

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           establishing the Officer of Women's Health  
8           Strategy in the Department of Health;  
9           establishing the Office of Minority Health in  
10          the Department of Health; designating the  
11          Division of Emergency Medical Services and  
12          Community Health Resources as the "Division of  
13          Emergency Medical Operations"; designating the  
14          Division of Information Resource Management as  
15          the "Division of Information Technology";  
16          designating the Division of Health Awareness  
17          and Tobacco as the "Division of Health Access  
18          and Tobacco"; creating the Division of  
19          Disability Determinations; creating s.  
20          381.04015, F.S.; providing legislative intent;  
21          providing the duties of the Officer of Women's  
22          Health Strategy; requiring an annual report to  
23          the Governor and Legislature with policy  
24          recommendations for implementing the Women's  
25          Health Strategy; requiring consideration of  
26          women's health issues and gender in state  
27          policy, planning, and budgeting; providing for  
28          responsibility and coordination; transferring  
29          and amending s. 216.341, F.S.; providing that  
30          certain positions within the Department of  
31          Health are exempt from a limitation on the

1 number of authorized positions; amending s.  
2 381.0011, F.S.; revising duties of the  
3 Department of Health; providing for a statewide  
4 injury prevention program; amending s. 381.006,  
5 F.S.; including within the department's  
6 environmental health program the function of  
7 investigating elevated levels of lead in blood;  
8 amending s. 381.0065, F.S., relating to onsite  
9 sewage treatment and disposal systems; revising  
10 a definition; deleting a requirement that the  
11 department make certain biennial reports to the  
12 Legislature; authorizing the department to  
13 require the submission of certain construction  
14 plans pursuant to adopted rule; continuing a  
15 requirement imposing a permit fee on new  
16 construction; amending s. 381.0072, F.S.;  
17 exempting certain schools, bars, and lounges  
18 from certification requirements for food  
19 service managers; creating s. 381.86, F.S.;  
20 establishing the Institutional Review Board  
21 within the Department of Health to review  
22 certain biomedical and behavioral research;  
23 providing for the membership of the board;  
24 authorizing board members to be reimbursed for  
25 per diem and travel expenses; authorizing the  
26 department to charge fees for the research  
27 oversight performed by the board; authorizing  
28 the department to adopt rules; amending s.  
29 381.89, F.S.; authorizing the Department of  
30 Health to impose certain licensure fees on  
31 tanning facilities; amending s. 381.90, F.S.;

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

1 providing those services; amending s. 391.308,  
2 F.S.; creating the Infants and Toddlers Early  
3 Intervention Program within the Department of  
4 Health; requiring the department, jointly with  
5 the Department of Education, to prepare grant  
6 applications and to include certain services  
7 under the program; amending s. 395.003, F.S.;  
8 requiring a report by the Agency for Health  
9 Care Administration regarding the licensure of  
10 emergency departments located off the premises  
11 of hospitals; prohibiting the issuance of  
12 licenses for such departments before July 1,  
13 2005; amending s. 395.1027, F.S.; authorizing  
14 certain licensed facilities to release patient  
15 information to regional poison control centers;  
16 amending s. 395.404, F.S.; revising reporting  
17 requirements to the trauma registry data system  
18 maintained by the Department of Health;  
19 providing that hospitals, pediatric trauma  
20 referral centers, and trauma centers subject to  
21 reporting trauma registry data to the  
22 department are required to comply with other  
23 duties concerning the moderate-to-severe brain  
24 or spinal cord injury registry maintained by  
25 the department; correcting references to the  
26 term "trauma center"; amending s. 400.9905,  
27 F.S.; revising the definitions of "clinic" and  
28 "medical director" and defining "chief  
29 financial officer," "mobile clinic," and  
30 "portable equipment provider" for purposes of  
31 the Health Care Clinic Act; providing that

