

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

317-2292-04

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

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

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

1 services; amending s. 391.303, F.S.; revising  
2 certain requirements for providing those  
3 services; amending s. 391.308, F.S.; creating  
4 the Infants and Toddlers Early Intervention  
5 Program within the Department of Health;  
6 requiring the department, jointly with the  
7 Department of Education, to prepare grant  
8 applications and to include certain services  
9 under the program; amending s. 395.1027, F.S.;  
10 authorizing certain licensed facilities to  
11 release patient information to regional poison  
12 control centers; amending s. 395.404, F.S.;  
13 revising reporting requirements to the trauma  
14 registry data system maintained by the  
15 Department of Health; providing that hospitals,  
16 pediatric trauma referral centers, and trauma  
17 centers subject to reporting trauma registry  
18 data to the department are required to comply  
19 with other duties concerning the  
20 moderate-to-severe brain or spinal cord injury  
21 registry maintained by the department;  
22 correcting references to the term "trauma  
23 center"; amending s. 401.211, F.S.; providing  
24 legislative intent with respect to a statewide  
25 injury-prevention program; creating s. 401.243,  
26 F.S.; providing duties of the department for  
27 establishing such a program; authorizing the  
28 department to adopt rules; creating s.  
29 401.27001, F.S.; providing requirements for  
30 background screening for applicants for initial  
31 certification as an emergency medical

1 technician or paramedic and for renewal of  
2 certification; requiring an applicant to pay  
3 the costs of screening; requiring that  
4 fingerprints be submitted to the Department of  
5 Law Enforcement and forwarded to the Federal  
6 Bureau of Investigation; specifying the  
7 offenses that are grounds for denial of  
8 certification; authorizing the department to  
9 grant an exemption to an applicant,  
10 notwithstanding certain convictions; requiring  
11 the department to adopt rules; amending s.  
12 404.056, F.S.; revising the radon testing  
13 requirements for schools and certain  
14 state-operated or state-licensed facilities;  
15 amending s. 409.814, F.S.; providing certain  
16 eligibility requirements for the Florida  
17 Healthy Kids and Medikids programs; amending s.  
18 468.302, F.S.; revising certain requirements  
19 for administering radiation and performing  
20 certain other procedures; amending s. 468.304,  
21 F.S.; revising requirements for obtaining  
22 certification from the department as an X-ray  
23 machine operator, a radiographer, or a nuclear  
24 medicine technologist; amending s. 468.306,  
25 F.S.; requiring remedial education for certain  
26 applicants for certification; amending s.  
27 468.3065, F.S.; providing that the application  
28 fee is nonrefundable; amending s. 468.307,  
29 F.S.; revising the expiration date of a  
30 certificate; amending s. 468.309, F.S.;  
31 revising requirements for certification as a

1 radiologic technologist; providing for a  
2 certificateholder to resign a certification;  
3 amending s. 468.3095, F.S.; revising  
4 requirements for reactivating an expired  
5 certificate; amending s. 468.3101, F.S.;  
6 authorizing the department to conduct  
7 investigations and inspections; clarifying  
8 certain grounds for disciplinary actions;  
9 amending s. 489.553, F.S.; providing  
10 requirements for registration as a master  
11 septic tank contractor; amending s. 489.554,  
12 F.S.; authorizing inactive registration as a  
13 septic tank contractor; providing for renewing  
14 a certification of registration following a  
15 period of inactive status; amending s. 784.081,  
16 F.S.; increasing certain penalties for an  
17 assault or battery that is committed against an  
18 employee of the Department of Health or against  
19 a direct service provider of the department;  
20 repealing ss. 381.0098(9), 385.103(2)(f),  
21 385.205, 385.209, 391.301(3), 391.305(2),  
22 393.064(5), and 445.033(7), F.S., relating to  
23 obsolete provisions governing the handling of  
24 biomedical waste, rulemaking authority with  
25 respect to community intervention programs,  
26 programs covering chronic renal disease,  
27 information on cholesterol, intervention  
28 programs for certain hearing-impaired infants,  
29 contract authority over the Raymond C. Philips  
30 Research and Education Unit, and an exemption  
31 from the Florida Biomedical and Social Research

1 Act for certain evaluations; providing an  
2 effective date.

3  
4 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

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

22 (3) The following divisions of the Department of  
23 Health are established:

24 (f) Division of Emergency Medical Operations Services  
25 ~~and Community Health Resources~~.

26 (i) Division of Information Technology Resource  
27 ~~Management~~.

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

29 (k) Division of Disability Determinations.  
30  
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1           Section 3. Section 216.341, Florida Statutes, is  
2 transferred, renumbered as section 216.2625, Florida Statutes,  
3 and amended to read:

4           216.2625 ~~216.341~~ Disbursement of ~~county health~~  
5 ~~department~~ trust funds of the Department of Health; authorized  
6 positions.--

7           (1) County health department trust funds may be  
8 expended by the Department of Health for the respective county  
9 health departments in accordance with budgets and plans agreed  
10 upon by the county authorities of each county and the  
11 Department of Health.

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

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

17           (b) The United States Trust Fund.

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

20           381.0011 Duties and powers of the Department of  
21 Health.--It is the duty of the Department of Health to:

22           (12) Maintain ~~Cooperate with other departments, local~~  
23 ~~officials, and private organizations in developing and~~  
24 ~~implementing~~ a statewide injury-prevention ~~injury control~~  
25 program.

26           Section 5. Subsection (17) is added to section  
27 381.006, Florida Statutes, to read:

28           381.006 Environmental health.--The department shall  
29 conduct an environmental health program as part of fulfilling  
30 the state's public health mission. The purpose of this program  
31 is to detect and prevent disease caused by natural and manmade



1 factors in the environment. The environmental health program  
2 shall include, but not be limited to:

3 (17) A function for investigating elevated levels of  
4 lead in blood. Each participating county health department may  
5 expend funds for federally mandated certification or  
6 recertification fees related to conducting investigations of  
7 elevated levels of lead in blood.

8  
9 The department may adopt rules to carry out the provisions of  
10 this section.

11 Section 6. Paragraph (k) of subsection (2) and  
12 paragraphs (d) and (e) of subsection (4) of section 381.0065,  
13 Florida Statutes, are amended, and paragraph (v) is added to  
14 subsection (4) of that section, to read:

15 381.0065 Onsite sewage treatment and disposal systems;  
16 regulation.--

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

19 (k) "Permanent nontidal surface water body" means a  
20 perennial stream, a perennial river, an intermittent stream, a  
21 perennial lake, a submerged marsh or swamp, a submerged wooded  
22 marsh or swamp, a spring, or a seep, as identified on the most  
23 recent quadrangle map, 7.5 minute series (topographic),  
24 produced by the United States Geological Survey, or products  
25 derived from that series. "Permanent nontidal surface water  
26 body" shall also mean an artificial surface water body that  
27 does not have an impermeable bottom and side and that is  
28 designed to hold, or does hold, visible standing water for at  
29 least 180 days of the year. However, a nontidal surface water  
30 body that is drained, either naturally or artificially, where  
31 the intent or the result is that such drainage be temporary,

1 shall be considered a permanent nontidal surface water body. A  
2 nontidal surface water body that is drained of all visible  
3 surface water, where the lawful intent or the result of such  
4 drainage is that such drainage will be permanent, shall not be  
5 considered a permanent nontidal surface water body. The  
6 boundary of a permanent nontidal surface water body shall be  
7 the mean annual flood line.

