in practicing radiologic
21 technology in the private sector for profit. The
22 certificateholder must pay a renewal fee and complete
23 continuing education not to exceed 12 classroom hours to renew
24 the certificate.

25 (7) A certificateholder may resign his or her
26 certification by submitting to the department a written,
27 notarized resignation on a form specified by the department.
28 The resignation automatically becomes effective upon the
29 department's receipt of the resignation form, at which time
30 the certificateholder's certification automatically becomes
31 null and void and may not be reactivated or renewed or used to

1 practice radiologic technology. A certificateholder who has
2 resigned may become certified again only by reapplying to the
3 department for certification as a new applicant and meeting
4 the certification requirements pursuant to s. 468.304 or s.
5 468.3065. Any disciplinary action that had been imposed on the
6 certificateholder prior to his or her resignation shall be
7 tolled until he or she again becomes certified. Any
8 disciplinary action proposed at the time of the
9 certificateholder's resignation shall be tolled until he or
10 she again becomes certified.

11 Section 35. Subsection (2) of section 468.3095,
12 Florida Statutes, is amended to read:

13 468.3095 Inactive status; reactivation; automatic
14 suspension; reinstatement.--

15 (2)(a) A certificate that ~~which~~ has been expired
16 inactive for less than 10 years ~~1 year after the end of the~~
17 ~~biennium prescribed by the department~~ may be reactivated
18 ~~renewed pursuant to s. 468.309~~ upon payment of the biennial
19 renewal fee and a late renewal fee, not to exceed \$100, and
20 submission of a reactivation application containing any
21 information that the department deems necessary to show that
22 the applicant is a radiologic technologist in good standing
23 and has met the requirements for continuing education. ~~The~~
24 ~~renewed certificate shall expire 2 years after the date the~~
25 ~~certificate automatically reverted to inactive status.~~

26 ~~(b) A certificate which has been inactive for more~~
27 ~~than 1 year may be reactivated upon application to the~~
28 ~~department.~~The department shall prescribe, by rule,
29 continuing education requirements as a condition of
30 reactivating a certificate. The continuing education
31 requirements for reactivating a certificate may ~~shall~~ not

1 exceed 10 classroom hours for each year the certificate was
2 expired inactive and may not ~~shall in no event~~ exceed 100
3 classroom hours for all years in which the certificate was
4 expired inactive.

5 (b) A certificate that has been inactive for less than
6 10 years may be reactivated by meeting all of the requirements
7 of paragraph (a) for expired certificates, except for payment
8 of the fee for late renewal.

9 (c) A certificate that ~~which~~ has been inactive for
10 ~~more than 10 years or more~~ shall automatically becomes null
11 and void and may not be reactivated, renewed, or used to
12 practice radiologic technology ~~be suspended~~. A
13 certificateholder whose certificate has become null and void
14 may become certified again only by reapplying to the
15 department as a new applicant and meeting the requirements of
16 s. 468.304 or s. 468.3065.

17 (d) When an expired or inactive certificate is
18 reactivated, the reactivated certificate expires on the last
19 day of the certificateholder's birth month and shall be valid
20 for at least 12 months but no more than 24 months. However, if
21 the reactivating certificateholder already holds a regular,
22 active certificate in a different category under this part,
23 the reactivated certificate shall be combined with and expire
24 on the same date as the existing certificate. ~~One year before~~
25 ~~the suspension, the department shall give notice to the~~
26 ~~certificateholder. A suspended certificate may be reinstated~~
27 ~~as provided for original issuance in s. 468.307.~~

28 Section 36. Subsection (1) of section 468.3101,
29 Florida Statutes, is amended, and subsections (5) and (6) are
30 added to that section, to read:

31 468.3101 Disciplinary grounds and actions.--

1 (1) The department may make or require to be made any
2 investigations, inspections, evaluations, and tests, and
3 require the submission of any documents and statements, which
4 it considers necessary to determine whether a violation of
5 this part has occurred.The following acts shall be grounds
6 for disciplinary action as set forth in this section:

7 (a) Procuring, attempting to procure, or renewing a
8 certificate to practice radiologic technology by bribery, by
9 fraudulent misrepresentation, or through an error of the
10 department.