1 certain entities providing oncology or  
2 radiation therapy services are exempt from the  
3 licensure requirements of part XIII of ch. 400,  
4 F.S.; providing legislative intent with respect  
5 to such exemption; providing for retroactive  
6 application; amending s. 400.991, F.S.;  
7 requiring each mobile clinic to obtain a health  
8 care clinic license; requiring a portable  
9 equipment provider to obtain a health care  
10 clinic license for a single office and  
11 exempting such a provider from submitting  
12 certain information to the Agency for Health  
13 Care Administration; revising the date by which  
14 an initial application for a health care clinic  
15 license must be filed with the agency; revising  
16 the definition of "applicant"; amending s.  
17 400.9935, F.S.; assigning responsibilities for  
18 ensuring billing; providing that an exemption  
19 from licensure is not transferable; providing  
20 that the agency may charge a fee of applicants  
21 for certificates of exemption; providing that  
22 the agency may deny an application or revoke a  
23 license under certain circumstances; amending  
24 s. 400.995, F.S.; providing that the agency may  
25 deny, revoke, or suspend specified licenses and  
26 impose fines for certain violations; providing  
27 that a temporary license expires after a notice  
28 of intent to deny an application is issued by  
29 the agency; providing that persons or entities  
30 made exempt under the act and which have paid  
31 the clinic licensure fee to the agency are

1 entitled to a partial refund from the agency;  
2 providing that certain persons or entities are  
3 not in violation of part XIII of ch. 400, F.S.,  
4 due to failure to apply for a clinic license by  
5 a specified date; providing that certain  
6 payments may not be denied to such persons or  
7 entities for failure to apply for or obtain a  
8 clinic license before a specified date;  
9 amending s. 400.9905, F.S.; providing that  
10 certain entities providing oncology or  
11 radiation therapy services are exempt from the  
12 licensure requirements of part XIII of ch. 400,  
13 F.S.; providing legislative intent with respect  
14 to such exemption; providing for retroactive  
15 application; amending s. 401.211, F.S.;  
16 providing legislative intent with respect to a  
17 statewide injury-prevention program; creating  
18 s. 401.243, F.S.; providing duties of the  
19 department for establishing such a program;  
20 authorizing the department to adopt rules;  
21 creating s. 401.27001, F.S.; providing  
22 requirements for background screening for  
23 applicants for initial certification as an  
24 emergency medical technician or paramedic and  
25 for renewal of certification; requiring an  
26 applicant to pay the costs of screening;  
27 requiring that fingerprints be submitted to the  
28 Department of Law Enforcement and forwarded to  
29 the Federal Bureau of Investigation; specifying  
30 the offenses that are grounds for denial of  
31 certification; authorizing the department to

1 grant an exemption to an applicant,  
2 notwithstanding certain convictions; requiring  
3 the department to adopt rules; amending s.  
4 404.056, F.S.; revising the radon testing  
5 requirements for schools and certain  
6 state-operated or state-licensed facilities;  
7 amending s. 468.302, F.S.; revising certain  
8 requirements for administering radiation and  
9 performing certain other procedures; amending  
10 s. 468.304, F.S.; revising requirements for  
11 obtaining certification from the department as  
12 an X-ray machine operator, a radiographer, or a  
13 nuclear medicine technologist; amending s.  
14 468.306, F.S.; requiring remedial education for  
15 certain applicants for certification; amending  
16 s. 468.3065, F.S.; providing that the  
17 application fee is nonrefundable; amending s.  
18 468.307, F.S.; revising the expiration date of  
19 a certificate; amending s. 468.309, F.S.;  
20 revising requirements for certification as a  
21 radiologic technologist; providing for a  
22 certificateholder to resign a certification;  
23 amending s. 468.3095, F.S.; revising  
24 requirements for reactivating an expired  
25 certificate; amending s. 468.3101, F.S.;  
26 authorizing the department to conduct  
27 investigations and inspections; clarifying  
28 certain grounds for disciplinary actions;  
29 amending s. 489.553, F.S.; providing  
30 requirements for registration as a master  
31 septic tank contractor; amending s. 489.554,