8 (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person  
9 may not construct, repair, modify, abandon, or operate an  
10 onsite sewage treatment and disposal system without first  
11 obtaining a permit approved by the department. The department  
12 may issue permits to carry out this section, but shall not  
13 make the issuance of such permits contingent upon prior  
14 approval by the Department of Environmental Protection. A  
15 construction permit is valid for 18 months from the issuance  
16 date and may be extended by the department for one 90-day  
17 period under rules adopted by the department. A repair permit  
18 is valid for 90 days from the date of issuance. An operating  
19 permit must be obtained prior to the use of any aerobic  
20 treatment unit or if the establishment generates commercial  
21 waste. Buildings or establishments that use an aerobic  
22 treatment unit or generate commercial waste shall be inspected  
23 by the department at least annually to assure compliance with  
24 the terms of the operating permit. The operating permit for a  
25 commercial wastewater system is valid for 1 year from the date  
26 of issuance and must be renewed annually. The operating permit  
27 for an aerobic treatment unit is valid for 2 years from the  
28 date of issuance and must be renewed every 2 years. If all  
29 information pertaining to the siting, location, and  
30 installation conditions or repair of an onsite sewage  
31 treatment and disposal system remains the same, a construction

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

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

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

- 13           1. Seventy-five feet from a private potable well.
- 14           2. Two hundred feet from a public potable well serving  
15 a residential or nonresidential establishment having a total  
16 sewage flow of greater than 2,000 gallons per day.
- 17           3. One hundred feet from a public potable well serving  
18 a residential or nonresidential establishment having a total  
19 sewage flow of less than or equal to 2,000 gallons per day.
- 20           4. Fifty feet from any nonpotable well.
- 21           5. Ten feet from any storm sewer pipe, to the maximum  
22 extent possible, but in no instance shall the setback be less  
23 than 5 feet.
- 24           6. Seventy-five feet from the mean high-water line of  
25 a tidally influenced surface water body.
- 26           7. Seventy-five feet from the mean ~~normal~~ annual flood  
27 line of a permanent nontidal surface water body.
- 28           8. Fifteen feet from the design high-water line of  
29 retention areas, detention areas, or swales designed to  
30 contain standing or flowing water for less than 72 hours after  
31 a rainfall or the design high-water level of normally dry

1 drainage ditches or normally dry individual lot stormwater  
2 retention areas.

3 (v) The department may require the submission of  
4 detailed system construction plans that are prepared by a  
5 professional engineer registered in this state. The department  
6 shall establish by rule criteria for determining when such a  
7 submission is required.

8 Section 7. Paragraph (k) of subsection (2) of section  
9 381.0066, Florida Statutes, is amended to read:

10 381.0066 Onsite sewage treatment and disposal systems;  
11 fees.--

12 (2) The minimum fees in the following fee schedule  
13 apply until changed by rule by the department within the  
14 following limits:

15 (k) Research: An additional \$5 fee shall be added to  
16 each new system construction permit issued ~~during fiscal years~~  
17 ~~1996-2004~~ to be used for onsite sewage treatment and disposal  
18 system research, demonstration, and training projects. Five  
19 dollars from any repair permit fee collected under this  
20 section shall be used for funding the hands-on training  
21 centers described in s. 381.0065(3)(j).

22  
23 The funds collected pursuant to this subsection must be  
24 deposited in a trust fund administered by the department, to  
25 be used for the purposes stated in this section and ss.  
26 381.0065 and 381.00655.

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

30 381.0072 Food service protection.--It shall be the  
31 duty of the Department of Health to adopt and enforce

1 sanitation rules consistent with law to ensure the protection  
2 of the public from food-borne illness. These rules shall  
3 provide the standards and requirements for the storage,  
4 preparation, serving, or display of food in food service  
5 establishments as defined in this section and which are not  
6 permitted or licensed under chapter 500 or chapter 509.

7 (2) DUTIES.--

8 (a) The department shall adopt rules, including  
9 definitions of terms which are consistent with law prescribing  
10 minimum sanitation standards and manager certification  
11 requirements as prescribed in s. 509.039, and which shall be  
12 enforced in food service establishments as defined in this  
13 section. The sanitation standards must address the  
14 construction, operation, and maintenance of the establishment;  
15 lighting, ventilation, laundry rooms, lockers, use and storage  
16 of toxic materials and cleaning compounds, and first-aid  
17 supplies; plan review; design, construction, installation,  
18 location, maintenance, sanitation, and storage of food  
19 equipment and utensils; employee training, health, hygiene,  
20 and work practices; food supplies, preparation, storage,  
21 transportation, and service, including access to the areas  
22 where food is stored or prepared; and sanitary facilities and  
23 controls, including water supply and sewage disposal; plumbing  
24 and toilet facilities; garbage and refuse collection, storage,  
25 and disposal; and vermin control. Public and private schools,  
26 if the food service is operated by school employees; hospitals  
27 licensed under chapter 395; ~~nursing homes licensed under part~~  
28 ~~II of chapter 400;~~ child care facilities as defined in s.  
29 402.301; ~~and residential facilities colocated with a nursing~~  
30 ~~home or hospital~~ if all food is prepared in a central kitchen  
31 that complies with nursing or hospital regulations; and bars

1 and lounges, as defined by department rule, are ~~shall be~~  
2 exempt from the rules developed for manager certification. The  
3 department shall administer a comprehensive inspection,  
4 monitoring, and sampling program to ensure such standards are  
5 maintained. With respect to food service establishments  
6 permitted or licensed under chapter 500 or chapter 509, the  
7 department shall assist the Division of Hotels and Restaurants  
8 of the Department of Business and Professional Regulation and  
9 the Department of Agriculture and Consumer Services with  
10 rulemaking by providing technical information.

11 (3) LICENSES REQUIRED.--

12 (a) Licenses; annual renewals.--Each food service  
13 establishment regulated under this section shall obtain a  
14 license from the department annually. Food service  
15 establishment licenses shall expire annually and shall not be  
16 transferable from one place or individual to another. ~~However,~~  
17 ~~those facilities licensed by the department's Office of~~  
18 ~~Licensure and Certification, the Child Care Services Program~~  
19 ~~Office, or the Developmental Disabilities Program Office are~~  
20 ~~exempt from this subsection.~~ It shall be a misdemeanor of the  
21 second degree, punishable as provided in s. 381.0061, s.  
22 775.082, or s. 775.083, for such an establishment to operate  
23 without this license. The department may refuse a license, or  
24 a renewal thereof, to any establishment that is not  
25 constructed or maintained in accordance with law and with the  
26 rules of the department. Annual application for renewal shall  
27 not be required.

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

29 (a) The department is authorized to collect fees from  
30 establishments licensed under this section ~~and from those~~  
31 ~~facilities exempted from licensure under paragraph (3)(a).~~ It

1 is the intent of the Legislature that the total fees assessed  
2 under this section be in an amount sufficient to meet the cost  
3 of carrying out the provisions of this section.

4 Section 9. Section 381.0409, Florida Statutes, is  
5 created to read:

6 381.0409 Tobacco prevention program.--The Department  
7 of Health shall establish a comprehensive tobacco prevention  
8 program designed to reduce premature mortality, reduce  
9 morbidity, and increase the life expectancy of people in this  
10 state through public health interventions at the state and  
11 local levels. Implementation of this program is contingent  
12 upon the department's receiving a specific appropriation for  
13 this purpose.

14 (1) The comprehensive tobacco prevention program shall  
15 include the following components:

16 (a) Program elements based on "Best Practices for  
17 Comprehensive Tobacco Control Programs" identified by the  
18 Centers for Disease Control and Prevention and on the  
19 peer-reviewed scientific literature on tobacco prevention.

20 (b) Advocacy organizations of middle, high school, and  
21 college students.

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

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

28 (e) Local and statewide media campaigns separately  
29 directed to youth and adults.

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1           (f) Implementation of the provisions of the Florida  
2 Clean Indoor Air Act under part II of chapter 386 which are  
3 applicable to the department.

4           (2) The department shall act as a clearinghouse for  
5 information on best practices and shall provide technical  
6 assistance and training to state and local entities on tobacco  
7 prevention activities.

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

10           (4) The department shall conduct surveillance and  
11 evaluations to measure program performance and improve  
12 implementation strategies.

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

15           Section 10. Section 381.86, Florida Statutes, is  
16 created to read:

17           381.86 Institutional Review Board.--

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

24           (2) Consistent with federal requirements, the  
25 Secretary of Health shall determine and appoint the membership  
26 of the board and designate its chair.

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

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

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

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

16           381.89 Regulation of tanning facilities.--

17           (3)

18           (b) The department shall establish procedures for the  
19 issuance and annual renewal of licenses and shall establish  
20 annual license and renewal fees and late-payment fees in an  
21 amount necessary to cover the expenses of administering this  
22 section. Annual license and renewal fees may not ~~shall be not~~  
23 ~~less than \$125 nor~~ more than \$250 per tanning device and a  
24 maximum total fee per individual tanning facility may be set  
25 by rule. Effective October 1, 1991, the fee amount shall be  
26 ~~the minimum fee proscribed in this paragraph and such fee~~  
27 ~~amount shall remain in effect until the effective date of a~~  
28 ~~fee schedule adopted by the department.~~

29           (c) The department may adopt a system under which  
30 licenses expire on staggered dates and the annual renewal fees

31

1 are prorated quarterly ~~monthly~~ to reflect the actual number of  
2 months the license is valid.