11 (b) Having a voluntary or mandatory certificate to
12 practice radiologic technology revoked, suspended, or
13 otherwise acted against, including being denied certification,
14 by a national organization; by a specialty board recognized by
15 the department; or by a ~~the~~ certification authority of another
16 state, territory, or country.

17 (c) Being convicted or found guilty, regardless of
18 adjudication, in any jurisdiction of a crime that ~~which~~
19 directly relates to the practice of radiologic technology or
20 to the ability to practice radiologic technology. Pleading A
21 ~~plea of~~ nolo contendere shall be considered a conviction for
22 the purpose of this provision.

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

27 (e) Making or filing a false report or record that
28 ~~which~~ the certificateholder knows to be false, intentionally
29 or negligently failing to file a report or record required by
30 state or federal law, or willfully impeding or obstructing
31 such filing or inducing another to do so. Such reports or

1 records include only those reports or records which are signed
2 in the capacity as a radiologic technologist.

3 (f) Engaging in unprofessional conduct, which
4 includes, but is not limited to, any departure from, or the
5 failure to conform to, the standards of practice of radiologic
6 technology as established by the department, in which case
7 actual injury need not be established.

8 (g) Being unable to practice radiologic technology
9 with reasonable skill and safety to patients by reason of
10 ~~illness, drunkenness,~~ or use of alcohol, drugs, narcotics,
11 chemicals, or other materials or as a result of any mental or
12 physical condition. A radiologic technologist affected under
13 this paragraph shall, at reasonable intervals, be afforded an
14 opportunity to demonstrate that he or she can resume the
15 competent practice of radiologic technology with reasonable
16 skill and safety.

17 (h) Failing to report to the department any person who
18 the certificateholder knows is in violation of this part or of
19 the rules of the department.

20 (i) Violating any provision of this part, any rule of
21 the department, or any lawful order of the department
22 previously entered in a disciplinary proceeding or failing to
23 comply with a lawfully issued subpoena of the department.

24 (j) Employing, for the purpose of applying ionizing
25 radiation or otherwise practicing radiologic technology on a
26 ~~to any~~ human being, any individual who is not certified under
27 the provisions of this part.

28 (k) Testing positive for any drug, as defined in s.
29 112.0455, on any confirmed preemployment or employer-required
30 drug screening when the radiologic technologist does not have
31

1 a lawful prescription and legitimate medical reason for using
2 such drug.

3 (l) Failing to report to the department in writing
4 within 30 days after the certificateholder has had a voluntary
5 or mandatory certificate to practice radiologic technology
6 revoked, suspended, or otherwise acted against, including
7 being denied certification, by a national organization, by a
8 specialty board recognized by the department, or by a
9 certification authority of another state, territory, or
10 country.

11 (m) Having been found guilty of, regardless of
12 adjudication, or pleading guilty or nolo contendere to, any
13 offense prohibited under s. 435.03 or under any similar
14 statute of another jurisdiction.

15 (n) Failing to comply with the recommendations of the
16 department's impaired practitioner program for treatment,
17 evaluation, or monitoring. A letter from the director of the
18 impaired practitioner program that the certificateholder is
19 not in compliance shall be considered conclusive proof under
20 this part.

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

25 (6) The department may revoke approval of a continuing
26 education provider and its approved courses if the provider's
27 certification has been revoked, suspended, or otherwise acted
28 against by a national organization; by a specialty board
29 recognized by the department; or by a certification authority
30 of another state, territory, or country. The department may
31 establish by rule additional guidelines and criteria for the

1 discipline of continuing education providers, including, but
2 not limited to, revoking approval of a continuing education
3 provider or a continuing education course and refusing to
4 approve a continuing education provider or continuing
5 education course.