1 F.S.; authorizing inactive registration as a  
2 septic tank contractor; providing for renewing  
3 a certification of registration following a  
4 period of inactive status; amending s. 784.081,  
5 F.S.; increasing certain penalties for an  
6 assault or battery that is committed against an  
7 employee of the Department of Health or against  
8 a direct service provider of the department;  
9 repealing ss. 381.0098(9), 385.103(2)(f),  
10 385.205, 385.209, 391.301(3), 391.305(2),  
11 393.064(5), and 445.033(7), F.S., relating to  
12 obsolete provisions governing the handling of  
13 biomedical waste, rulemaking authority with  
14 respect to community intervention programs,  
15 programs covering chronic renal disease,  
16 information on cholesterol, intervention  
17 programs for certain hearing-impaired infants,  
18 contract authority over the Raymond C. Philips  
19 Research and Education Unit, and an exemption  
20 from the Florida Biomedical and Social Research  
21 Act for certain evaluations; requiring a report  
22 relating to a disciplinary board for the onsite  
23 sewage industry; amending s. 381.7355, F.S.;  
24 providing an additional priority area; amending  
25 s. 381.005, F.S.; requiring hospitals licensed  
26 under ch. 395, F.S., to implement a program  
27 offering immunizations against the influenza  
28 virus and pneumococcal bacteria to all patients  
29 who have attained a specified age; amending s.  
30 409.907, F.S.; providing criteria for  
31 establishing the effective date of approval of



1 certain applications to be a Medicaid provider;  
 2 preempting the regulation, identification, and  
 3 packaging of meat, poultry, and fish to the  
 4 state and the Department of Agriculture and  
 5 Consumer Services; providing an effective date.

6  
 7 Be It Enacted by the Legislature of the State of Florida:  
 8

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

11 17.41 Department of Financial Services Tobacco  
 12 Settlement Clearing Trust Fund.--

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

20 Section 2. Subsection (2) and paragraphs (f), (i), and  
 21 (j) of subsection (3) of section 20.43, Florida Statutes, are  
 22 amended, and paragraph (k) is added to that subsection, and  
 23 subsection (9) is added to that section, to read:

24 20.43 Department of Health.--There is created a  
 25 Department of Health.

26 (2)(a) The head of the Department of Health is the  
 27 Secretary of Health and State Health Officer. The secretary  
 28 must be a physician licensed under chapter 458 or chapter 459  
 29 who has advanced training or extensive experience in public  
 30 health administration. The secretary is appointed by the  
 31

1 Governor subject to confirmation by the Senate. The secretary  
2 serves at the pleasure of the Governor.

3 (b) The Officer of Women's Health Strategy is  
4 established within the Department of Health and shall report  
5 directly to the secretary.

6 (3) The following divisions of the Department of  
7 Health are established:

8 (f) Division of Emergency Medical Operations Services  
9 ~~and Community Health Resources.~~

10 (i) Division of Information Technology Resource  
11 ~~Management.~~

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

13 (k) Division of Disability Determinations.

14 (9) There is established within the Department of  
15 Health the Office of Minority Health.

16 Section 3. Section 381.04015, Florida Statutes, is  
17 created to read:

18 381.04015 Women's Health Strategy; legislative intent;  
19 duties of Officer of Women's Health Strategy; other state  
20 agency duties.--

21 (1) LEGISLATIVE INTENT.--The Legislature recognizes  
22 that the health care needs of women are gender-specific and  
23 that public policy must take into account the distinct  
24 characteristics of women's health issues. Priority shall be  
25 given to improve the overall health status of women through  
26 research and education on women's health issues. The  
27 Legislature recognizes the importance of understanding why  
28 there are such large differences between how women and men  
29 experience certain diseases and also recognizes that  
30 biomedical research is the key to finding these answers. Such  
31 research has important implications for both women and men in

1 terms of clinical practice and disease prevention and  
2 manifestation. The Legislature recognizes that as the state's  
3 population continues to age and life expectancy for women  
4 continues to rise, it is of the utmost importance for the  
5 Legislature to encourage effective medical research on  
6 long-term health issues for women and to educate elder women  
7 about the importance of participating in medical studies. The  
8 Legislature finds and declares that the design and delivery of  
9 health care services and the medical education of health care  
10 practitioners shall be directed by the principle that health  
11 care needs are gender-specific.

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

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

17 (b) Organize an interagency Committee for Women's  
18 Health for the purpose of integrating women's health programs  
19 in current operating and service delivery structures and  
20 setting priorities for women's health. This committee shall be  
21 comprised of the heads or directors of state agencies with  
22 programs affecting women's health, including, but not limited  
23 to, the Department of Health, the Agency for Health Care  
24 Administration, the Department of Education, the Department of  
25 Elderly Affairs, the Department of Corrections, the Office of  
26 Insurance Regulation of the Department of Financial Services,  
27 and the Department of Juvenile Justice.

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

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

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

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

6       (g) Coordinate a Governor's statewide conference on  
7 women's health, cosponsored by the agencies participating in  
8 the Committee for Women's Health and other private  
9 organizations and entities impacting women's health in the  
10 state.