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

6 381.90 Health Information Systems Council; legislative  
7 intent; creation, appointment, duties.--

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

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

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

13 (c) The Secretary ~~of the Department~~ of Children and  
14 Family Services;

15 (d) The Secretary of Health Care Administration;

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

17 (f) The Attorney General;

18 (g) The Executive Director of the Correctional Medical  
19 Authority;

20 (h) Two members representing county health  
21 departments, one from a small county and one from a large  
22 county, appointed by the Governor;

23 (i) A representative from the Florida Association of  
24 Counties;

25 (j) The Chief Financial Officer;

26 (k) A representative from the Florida Healthy Kids  
27 Corporation;

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

30 (m) The Commissioner of Education;

31

1           (n) The Secretary ~~of the Department~~ of Elderly  
2 Affairs; and

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

5  
6 Representatives of the Federal Government may serve without  
7 voting rights.

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

10           (a) By June ~~March~~ 1 of each year, to develop and  
11 approve a strategic plan pursuant to the requirements set  
12 forth in s. 186.022 ~~s. 186.022(9)~~. ~~Copies of the plan shall be~~  
13 ~~transmitted electronically or in writing to the Executive~~  
14 ~~Office of the Governor, the Speaker of the House of~~  
15 ~~Representatives, and the President of the Senate.~~

16           Section 13. Subsections (1) and (2), paragraphs (f)  
17 and (g) of subsection (3), and subsection (5) of section  
18 383.14, Florida Statutes, are amended to read:

19           383.14 Screening for metabolic disorders, other  
20 hereditary and congenital disorders, and environmental risk  
21 factors.--

22           (1) SCREENING REQUIREMENTS.--To help ensure access to  
23 the maternal and child health care system, the Department of  
24 Health shall promote the screening of all newborns ~~infants~~  
25 born in Florida for ~~phenylketonuria and other~~ metabolic,  
26 hereditary, and congenital disorders known to result in  
27 significant impairment of health or intellect, as screening  
28 programs accepted by current medical practice become available  
29 and practical in the judgment of the department. The  
30 department shall also promote the identification and screening  
31 of all newborns ~~infants born~~ in this state and their families

1 for environmental risk factors such as low income, poor  
2 education, maternal and family stress, emotional instability,  
3 substance abuse, and other high-risk conditions associated  
4 with increased risk of infant mortality and morbidity to  
5 provide early intervention, remediation, and prevention  
6 services, including, but not limited to, parent support and  
7 training programs, home visitation, and case management.  
8 Identification, perinatal screening, and intervention efforts  
9 shall begin prior to and immediately following the birth of  
10 the child by the attending health care provider. Such efforts  
11 shall be conducted in hospitals, perinatal centers, county  
12 health departments, school health programs that provide  
13 prenatal care, and birthing centers, and reported to the  
14 Office of Vital Statistics.

15 (a) Prenatal screening.--The department shall develop  
16 a multilevel screening process that includes a risk assessment  
17 instrument to identify women at risk for a preterm birth or  
18 other high-risk condition. The primary health care provider  
19 shall complete the risk assessment instrument and report the  
20 results to the Office of Vital Statistics so that the woman  
21 may immediately be notified and referred to appropriate  
22 health, education, and social services.

23 (b) Postnatal screening.--A risk factor analysis using  
24 the department's designated risk assessment instrument shall  
25 also be conducted as part of the medical screening process  
26 upon the birth of a child and submitted to the department's  
27 Office of Vital Statistics for recording and other purposes  
28 provided for in this chapter. The department's screening  
29 process for risk assessment shall include a scoring mechanism  
30 and procedures that establish thresholds for notification,  
31 further assessment, referral, and eligibility for services by

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

24 (c) Release of screening results.--Notwithstanding any  
25 other law to the contrary, the State Public Health Laboratory  
26 may release, directly or through the Children's Medical  
27 Services program, the results of a newborn's hearing and  
28 metabolic tests or screening to the newborn's primary care  
29 physician.

30 (2) RULES.--After consultation with the Genetics and  
31 Newborn Infant Screening Advisory Council, the department

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

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

25 (f) Promote the availability of genetic studies and  
26 counseling in order that the parents, siblings, and affected  
27 newborns ~~infants~~ may benefit from available knowledge of the  
28 condition.

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

31

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

11           2. As part of the department's legislative budget  
12 request prepared pursuant to chapter 216, the department shall  
13 submit a certification by the department's inspector general,  
14 or the director of auditing within the inspector general's  
15 office, of the annual costs of the uniform testing and  
16 reporting procedures of the newborn ~~infant~~ screening program.  
17 In certifying the annual costs, the department's inspector  
18 general or the director of auditing within the inspector  
19 general's office shall calculate the direct costs of the  
20 uniform testing and reporting procedures, including applicable  
21 administrative costs. Administrative costs shall be limited to  
22 those department costs which are reasonably and directly  
23 associated with the administration of the uniform testing and  
24 reporting procedures of the newborn ~~infant~~ screening program.

25  
26 All provisions of this subsection must be coordinated with the  
27 provisions and plans established under this chapter, chapter  
28 411, and Pub. L. No. 99-457.

29           (5) ADVISORY COUNCIL.--There is established a Genetics  
30 and Newborn ~~Infant~~ Screening Advisory Council made up of 15 ~~12~~  
31 members appointed by the Secretary of Health. The council



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

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

24 (b) Procedures for collection and transmission of  
25 specimens and recording of results.~~+~~~~and~~

26 (c) Methods whereby screening programs and genetics  
27 services for children now provided or proposed to be offered  
28 in the state may be more effectively evaluated, coordinated,  
29 and consolidated.

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

1           383.402 Child abuse death review; State Child Abuse  
2 Death Review Committee; local child abuse death review  
3 committees.--

4           (1) It is the intent of the Legislature to establish a  
5 statewide multidisciplinary, multiagency child abuse death  
6 assessment and prevention system that consists of state and  
7 local review committees. The state and local review committees  
8 shall review the facts and circumstances of all deaths of  
9 children from birth through age 18 which occur in this state  
10 as the result of verified child abuse or neglect ~~and for whom~~  
11 ~~at least one report of abuse or neglect was accepted by the~~  
12 ~~central abuse hotline within the Department of Children and~~  
13 ~~Family Services~~. The purpose of the review shall be to:

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

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

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

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

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

28           391.021 Definitions.--When used in this act, unless  
29 the context clearly indicates otherwise:

30           (2) "Children with special health care needs" means  
31 those children younger than ~~under age~~ 21 years of age who have

1 chronic physical, developmental, behavioral, or emotional  
2 conditions and who also require health care and related  
3 services of a type or amount beyond that which is generally  
4 required by children ~~whose serious or chronic physical or~~  
5 ~~developmental conditions require extensive preventive and~~  
6 ~~maintenance care beyond that required by typically healthy~~  
7 ~~children. Health care utilization by these children exceeds~~  
8 ~~the statistically expected usage of the normal child adjusted~~  
9 ~~for chronological age. These children often need complex care~~  
10 ~~requiring multiple providers, rehabilitation services, and~~  
11 ~~specialized equipment in a number of different settings.~~

12 Section 16. Section 391.025, Florida Statutes, is  
13 amended to read:

14 391.025 Applicability and scope.--

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

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

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

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

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

25 ~~(1)(2)~~ The Children's Medical Services program  
26 consists of the following components:

27 (a) The newborn infant metabolic screening program  
28 established in s. 383.14.

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

31

1 (c) A federal or state program authorized by the  
2 Legislature.

3 (d) The developmental evaluation and intervention  
4 program, including the Florida Infants and Toddlers Early  
5 Intervention Program.

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

7 (2)~~(3)~~ The Children's Medical Services program shall  
8 not be deemed an insurer and is not subject to the licensing  
9 requirements of the Florida Insurance Code or the rules  
10 adopted thereunder, when providing services to children who  
11 receive Medicaid benefits, other Medicaid-eligible children  
12 with special health care needs, and children participating in  
13 the Florida Kidcare program.

14 Section 17. Section 391.029, Florida Statutes, is  
15 amended to read:

16 391.029 Program eligibility.--

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

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

22 (a) A high-risk pregnant female who is eligible for  
23 Medicaid.

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

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

30  
31

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

4           (a)(d) Children ~~A child~~ with special health care needs  
5 from birth to ~~age~~ 21 years of age whose family income is above  
6 the requirements for financial eligibility under Title XXI of  
7 the Social Security Act and whose projected annual cost of  
8 care adjusts the family income to Medicaid financial criteria.  
9 In cases where the family income is adjusted based on a  
10 projected annual cost of care, the family shall participate  
11 financially in the cost of care based on criteria established  
12 by the department.