6 Section 37. Paragraph (a) of subsection (5) of section
7 489.553, Florida Statutes, is amended to read:

8 489.553 Administration of part; registration
9 qualifications; examination.--

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

12 (a) Have been a registered septic tank contractor in
13 Florida for at least 3 years or a plumbing contractor
14 certified under part I of this chapter who has provided septic
15 tank contracting services for at least 3 years. The 3 years
16 must immediately precede the date of application and may not
17 be interrupted by any probation, suspension, or revocation
18 imposed by the licensing agency.

19 Section 38. Section 489.554, Florida Statutes, is
20 amended to read:

21 489.554 Registration renewal.--

22 (1) The department shall prescribe by rule the method
23 for approving ~~approval of~~ continuing education courses, ~~and~~
24 for renewing ~~renewal of~~ annual registration, for approving
25 inactive status for the late filing of a renewal application,
26 for allowing a contractor to hold a registration in inactive
27 status for a specified period, and for reactivating a
28 registration.

29 (2) At a minimum, annual renewal shall include
30 continuing education requirements of not less than 6 classroom
31 hours annually for septic tank contractors and not less than

1 12 classroom hours annually for master septic tank
2 contractors. The 12 classroom hours of continuing education
3 required for master septic tank contractors may include the 6
4 classroom hours required for septic tank contractors, but at a
5 minimum must include 6 classroom hours of approved master
6 septic tank contractor coursework.

7 (3) A certificate of registration becomes inactive
8 when a renewal application is not filed in a timely manner. A
9 certificate that has become inactive may be reactivated under
10 this section by application to the department. A licensed
11 contractor may apply to the department for voluntary inactive
12 status at any time during the period of registration.

13 (4) A master septic tank contractor may elect to
14 revert to the status of a registered septic tank contractor at
15 any time during the period of registration. The department
16 shall prescribe by rule the method for a master septic tank
17 contractor who has reverted to the status of a registered
18 septic tank contractor to apply for status as a master septic
19 tank contractor.

20 (5) The department shall deny an application for
21 renewal if the applicant has failed to pay any administrative
22 penalty imposed by the department if the penalty is final
23 agency action and all judicial reviews have been exhausted.

24 Section 39. Section 784.081, Florida Statutes, is
25 amended to read:

26 784.081 Assault or battery on specified officials or
27 employees; reclassification of offenses.--Whenever a person is
28 charged with committing an assault or aggravated assault or a
29 battery or aggravated battery upon any elected official or
30 employee of: a school district; a private school; the Florida
31 School for the Deaf and the Blind; a university developmental

1 research school; a state university or any other entity of the
2 state system of public education, as defined in s. 1000.04; an
3 employee or protective investigator of the Department of
4 Children and Family Services; ~~or~~ an employee of a lead
5 community-based provider and its direct service contract
6 providers; or an employee of the Department of Health or its
7 direct service contract providers, when the person committing
8 the offense knows or has reason to know the identity or
9 position or employment of the victim, the offense for which
10 the person is charged shall be reclassified as follows:

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

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

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

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

19 Section 40. Subsection (9) of section 381.0098,
20 paragraph (f) of subsection (2) of section 385.103, sections
21 385.205 and 385.209, subsection (3) of section 391.301,
22 subsection (2) of section 391.305, subsection (5) of section
23 393.064, and subsection (7) of section 445.033, Florida
24 Statutes, are repealed.

25 Section 41. This act shall take effect July 1, 2004.

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SENATE SUMMARY

Revises various provisions of law relating to duties and functions of the Department of Health. Renames specified divisions within the department and creates the Division of Disability Determinations. Requires the department's environmental health program to investigate elevated levels of lead in blood. Requires the department to establish a tobacco prevention program. Creates the Institutional Review Board within the department. Authorizes the board to charge fees for its research oversight. Authorizes the State Public Health Laboratory to release test results to a newborn's physician. Revises various requirements of the Children's Medical Services Program. Creates the Infants and Toddlers Early Intervention Program. Provides for a statewide injury-prevention program. Revises the certification requirements for technologists that administer radiation and perform other procedures. Revises requirements for septic tank contractors. Increases penalties imposed for committing an assault or battery against an employee of the department or a direct service provider of the department. (See bill for details.)