11       (h) Promote research, treatment, and collaboration on  
12 women's health issues at universities and medical centers in  
13 the state.

14       (i) Promote employer incentives for wellness programs  
15 targeting women's health programs.

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

18       (k) Develop a statewide women's health plan  
19 emphasizing collaborative approaches to meeting the health  
20 needs of women. The plan shall:

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

23           a. Providing specific strategies for reducing the  
24 mortality rate of women.

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

28           c. Identifying the best methods for ensuring an  
29 increase in the percentage of women in the state who receive  
30 diagnostic and screening testing.

31

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

4           3. Provide recommendations for the development of  
5 practice guidelines for addressing disease in women.

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

8           5. Coordinate with existing program plans that address  
9 women's health issues.

10           (l) Promote clinical practice guidelines specific to  
11 women.

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

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

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

19           (p) By January 15 of each year, provide the Governor,  
20 the President of the Senate, and the Speaker of the House of  
21 Representatives a report with policy recommendations for  
22 implementing the provisions of this section.

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

24           (a) Women's health issues shall be taken into  
25 consideration in the annual budget planning of the Department  
26 of Health, the Agency for Health Care Administration, and the  
27 Department of Elderly Affairs.

28           (b) The inclusion of gender considerations and  
29 differential impact shall be one of the criteria when  
30 assessing research and demonstration proposals for which state  
31 funding is being sought from the Department of Health, the

1 Agency for Health Care Administration, and the Department of  
 2 Elderly Affairs.

3 (c) Boards or advisory bodies that fall under the  
 4 purview of the Department of Health, the Agency for Health  
 5 Care Administration, and the Department of Elderly Affairs  
 6 shall be encouraged to seek equal representation of women and  
 7 men and the inclusion of persons who are knowledgeable and  
 8 sensitive to gender and diversity issues.

9 (4) RESPONSIBILITY AND COORDINATION.--The officer and  
 10 the department shall direct and carry out the Women's Health  
 11 Strategy established under this section in accordance with the  
 12 requirements of this section and may work with the Executive  
 13 Office of the Governor and other state agencies to carry out  
 14 their duties and responsibilities under this section.

15 Section 4. Section 216.341, Florida Statutes, is  
 16 transferred, renumbered as section 216.2625, Florida Statutes,  
 17 and amended to read:

18 216.2625 216.341 Disbursement of ~~county health~~  
 19 ~~department~~ trust funds of the Department of Health; authorized  
 20 positions.--

21 (1) County health department trust funds may be  
 22 expended by the Department of Health for the respective county  
 23 health departments in accordance with budgets and plans agreed  
 24 upon by the county authorities of each county and the  
 25 Department of Health.

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

30 (a) County health department trust funds; ~~or-~~

31 (b) The United States Trust Fund.

1           Section 5. Subsection (12) of section 381.0011,  
2 Florida Statutes, is amended to read:

3           381.0011 Duties and powers of the Department of  
4 Health.--It is the duty of the Department of Health to:

5           (12) ~~Maintain~~ ~~Cooperate with other departments, local~~  
6 ~~officials, and private organizations in developing and~~  
7 ~~implementing~~ a statewide injury-prevention injury control  
8 program.

9           Section 6. Subsection (17) is added to section  
10 381.006, Florida Statutes, to read:

11           381.006 Environmental health.--The department shall  
12 conduct an environmental health program as part of fulfilling  
13 the state's public health mission. The purpose of this program  
14 is to detect and prevent disease caused by natural and manmade  
15 factors in the environment. The environmental health program  
16 shall include, but not be limited to:

17           (17) A function for investigating elevated levels of  
18 lead in blood. Each participating county health department may  
19 expend funds for federally mandated certification or  
20 recertification fees related to conducting investigations of  
21 elevated levels of lead in blood.

22  
23 The department may adopt rules to carry out the provisions of  
24 this section.