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

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

23  
24 ~~The department may continue to serve certain children with~~  
25 ~~special health care needs who are 21 years of age or older and~~  
26 ~~who were receiving services from the program prior to April 1,~~  
27 ~~1998. Such children may be served by the department until~~  
28 ~~July 1, 2000.~~

29           (4)(3) The department shall determine the financial  
30 and medical eligibility of children for the program. The  
31 department shall also determine the financial ability of the

1 parents, or persons or other agencies having legal custody  
2 over such individuals, to pay the costs of health services  
3 under the program. The department may pay reasonable travel  
4 expenses related to the determination of eligibility for or  
5 the provision of health services.

6 (5)~~(4)~~ Any child who has been provided with surgical  
7 or medical care or treatment under this act prior to being  
8 adopted shall continue to be eligible to be provided with such  
9 care or treatment after his or her adoption, regardless of the  
10 financial ability of the persons adopting the child.

11 Section 18. Subsection (4) is added to section  
12 391.035, Florida Statutes, to read:

13 391.035 Provider qualifications.--

14 (4) Notwithstanding any other law, the department may  
15 contract with health care providers licensed in another state  
16 to provide health services to participants in the Children's  
17 Medical Services program when necessary due to an emergency or  
18 in order to provide specialty services or greater convenience  
19 to the participants for receiving timely and effective health  
20 care services. The department may adopt rules to administer  
21 this subsection.

22 Section 19. Subsection (4) is added to section  
23 391.055, Florida Statutes, to read:

24 391.055 Service delivery systems.--

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

31

1           Section 20. Section 391.302, Florida Statutes, is  
2 amended to read:

3           391.302 Definitions.--As used in ss. 391.301-391.307,  
4 the term:

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

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

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

17           (2)~~(4)~~ "Infant or toddler" means a child from birth  
18 until the child's third birthday.

19           (3)~~(5)~~ "In-hospital intervention services" means the  
20 provision of assessments; the provision of individualized  
21 services ~~therapies~~; monitoring and modifying the delivery of  
22 medical interventions; and enhancing the environment for the  
23 high-risk, developmentally disabled, or medically involved, ~~or~~  
24 ~~hearing-impaired~~ infant or toddler in order to achieve optimum  
25 growth and development.

26           (4)~~(6)~~ "Parent support and training" means a range of  
27 services to families of high-risk, developmentally disabled,  
28 or medically involved, ~~or hearing-impaired~~ infants or  
29 toddlers, including family counseling; financial planning;  
30 agency referral; development of parent-to-parent support  
31 groups; education concerning growth, development, and

1 developmental intervention and objective measurable skills,  
2 including abuse avoidance skills; training of parents to  
3 advocate for their child; and bereavement counseling.

4 Section 21. Section 391.303, Florida Statutes, is  
5 amended to read:

6 391.303 Program requirements.--

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

20 The developmental evaluation and intervention programs are  
21 subject to the availability of moneys and the limitations  
22 established by the General Appropriations Act or chapter 216.

23 ~~Hearing screening,~~ Evaluation and referral services, and  
24 initial developmental assessments services shall be provided  
25 to each infant or toddler. Other program services may be  
26 provided to an infant or toddler, and the family of the infant  
27 or toddler, who do not meet the financial eligibility criteria  
28 for the Children's Medical Services program based on the  
29 availability of funding, including insurance and fees.

30 (2) Each developmental evaluation and intervention  
31 program shall have a program director, a medical director, and



1 necessary staff to carry out the program. The program director  
2 shall establish and coordinate the developmental evaluation  
3 and intervention program. The program shall include, but is  
4 not limited to:

5 (a) In-hospital evaluation and intervention services,  
6 parent support and training, and family support planning and  
7 case management.

8 ~~(b) Screening and evaluation services to identify each~~  
9 ~~infant at risk of hearing impairment, and a medical and~~  
10 ~~educational followup and care management program for an infant~~  
11 ~~who is identified as hearing impaired, with management~~  
12 ~~beginning as soon after birth as practicable. The medical~~  
13 ~~management program must include the genetic evaluation of an~~  
14 ~~infant suspected to have genetically determined deafness and~~  
15 ~~an evaluation of the relative risk.~~

16 (b)(c) Regularly held multidisciplinary team meetings  
17 to develop and update the family support plan. In addition to  
18 the family, a multidisciplinary team may include a physician,  
19 physician assistant, psychologist, psychotherapist, educator,  
20 social worker, nurse, physical or occupational therapist,  
21 speech pathologist, developmental evaluation and intervention  
22 program director, case manager, others who are involved with  
23 the in-hospital and posthospital discharge care plan, and  
24 anyone the family wishes to include as a member of the team.  
25 The family support plan is a written plan that describes the  
26 infant or toddler, the ~~therapies and~~ services the infant or  
27 toddler and his or her family need, and the intended outcomes  
28 of the services.

29 (c)(d) Discharge planning by the multidisciplinary  
30 team, including referral and followup to primary medical care  
31 and modification of the family support plan.

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

6            (e)~~(f)~~ Followup intervention services after hospital  
7 discharge, to aid the family and the high-risk,  
8 developmentally disabled, or medically involved,~~or~~  
9 ~~hearing-impaired~~ infant's or toddler's transition into the  
10 community. Support services shall be coordinated at the  
11 request of the family and within the context of the family  
12 support plan.

13            (f)~~(g)~~ Referral to and coordination of services with  
14 community providers.

15            (g)~~(h)~~ Educational materials about infant care, infant  
16 growth and development, community resources, medical  
17 conditions and treatments, and family advocacy. ~~Materials~~  
18 ~~regarding hearing impairments shall be provided to each parent~~  
19 ~~or guardian of a hearing-impaired infant or toddler.~~

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

23            Section 22. Section 391.308, Florida Statutes, is  
24 created to read:

25            391.308 Infants and Toddlers Early Intervention  
26 Program.--The Department of Health may implement and  
27 administer Part C of the federal Individuals with Disabilities  
28 Education Act (IDEA).

29            (1) The department, jointly with the Department of  
30 Education, shall annually prepare a grant application to the  
31 United States Department of Education for funding early

1 intervention services for infants and toddlers with  
2 disabilities, from birth through 36 months of age, and their  
3 families pursuant to Part C of the federal Individuals with  
4 Disabilities Education Act.

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

8 Section 23. Present subsections (3) and (4) of section  
9 395.1027, Florida Statutes, are redesignated as subsections  
10 (4) and (5), respectively, and a new subsection (3) is added  
11 to that section, to read:

12 395.1027 Regional poison control centers.--

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

16 Section 24. Section 395.404, Florida Statutes, is  
17 amended to read:

18 395.404 Review of trauma registry data; report to  
19 central registry;confidentiality and limited release.--

20 (1)(a) Each trauma center shall furnish, and, upon  
21 request of the department, all acute care hospitals shall  
22 furnish for department review,trauma registry data as  
23 prescribed by rule of the department for the purpose of  
24 monitoring patient outcome and ensuring compliance with the  
25 standards of approval.

26 (b) Trauma registry data obtained pursuant to this  
27 subsection are confidential and exempt from the provisions of  
28 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.  
29 However, the department may provide such trauma registry data  
30 to the person, trauma center, hospital, emergency medical  
31 service provider, local or regional trauma agency, medical

1 examiner, or other entity from which the data were obtained.  
2 The department may also use or provide trauma registry data  
3 for purposes of research in accordance with the provisions of  
4 chapter 405.

5 (2) Each trauma center, pediatric trauma referral  
6 center, and acute care hospital shall report to the  
7 department's brain and spinal cord injury central registry,  
8 consistent with the procedures and timeframes of s. 381.74,  
9 any person who has a moderate-to-severe brain or spinal cord  
10 injury, and shall include in the report the name, age,  
11 residence, and type of disability of the individual and any  
12 additional information that the department finds necessary.  
13 ~~Notwithstanding the provisions of s. 381.74, each trauma~~  
14 ~~center and acute care hospital shall submit severe disability~~  
15 ~~and head-injury registry data to the department as provided by~~  
16 ~~rule. Each trauma center and acute care hospital shall~~  
17 ~~continue to provide initial notification of persons who have~~  
18 ~~severe disabilities and head injuries to the Department of~~  
19 ~~Health within timeframes provided in chapter 413. Such initial~~  
20 ~~notification shall be made in the manner prescribed by the~~  
21 ~~Department of Health for the purpose of providing timely~~  
22 ~~vocational rehabilitation services to the severely disabled or~~  
23 ~~head-injured person.~~

24 ~~(3) Trauma registry data obtained pursuant to this~~  
25 ~~section are confidential and exempt from the provisions of s.~~  
26 ~~119.07(1) and s. 24(a), Art. I of the State Constitution.~~  
27 ~~However, the department may provide such trauma registry data~~  
28 ~~to the person, trauma center, pediatric trauma referral~~  
29 ~~center, hospital, emergency medical service provider, local or~~  
30 ~~regional trauma agency, medical examiner, or other entity from~~  
31 ~~which the data were obtained. The department may also use or~~

1 ~~provide trauma registry data for purposes of research in~~  
2 ~~accordance with the provisions of chapter 405.~~

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. Section 401.27001, Florida Statutes, is  
21 created to read:

22 401.27001 Background screening required for  
23 certification.--

24 (1) An applicant for initial certification under s.  
25 401.27 must submit information and a set of fingerprints to  
26 the Department of Health on a form and according to procedures  
27 specified by the department, along with payment in an amount  
28 equal to the costs incurred by the Department of Health for a  
29 statewide criminal history check and a national criminal  
30 history check of the applicant.