25           Section 7. Paragraph (k) of subsection (2) and  
26 paragraphs (d) and (e) of subsection (4), of section 381.0065,  
27 Florida Statutes, are amended, and paragraph (v) is added to  
28 subsection (4) of that section, to read:

29           381.0065 Onsite sewage treatment and disposal systems;  
30 regulation.--

31

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

3           (k) "Permanent nontidal surface water body" means a  
4 perennial stream, a perennial river, an intermittent stream, a  
5 perennial lake, a submerged marsh or swamp, a submerged wooded  
6 marsh or swamp, a spring, or a seep, as identified on the most  
7 recent quadrangle map, 7.5 minute series (topographic),  
8 produced by the United States Geological Survey, or products  
9 derived from that series. "Permanent nontidal surface water  
10 body" shall also mean an artificial surface water body that  
11 does not have an impermeable bottom and side and that is  
12 designed to hold, or does hold, visible standing water for at  
13 least 180 days of the year. However, a nontidal surface water  
14 body that is drained, either naturally or artificially, where  
15 the intent or the result is that such drainage be temporary,  
16 shall be considered a permanent nontidal surface water body. A  
17 nontidal surface water body that is drained of all visible  
18 surface water, where the lawful intent or the result of such  
19 drainage is that such drainage will be permanent, shall not be  
20 considered a permanent nontidal surface water body. The  
21 boundary of a permanent nontidal surface water body shall be  
22 the mean annual flood line.

23           (4) PERMITS; INSTALLATION; AND CONDITIONS.--A person  
24 may not construct, repair, modify, abandon, or operate an  
25 onsite sewage treatment and disposal system without first  
26 obtaining a permit approved by the department. The department  
27 may issue permits to carry out this section, but shall not  
28 make the issuance of such permits contingent upon prior  
29 approval by the Department of Environmental Protection. A  
30 construction permit is valid for 18 months from the issuance  
31 date and may be extended by the department for one 90-day



1 period under rules adopted by the department. A repair permit  
2 is valid for 90 days from the date of issuance. An operating  
3 permit must be obtained prior to the use of any aerobic  
4 treatment unit or if the establishment generates commercial  
5 waste. Buildings or establishments that use an aerobic  
6 treatment unit or generate commercial waste shall be inspected  
7 by the department at least annually to assure compliance with  
8 the terms of the operating permit. The operating permit for a  
9 commercial wastewater system is valid for 1 year from the date  
10 of issuance and must be renewed annually. The operating permit  
11 for an aerobic treatment unit is valid for 2 years from the  
12 date of issuance and must be renewed every 2 years. If all  
13 information pertaining to the siting, location, and  
14 installation conditions or repair of an onsite sewage  
15 treatment and disposal system remains the same, a construction  
16 or repair permit for the onsite sewage treatment and disposal  
17 system may be transferred to another person, if the transferee  
18 files, within 60 days after the transfer of ownership, an  
19 amended application providing all corrected information and  
20 proof of ownership of the property. There is no fee  
21 associated with the processing of this supplemental  
22 information. A person may not contract to construct, modify,  
23 alter, repair, service, abandon, or maintain any portion of an  
24 onsite sewage treatment and disposal system without being  
25 registered under part III of chapter 489. A property owner  
26 who personally performs construction, maintenance, or repairs  
27 to a system serving his or her own owner-occupied  
28 single-family residence is exempt from registration  
29 requirements for performing such construction, maintenance, or  
30 repairs on that residence, but is subject to all permitting  
31 requirements. A municipality or political subdivision of the

1 state may not issue a building or plumbing permit for any  
2 building that requires the use of an onsite sewage treatment  
3 and disposal system unless the owner or builder has received a  
4 construction permit for such system from the department. A  
5 building or structure may not be occupied and a municipality,  
6 political subdivision, or any state or federal agency may not  
7 authorize occupancy until the department approves the final  
8 installation of the onsite sewage treatment and disposal  
9 system. A municipality or political subdivision of the state  
10 may not approve any change in occupancy or tenancy of a  
11 building that uses an onsite sewage treatment and disposal  
12 system until the department has reviewed the use of the system  
13 with the proposed change, approved the change, and amended the  
14 operating permit.

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

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

- 27 1. Seventy-five feet from a private potable well.
- 28 2. Two hundred feet from a public potable well serving  
29 a residential or nonresidential establishment having a total  
30 sewage flow of greater than 2,000 gallons per day.

31

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

4           4. Fifty feet from any nonpotable well.

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

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

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

12          8. Fifteen feet from the design high-water line of  
13 retention areas, detention areas, or swales designed to  
14 contain standing or flowing water for less than 72 hours after  
15 a rainfall or the design high-water level of normally dry  
16 drainage ditches or normally dry individual lot stormwater  
17 retention areas.