31

1           (2) An applicant for initial renewal of certification  
2 on or after July 1, 2004, who has not previously submitted a  
3 set of fingerprints to the Department of Health must submit  
4 information required to perform a statewide criminal  
5 background check and a set of fingerprints required to perform  
6 a national criminal history check. The applicant must submit  
7 the fingerprints on a form and under procedures specified by  
8 the department for a national criminal history check, along  
9 with payment in an amount equal to the costs incurred by the  
10 department. For subsequent renewals, the department shall, by  
11 rule, adopt an application form that includes an oath or  
12 affirmation attesting to the existence of any criminal  
13 convictions, regardless of plea or adjudication, which have  
14 occurred since the previous certification. If there has been a  
15 criminal conviction, the provisions of this section apply. The  
16 department shall notify each current certificateholder of the  
17 requirement to undergo a criminal history background screening  
18 sufficiently in advance of the 2004 biennial expiration for  
19 the certificateholder to provide the required information  
20 prior to submission of the renewal certification application.  
21 The department may not deny eligibility for renewal of the  
22 first renewal application subsequent to July 1, 2004, due to a  
23 delay in obtaining the criminal history from the Department of  
24 Law Enforcement, the Federal Bureau of Investigation, or the  
25 Division of State Fire Marshal if the applicant has submitted  
26 the required criminal background screening information or  
27 affidavit and fees with the renewal certification application.  
28 A certificate that expires on December 1, 2004, may be renewed  
29 subject to withdrawal of certification pending the  
30 department's determination of whether the certificateholder  
31 will be granted an exemption as provided in subsection (8).

1 The applicant must make timely application for renewal and  
2 request the exemption from denial prior to expiration of the  
3 certificate.

4 (3) Pursuant to the requirements of s. 120.60, an  
5 application for certification must be processed within 90 days  
6 after receipt of the completed application. An application for  
7 certification is not complete until the criminal history and  
8 certified copies of all court documents for an applicant  
9 having a prior criminal conviction, pursuant to this section,  
10 have been received by the department.

11 (4) The department shall submit the fingerprints and  
12 information required for a statewide criminal history check to  
13 the Department of Law Enforcement, and the Department of Law  
14 Enforcement shall forward the fingerprints to the Federal  
15 Bureau of Investigation for a national criminal history check  
16 of the applicant.

17 (5) If an applicant has undergone a criminal history  
18 check as a condition of employment or certification as a  
19 firefighter under s. 633.34, the Division of State Fire  
20 Marshal of the Department of Financial Services shall provide  
21 the criminal history information regarding the applicant  
22 seeking certification or renewal of certification under s.  
23 401.27 to the department. Any applicant for initial  
24 certification or renewal of certification who has already  
25 submitted a set of fingerprints and information to the  
26 Division of State Fire Marshal of the Department of Financial  
27 Services for the criminal history check required for  
28 employment and certification of firefighters under s. 633.34  
29 within 2 years prior to application under s. 401.27 is not  
30 required to provide to the department a subsequent set of  
31 fingerprints or other duplicate information required for a



1 criminal history check if the applicant submits an affidavit  
2 in a form prescribed by the department attesting that he or  
3 she has been a state resident for the previous 2 years.

4 (6) Notwithstanding the grounds for certification  
5 denial outlined in s. 401.411, an applicant must not have been  
6 found guilty of, regardless of plea or adjudication, any  
7 offense prohibited under any of the following provisions of  
8 the Florida Statutes or under any similar statute of another  
9 jurisdiction:

10 (a) Section 415.111, relating to abuse, neglect, or  
11 exploitation of a vulnerable adult.

12 (b) Section 782.04, relating to murder.

13 (c) Section 782.07, relating to manslaughter,  
14 aggravated manslaughter of an elderly person or disabled  
15 adult, or aggravated manslaughter of a child.

16 (d) Section 782.071, relating to vehicular homicide.

17 (e) Section 782.09, relating to killing of an unborn  
18 child by injury to the mother.

19 (f) Section 784.011, relating to assault, if the  
20 victim of the offense was a minor.

21 (g) Section 784.021, relating to aggravated assault.

22 (h) Section 784.03, relating to battery, if the victim  
23 of the offense was a minor.

24 (i) Section 784.045, relating to aggravated battery.

25 (j) Section 784.01, relating to kidnapping.

26 (k) Section 787.02, relating to false imprisonment.

27 (l) Section 794.011, relating to sexual battery.

28 (m) Former s. 794.041, relating to prohibited acts of  
29 persons in familial or custodial authority.

30 (n) Chapter 796, relating to prostitution.  
31

- 1           (o) Section 798.02, relating to lewd and lascivious  
2 behavior.
- 3           (p) Chapter 800, relating to lewdness and indecent  
4 exposure.
- 5           (q) Section 806.01, relating to arson.
- 6           (r) Chapter 812, relating to theft, robbery, and  
7 related crimes, if the offense was a felony.
- 8           (s) Section 817.563, relating to the fraudulent sale  
9 of controlled substances, if the offense was a felony.
- 10           (t) Section 825.102, relating to abuse, aggravated  
11 abuse, or neglect of an elderly person or disabled adult.
- 12           (u) Section 825.1025, relating to lewd or lascivious  
13 offenses committed upon or in the presence of an elderly  
14 person or disabled adult.
- 15           (v) Section 825.103, relating to exploitation of an  
16 elderly person or disabled adult, if the offense was a felony.
- 17           (w) Section 826.04, relating to incest.
- 18           (x) Section 827.03, relating to child abuse,  
19 aggravated child abuse, or neglect of a child.
- 20           (y) Section 827.04, relating to contributing to the  
21 delinquency or dependency of a child.
- 22           (z) Former s. 827.05, relating to negligent treatment  
23 of children.
- 24           (aa) Section 827.071, relating to sexual performance  
25 by a child.
- 26           (bb) Chapter 847, relating to obscene literature.
- 27           (cc) Chapter 893, relating to drug abuse prevention  
28 and control, if the offense was a felony or if any other  
29 person involved in the offense was a minor.
- 30           (dd) An act that constitutes domestic violence, as  
31 defined in s. 741.28.

1           (7) The department may grant to any applicant who  
2 would otherwise be denied certification or recertification  
3 under this subsection an exemption from that denial for:

4           (a) A felony committed more than 3 years prior to the  
5 date of disqualification;

6           (b) A misdemeanor prohibited under any of the Florida  
7 Statutes cited in this subsection or under similar statutes of  
8 other jurisdictions;

9           (c) An offense that was a felony when committed but  
10 that is currently a misdemeanor;

11           (d) A finding of delinquency; or

12           (e) The commission of an act of domestic violence as  
13 defined in s. 741.28.

14           (8) For the department to grant an exemption to any  
15 applicant under this section, the applicant must demonstrate  
16 by clear and convincing evidence that the applicant should not  
17 be disqualified from certification or renewed certification.  
18 An applicant seeking an exemption has the burden of setting  
19 forth sufficient evidence of rehabilitation, including, but  
20 not limited to, the circumstances surrounding the criminal  
21 incident for which an exemption is sought, the time period  
22 that has elapsed since the incident, the nature of the harm  
23 caused to the victim, and the history of the applicant since  
24 the incident, or any other evidence or circumstances  
25 indicating that the applicant will not present a danger if the  
26 certification or renewed certification is granted. To make the  
27 necessary demonstration, the applicant must request an  
28 exemption and submit the required information supporting that  
29 request at the time of application in order for the department  
30 to make a determination in accordance with this section.

31

1           (9) Denial of certification or renewed certification  
2 under subsection (6) may not be removed from, and an exemption  
3 may not be granted to, any applicant who is found guilty of,  
4 regardless of plea or adjudication, any felony covered by  
5 subsection (6), solely by reason of a pardon, executive  
6 clemency, or restoration of civil rights.

7           (10) The department shall adopt rules pursuant to  
8 chapter 120 to administer this section.

9           Section 28. Subsection (4) of section 404.056, Florida  
10 Statutes, is amended to read:

11           404.056 Environmental radiation standards and  
12 projects; certification of persons performing measurement or  
13 mitigation services; mandatory testing; notification on real  
14 estate documents; rules.--

15           (4) MANDATORY TESTING.--All public and private school  
16 buildings or school sites housing students in kindergarten  
17 through grade 12; all state-owned, state-operated,  
18 state-regulated, or state-licensed 24-hour care facilities;  
19 and all state-licensed day care centers for children or minors  
20 which are located in counties designated within the Department  
21 of Community Affairs' Florida Radon Protection Map Categories  
22 as "Intermediate" or "Elevated Radon Potential" shall be  
23 measured to determine the level of indoor radon, using  
24 measurement procedures established by the department. Initial  
25 measurements ~~Testing~~ shall be conducted ~~completed within the~~  
26 ~~first year of construction~~ in 20 percent of the habitable  
27 first floor spaces within any of the regulated buildings and  
28 ~~initial measurements~~ shall be completed and reported to the  
29 department within 1 ~~by July 1 of the year~~ after the date the  
30 building is opened for occupancy or within 1 year after  
31 license approval for the entity residing in the existing

1 building. Followup testing must be completed in 5 percent of  
2 the habitable first floor spaces within any of the regulated  
3 buildings after the building has been occupied for 5 years,  
4 and results must be reported to the department by the first  
5 day ~~July 1~~ of the 6th ~~5th~~ year of occupancy. After radon  
6 measurements have been made twice, regulated buildings need  
7 not undergo further testing unless significant structural  
8 changes occur. No funds collected pursuant to s. 553.721 shall  
9 be used to carry out the provisions of this subsection.

10 Section 29. Subsection (5) of section 409.814, Florida  
11 Statutes, is amended to read:

12 409.814 Eligibility.--A child whose family income is  
13 equal to or below 200 percent of the federal poverty level is  
14 eligible for the Florida Kidcare program as provided in this  
15 section. In determining the eligibility of such a child, an  
16 assets test is not required. An applicant under 19 years of  
17 age who, based on a complete application, appears to be  
18 eligible for the Medicaid component of the Florida Kidcare  
19 program is presumed eligible for coverage under Medicaid,  
20 subject to federal rules. A child who has been deemed  
21 presumptively eligible for Medicaid shall not be enrolled in a  
22 managed care plan until the child's full eligibility  
23 determination for Medicaid has been completed. The Florida  
24 Healthy Kids Corporation may, subject to compliance with  
25 applicable requirements of the Agency for Health Care  
26 Administration and the Department of Children and Family  
27 Services, be designated as an entity to conduct presumptive  
28 eligibility determinations. An applicant under 19 years of age  
29 who, based on a complete application, appears to be eligible  
30 for the Medikids, Florida Healthy Kids, or Children's Medical  
31 Services network program component, who is screened as

1 ineligible for Medicaid and prior to the monthly verification  
2 of the applicant's enrollment in Medicaid or of eligibility  
3 for coverage under the state employee health benefit plan, may  
4 be enrolled in and begin receiving coverage from the  
5 appropriate program component on the first day of the month  
6 following the receipt of a completed application. For  
7 enrollment in the Children's Medical Services network, a  
8 complete application includes the medical or behavioral health  
9 screening. If, after verification, an individual is determined  
10 to be ineligible for coverage, he or she must be disenrolled  
11 from the respective Title XXI-funded Kidcare program  
12 component.

13 (5) A child whose family income is above 200 percent  
14 of the federal poverty level or a child who is excluded under  
15 the provisions of subsection (4) may participate in the  
16 Florida Healthy Kids program or the Medikids ~~Kidcare~~ program,  
17 excluding the Medicaid program, ~~but is~~ subject to the  
18 following provisions:

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

22 (b) The agency is authorized to place limits on  
23 enrollment in Medikids by these children in order to avoid  
24 adverse selection. The number of children participating in  
25 Medikids whose family income exceeds 200 percent of the  
26 federal poverty level must not exceed 10 percent of total  
27 enrollees in the Medikids program.

28 (c) The board of directors of the Florida Healthy Kids  
29 Corporation is authorized to place limits on enrollment of  
30 these children in order to avoid adverse selection. In  
31 addition, the board is authorized to offer a reduced benefit

1 package to these children in order to limit program costs for  
2 such families. The number of children participating in the  
3 Florida Healthy Kids program whose family income exceeds 200  
4 percent of the federal poverty level must not exceed 10  
5 percent of total enrollees in the Florida Healthy Kids  
6 program.

7 (d) Children described in this subsection are not  
8 counted in the annual enrollment ceiling for the Florida  
9 Kidcare program.

10 Section 30. Subsection (1) and paragraph (g) of  
11 subsection (3) of section 468.302, Florida Statutes, are  
12 amended to read:

13 468.302 Use of radiation; identification of certified  
14 persons; limitations; exceptions.--

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

18 (a) Is a licensed practitioner; or

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

23 (3)

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

26 a. Conduct in vivo and in vitro measurements of  
27 radioactivity and administer radiopharmaceuticals to human  
28 beings for diagnostic and therapeutic purposes.

29 b. Administer X radiation from a combination nuclear  
30 medicine-computed tomography device if that radiation is  
31 administered as an integral part of a nuclear medicine

1 procedure that uses an automated computed tomography protocol  
2 for the purposes of attenuation correction and anatomical  
3 localization and the person has received device-specific  
4 training on the combination device.~~However,~~

5 2. The authority of a nuclear medicine technologist  
6 under this paragraph excludes:

7 a. Radioimmunoassay and other clinical laboratory  
8 testing regulated pursuant to chapter 483;~~;~~

9 b. Creating or modifying automated computed tomography  
10 protocols; and

11 c. Any other operation of a computed tomography  
12 device, especially for the purposes of stand-alone diagnostic  
13 imaging, which must be performed by a general radiographer  
14 certified under this part.

15 Section 31. Section 468.304, Florida Statutes, is  
16 amended to read:

17 468.304 Certification ~~examination; admission.~~--The  
18 department shall certify ~~admit to examination for~~  
19 ~~certification~~ any applicant who meets the following criteria  
20 ~~pays to the department a nonrefundable fee not to exceed \$100~~  
21 ~~plus the actual per-applicant cost to the department for~~  
22 ~~purchasing the examination from a national organization and~~  
23 ~~submits satisfactory evidence, verified by oath or~~  
24 ~~affirmation, that she or he:~~

25 (1) Pays to the department a nonrefundable fee that  
26 may not exceed \$100, plus the actual per-applicant cost to the  
27 department for purchasing the examination from a national  
28 organization.

29 (2) Submits a completed application on a form  
30 specified by the department. An incomplete application expires  
31 6 months after initial filing. The application must include



1 the social security number of the applicant. Each applicant  
2 shall notify the department in writing of his or her current  
3 mailing address. Notwithstanding any other law, service by  
4 regular mail to an applicant's last reported mailing address  
5 constitutes adequate and sufficient notice of any official  
6 departmental communication to the applicant.

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

9 (a)(1) Is at least 18 years of age at the time of  
10 application;

11 (b)(2) Is a high school, vocational school, technical  
12 school, or college graduate or has successfully completed the  
13 requirements for a graduate equivalency diploma (GED) or its  
14 equivalent;

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

16 (d) Has passed an examination as specified in s.  
17 468.306 or meets the requirements specified in s. 468.3065;  
18 and

19 (e)1.(4)(a) Has successfully completed an educational  
20 program, which program may be established in a hospital  
21 licensed pursuant to chapter 395 or in an accredited  
22 postsecondary academic institution which is subject to  
23 approval by the department as maintaining a satisfactory  
24 standard; or

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

29 b.2. With respect to an applicant for a basic X-ray  
30 machine operator-podiatric medicine certificate, has completed  
31 a course of study approved by the department, provided that

1 such course of study shall be limited to that information  
2 necessary to perform radiographic procedures within the scope  
3 of practice of a podiatric physician licensed pursuant to  
4 chapter 461;

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

12 ~~d.4.~~ With respect only to an applicant for a nuclear  
13 medicine technologist's certificate who is a general  
14 radiographer certificateholder, has completed an educational  
15 program or a 2-year training program that takes into account  
16 the types of procedures and level of supervision usually and  
17 customarily practiced in a hospital, which educational or  
18 training program complies with the rules of the department.

19 (4) Submits complete documentation of any criminal  
20 offense in any jurisdiction of which the applicant has been  
21 found guilty, regardless of whether adjudication of guilt was  
22 withheld, or to which the applicant has pled guilty or nolo  
23 contendere.

24 (5) Submits complete documentation of any final  
25 disciplinary action taken against the applicant by a licensing  
26 or regulatory body in any jurisdiction, by a national  
27 organization, or by a specialty board that is recognized by  
28 the department. Disciplinary action includes revocation,  
29 suspension, probation, reprimand, or being otherwise acted  
30 against, including being denied certification or resigning

31

1 from or nonrenewal of membership taken in lieu of or in  
2 settlement of a pending disciplinary case.

3  
4 The department may not certify any applicant who has committed  
5 an offense that would constitute a violation of any of the  
6 provisions of s. 468.3101 or the rules adopted thereunder if  
7 the applicant had been certified by the department at the time  
8 of the offense.No application for a limited computed  
9 tomography certificate shall be accepted. All persons holding  
10 valid computed tomography certificates as of October 1, 1984,  
11 are subject to the provisions of s. 468.309.

12 Section 32. Section 468.306, Florida Statutes, is  
13 amended to read:

14 468.306 Examinations.--All applicants, except those  
15 certified pursuant to s. 468.3065, shall be required to pass  
16 an examination. The department is authorized to develop or  
17 use examinations for each type of certificate. The department  
18 may require an applicant who does not pass an examination  
19 after five attempts to complete additional remedial education,  
20 as specified by rule of the department, before admitting the  
21 applicant to subsequent examinations.

22 (1) The department shall have the authority to  
23 contract with organizations that develop such test  
24 examinations. Examinations may be administered by the  
25 department or the contracting organization.

26 (2) Examinations shall be given for each type of  
27 certificate at least twice a year at such times and places as  
28 the department may determine to be advantageous for  
29 applicants. ~~If an applicant applies less than 75 days before~~  
30 ~~an examination, the department may schedule the applicant for~~  
31 ~~a later examination.~~

1           (3) All examinations shall be written and include  
2 positioning, technique, and radiation protection. The  
3 department shall either pass or fail each applicant on the  
4 basis of his or her final grade. The examination for a basic  
5 X-ray machine operator shall include basic positioning and  
6 basic techniques directly related to the skills necessary to  
7 safely operate radiographic equipment.

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

12           Section 33. Section 468.3065, Florida Statutes, is  
13 amended to read:

14           468.3065 Certification by endorsement.--The department  
15 may issue a certificate by endorsement to practice radiologic  
16 technology to an applicant who, upon applying to the  
17 department and remitting a nonrefundable fee not to exceed  
18 \$50, demonstrates to the department that he or she holds a  
19 current certificate, license, or registration to practice  
20 radiologic technology, provided that the requirements for such  
21 certificate, license, or registration are deemed by the  
22 department to be substantially equivalent to those established  
23 under this part and rules adopted under this part hereunder.

24           Section 34. Subsection (1) of section 468.307, Florida  
25 Statutes, is amended to read:

26           468.307 Certificate; issuance; display.--

27           (1) The department shall issue a certificate to each  
28 candidate who has met the requirements of ss. 468.304 and  
29 468.306 or has qualified under s. 468.3065. The department may  
30 by rule establish a subcategory of a certificate issued under  
31 this part limiting the certificateholder to a specific

1 procedure or specific type of equipment. The first regular  
2 certificate issued to a new certificateholder expires on the  
3 last day of the certificateholder's birth month and shall be  
4 valid for at least 12 months but no more than 24 months.  
5 However, if the new certificateholder already holds a regular,  
6 active certificate in a different category under this part,  
7 the new certificate shall be combined with and expire on the  
8 same date as the existing certificate.

9 Section 35. Section 468.309, Florida Statutes, is  
10 amended to read:

11 468.309 Certificate; duration; renewal; reversion to  
12 inactive status; members of Armed Forces and spouses.--

13 (1)(a) A radiologic technologist's certificate issued  
14 in accordance with this part expires as specified in rules  
15 adopted by the department which establish a procedure for the  
16 biennial renewal of certificates. A certificate shall be  
17 renewed by the department for a period of 2 years upon payment  
18 of a renewal fee in an amount not to exceed \$75 and upon  
19 submission of a renewal application containing such  
20 information as the department deems necessary to show that the  
21 applicant for renewal is a radiologic technologist in good  
22 standing and has completed any continuing education  
23 requirements that the department establishes.

24 (b) Sixty days before the end of the biennium, the  
25 department shall mail a notice of renewal to the last known  
26 address of the certificateholder.

27 (c) Each certificateholder shall notify the department  
28 in writing of his or her current mailing address and place of  
29 practice. Notwithstanding any other law, service by regular  
30 mail to a certificateholder's last reported mailing address

31

1 constitutes adequate and sufficient notice of any official  
2 departmental communication to the certificateholder.

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

5 (3) The department may, by rule, prescribe continuing  
6 education requirements, not to exceed 24 hours each licensure  
7 period, as a condition for renewal of a certificate. The  
8 criteria for approval of continuing education providers,  
9 courses, and programs shall be as specified approved by the  
10 department. Continuing education, which may be required for  
11 persons certified under this part, may be obtained through  
12 home study courses approved by the department.

13 (4) Any certificate that which is not renewed by its  
14 expiration date at the end of the biennium prescribed by the  
15 department shall automatically be placed in an expired status,  
16 and the certificateholder may not practice radiologic  
17 technology until the certificate has been reactivated revert  
18 to an inactive status. Such certificate may be reactivated  
19 only if the certificateholder meets the other qualifications  
20 for reactivation in s. 468.3095.

21 (5) A certificateholder in good standing remains in  
22 good standing when he or she becomes a member of the Armed  
23 Forces of the United States on active duty without paying  
24 renewal fees or accruing continuing education credits as long  
25 as he or she is a member of the Armed Forces on active duty  
26 and for a period of 6 months after discharge from active duty,  
27 if he or she is not engaged in practicing radiologic  
28 technology in the private sector for profit. The  
29 certificateholder must pay a renewal fee and complete  
30 continuing education not to exceed 12 classroom hours to renew  
31 the certificate.

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

14           (7) A certificateholder may resign his or her  
15 certification by submitting to the department a written,  
16 notarized resignation on a form specified by the department.  
17 The resignation automatically becomes effective upon the  
18 department's receipt of the resignation form, at which time  
19 the certificateholder's certification automatically becomes  
20 null and void and may not be reactivated or renewed or used to  
21 practice radiologic technology. A certificateholder who has  
22 resigned may become certified again only by reapplying to the  
23 department for certification as a new applicant and meeting  
24 the certification requirements pursuant to s. 468.304 or s.  
25 468.3065. Any disciplinary action that had been imposed on the  
26 certificateholder prior to his or her resignation shall be  
27 tolled until he or she again becomes certified. Any  
28 disciplinary action proposed at the time of the  
29 certificateholder's resignation shall be tolled until he or  
30 she again becomes certified.

31

1 Section 36. Subsection (2) of section 468.3095,  
2 Florida Statutes, is amended to read:

3 468.3095 Inactive status; reactivation; automatic  
4 suspension; reinstatement.--

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

16 (b) ~~A certificate which has been inactive for more~~  
17 ~~than 1 year may be reactivated upon application to the~~  
18 ~~department.~~The department shall prescribe, by rule,  
19 continuing education requirements as a condition of  
20 reactivating a certificate. The continuing education  
21 requirements for reactivating a certificate may ~~shall~~ not  
22 exceed 10 classroom hours for each year the certificate was  
23 expired inactive and may not ~~shall in no event~~ exceed 100  
24 classroom hours for all years in which the certificate was  
25 expired inactive.

26 (b) A certificate that has been inactive for less than  
27 10 years may be reactivated by meeting all of the requirements  
28 of paragraph (a) for expired certificates, except for payment  
29 of the fee for late renewal.

30 (c) A certificate ~~that~~ which has been inactive for  
31 ~~more than 10 years or more~~ shall automatically becomes null



1 and void and may not be reactivated, renewed, or used to  
2 practice radiologic technology ~~be suspended~~. A  
3 certificateholder whose certificate has become null and void  
4 may become certified again only by reapplying to the  
5 department as a new applicant and meeting the requirements of  
6 s. 468.304 or s. 468.3065.

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

18 Section 37. Subsection (1) of section 468.3101,  
19 Florida Statutes, is amended, and subsections (5) and (6) are  
20 added to that section, to read:

21 468.3101 Disciplinary grounds and actions.--

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

28 (a) Procuring, attempting to procure, or renewing a  
29 certificate to practice radiologic technology by bribery, by  
30 fraudulent misrepresentation, or through an error of the  
31 department.

1           (b) Having a voluntary or mandatory certificate to  
2 practice radiologic technology revoked, suspended, or  
3 otherwise acted against, including being denied certification,  
4 by a national organization; by a specialty board recognized by  
5 the department; or by a ~~the~~ certification authority of another  
6 state, territory, or country.

7           (c) Being convicted or found guilty, regardless of  
8 adjudication, in any jurisdiction of a crime that ~~which~~  
9 directly relates to the practice of radiologic technology or  
10 to the ability to practice radiologic technology. Pleading ~~A~~  
11 ~~plea~~ of nolo contendere shall be considered a conviction for  
12 the purpose of this provision.

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

17           (e) Making or filing a false report or record that  
18 ~~which~~ the certificateholder knows to be false, intentionally  
19 or negligently failing to file a report or record required by  
20 state or federal law, or willfully impeding or obstructing  
21 such filing or inducing another to do so. Such reports or  
22 records include only those reports or records which are signed  
23 in the capacity as a radiologic technologist.

24           (f) Engaging in unprofessional conduct, which  
25 includes, but is not limited to, any departure from, or the  
26 failure to conform to, the standards of practice of radiologic  
27 technology as established by the department, in which case  
28 actual injury need not be established.

29           (g) Being unable to practice radiologic technology  
30 with reasonable skill and safety to patients by reason of  
31 illness, ~~drunkenness,~~ or use of alcohol, drugs, narcotics,

1 chemicals, or other materials or as a result of any mental or  
2 physical condition. A radiologic technologist affected under  
3 this paragraph shall, at reasonable intervals, be afforded an  
4 opportunity to demonstrate that he or she can resume the  
5 competent practice of radiologic technology with reasonable  
6 skill and safety.

7 (h) Failing to report to the department any person who  
8 the certificateholder knows is in violation of this part or of  
9 the rules of the department.

10 (i) Violating any provision of this part, any rule of  
11 the department, or any lawful order of the department  
12 previously entered in a disciplinary proceeding or failing to  
13 comply with a lawfully issued subpoena of the department.

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

18 (k) Testing positive for any drug, as defined in s.  
19 112.0455, on any confirmed preemployment or employer-required  
20 drug screening when the radiologic technologist does not have  
21 a lawful prescription and legitimate medical reason for using  
22 such drug.

23 (l) Failing to report to the department in writing  
24 within 30 days after the certificateholder has had a voluntary  
25 or mandatory certificate to practice radiologic technology  
26 revoked, suspended, or otherwise acted against, including  
27 being denied certification, by a national organization, by a  
28 specialty board recognized by the department, or by a  
29 certification authority of another state, territory, or  
30 country.

31

1           (m) Having been found guilty of, regardless of  
2 adjudication, or pleading guilty or nolo contendere to, any  
3 offense prohibited under s. 435.03 or under any similar  
4 statute of another jurisdiction.

5           (n) Failing to comply with the recommendations of the  
6 department's impaired practitioner program for treatment,  
7 evaluation, or monitoring. A letter from the director of the  
8 impaired practitioner program that the certificateholder is  
9 not in compliance shall be considered conclusive proof under  
10 this part.

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

15           (6) The department may revoke approval of a continuing  
16 education provider and its approved courses if the provider's  
17 certification has been revoked, suspended, or otherwise acted  
18 against by a national organization; by a specialty board  
19 recognized by the department; or by a certification authority  
20 of another state, territory, or country. The department may  
21 establish by rule additional guidelines and criteria for the  
22 discipline of continuing education providers, including, but  
23 not limited to, revoking approval of a continuing education  
24 provider or a continuing education course and refusing to  
25 approve a continuing education provider or continuing  
26 education course.

27           Section 38. Paragraph (a) of subsection (5) of section  
28 489.553, Florida Statutes, is amended to read:

29           489.553 Administration of part; registration  
30 qualifications; examination.--

31

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

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

10           Section 39. Section 489.554, Florida Statutes, is  
11 amended to read:

12           489.554 Registration renewal.--

13           (1) The department shall prescribe by rule the method  
14 for approving approval of continuing education courses, and  
15 for renewing renewal of annual registration, for approving  
16 inactive status for the late filing of a renewal application,  
17 for allowing a contractor to hold a registration in inactive  
18 status for a specified period, and for reactivating a  
19 registration.

20           (2) At a minimum, annual renewal shall include  
21 continuing education requirements of not less than 6 classroom  
22 hours annually for septic tank contractors and not less than  
23 12 classroom hours annually for master septic tank  
24 contractors. The 12 classroom hours of continuing education  
25 required for master septic tank contractors may include the 6  
26 classroom hours required for septic tank contractors, but at a  
27 minimum must include 6 classroom hours of approved master  
28 septic tank contractor coursework.

29           (3) A certificate of registration becomes inactive  
30 when a renewal application is not filed in a timely manner. A  
31 certificate that has become inactive may be reactivated under

1 this section by application to the department. A licensed  
2 contractor may apply to the department for voluntary inactive  
3 status at any time during the period of registration.

4 (4) A master septic tank contractor may elect to  
5 revert to the status of a registered septic tank contractor at  
6 any time during the period of registration. The department  
7 shall prescribe by rule the method for a master septic tank  
8 contractor who has reverted to the status of a registered  
9 septic tank contractor to apply for status as a master septic  
10 tank contractor.

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

15 Section 40. Section 784.081, Florida Statutes, is  
16 amended to read:

17 784.081 Assault or battery on specified officials or  
18 employees; reclassification of offenses.--Whenever a person is  
19 charged with committing an assault or aggravated assault or a  
20 battery or aggravated battery upon any elected official or  
21 employee of: a school district; a private school; the Florida  
22 School for the Deaf and the Blind; a university developmental  
23 research school; a state university or any other entity of the  
24 state system of public education, as defined in s. 1000.04; an  
25 employee or protective investigator of the Department of  
26 Children and Family Services; ~~or~~ an employee of a lead  
27 community-based provider and its direct service contract  
28 providers; or an employee of the Department of Health or its  
29 direct service contract providers, when the person committing  
30 the offense knows or has reason to know the identity or  
31

1 position or employment of the victim, the offense for which  
2 the person is charged shall be reclassified as follows:

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

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

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

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

11 Section 41. Subsection (9) of section 381.0098,  
12 paragraph (f) of subsection (2) of section 385.103, sections  
13 385.205 and 385.209, subsection (3) of section 391.301,  
14 subsection (2) of section 391.305, subsection (5) of section  
15 393.064, and subsection (7) of section 445.033, Florida  
16 Statutes, are repealed.

17 Section 42. This act shall take effect July 1, 2004.  
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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 2448

4     The committee substitute makes the following changes to SB  
5     2448:

6     Revises the trauma registry data section of the bill to more  
7     clearly show that it is the trauma registry data obtained by  
8     the Department of Health that is confidential and exempt from  
9     the public records law. Each trauma center, pediatric trauma  
10    referral center, and acute care hospital must report to the  
11    department's brain and spinal cord injury central registry any  
12    person who has a moderate-to-severe brain or spinal cord  
13    injury. The requirement for reporting to the department's  
14    brain and spinal cord injury registry is also codified in s.  
15    381.74, F.S.

16    Requires an applicant for certification or recertification as  
17    an emergency medical technician or paramedic to submit to a  
18    criminal history background check. An applicant for renewed  
19    certification who has not previously submitted a set of  
20    fingerprints to the Department of Health must submit  
21    information required to perform a statewide criminal history  
22    check and a set of fingerprints to the department for a  
23    national criminal history check as a condition of the initial  
24    renewal of his or her certificate. For subsequent  
25    certification renewals, the department must, by rule, adopt an  
26    application form that includes a sworn oath or affirmation  
27    attesting to the existence of any criminal convictions,  
28    regardless of plea or adjudication, which have occurred since  
29    the previous certification. The application of any applicant  
30    with prior criminal convictions is not complete until the  
31    criminal history and certified copies of all court documents  
   for the prior criminal convictions have been received by the  
   department. The bill enumerates a list of offenses which would  
   disqualify an EMT or paramedic applicant from certification or  
   renewed certification and allows the department to grant  
   exemptions to such disqualification based on specified  
   criteria.