18          (v) The department may require the submission of  
19 detailed system construction plans that are prepared by a  
20 professional engineer registered in this state. The department  
21 shall establish by rule criteria for determining when such a  
22 submission is required.

23          Section 8. Paragraph (k) of subsection (2) of section  
24 381.0066, Florida Statutes, is amended to read:

25          381.0066 Onsite sewage treatment and disposal systems;  
26 fees.--

27          (2) The minimum fees in the following fee schedule  
28 apply until changed by rule by the department within the  
29 following limits:

30          (k) Research: An additional \$5 fee shall be added to  
31 each new system construction permit issued ~~during fiscal years~~

1 ~~1996-2004~~ to be used for onsite sewage treatment and disposal  
2 system research, demonstration, and training projects. Five  
3 dollars from any repair permit fee collected under this  
4 section shall be used for funding the hands-on training  
5 centers described in s. 381.0065(3)(j).

6  
7 The funds collected pursuant to this subsection must be  
8 deposited in a trust fund administered by the department, to  
9 be used for the purposes stated in this section and ss.  
10 381.0065 and 381.00655.

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

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

22 (2) DUTIES.--

23 (a) The department shall adopt rules, including  
24 definitions of terms which are consistent with law prescribing  
25 minimum sanitation standards and manager certification  
26 requirements as prescribed in s. 509.039, and which shall be  
27 enforced in food service establishments as defined in this  
28 section. The sanitation standards must address the  
29 construction, operation, and maintenance of the establishment;  
30 lighting, ventilation, laundry rooms, lockers, use and storage  
31 of toxic materials and cleaning compounds, and first-aid

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

26 Section 10. Section 381.86, Florida Statutes, is  
27 created to read:

28 381.86 Institutional Review Board.--

29 (1) The Institutional Review Board is created within  
30 the Department of Health in order to satisfy federal  
31 requirements under 45 C.F.R. part 46 and 21 C.F.R. parts 50

1 and 56 that an institutional review board review all  
2 biomedical and behavioral research on human subjects which is  
3 funded or supported in any manner by the department.

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

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

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

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

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

25 381.89 Regulation of tanning facilities.--

26 (3)

27 (b) The department shall establish procedures for the  
28 issuance and annual renewal of licenses and shall establish  
29 annual license and renewal fees and late-payment fees in an  
30 amount necessary to cover the expenses of administering this  
31 section. Annual license and renewal fees may not ~~shall~~ be ~~not~~

1 ~~less than \$125 nor~~ more than \$250 per tanning device and a  
 2 maximum total fee per individual tanning facility may be set  
 3 by rule. ~~Effective October 1, 1991, the fee amount shall be~~  
 4 ~~the minimum fee proscribed in this paragraph and such fee~~  
 5 ~~amount shall remain in effect until the effective date of a~~  
 6 ~~fee schedule adopted by the department.~~

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

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

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

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

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

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

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

23 (d) The Secretary of Health Care Administration;

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

25 (f) The Attorney General;

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

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

31

1 (i) A representative from the Florida Association of  
2 Counties;

3 (j) The Chief Financial Officer;

4 (k) A representative from the Florida Healthy Kids  
5 Corporation;

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

8 (m) The Commissioner of Education;

9 (n) The Secretary ~~of the Department~~ of Elderly  
10 Affairs; and

11 (o) The Secretary ~~of the Department~~ of Juvenile  
12 Justice.

13  
14 Representatives of the Federal Government may serve without  
15 voting rights.

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

18 (a) By June ~~March~~ 1 of each year, to develop and  
19 approve a strategic plan pursuant to the requirements set  
20 forth in s. 186.022 ~~s. 186.022(9)~~. ~~Copies of the plan shall be~~  
21 ~~transmitted electronically or in writing to the Executive~~  
22 ~~Office of the Governor, the Speaker of the House of~~  
23 ~~Representatives, and the President of the Senate.~~

24 Section 13. Subsections (1) and (2), paragraphs (f)  
25 and (g) of subsection (3), and subsection (5) of section  
26 383.14, Florida Statutes, are amended to read:

27 383.14 Screening for metabolic disorders, other  
28 hereditary and congenital disorders, and environmental risk  
29 factors.--

30 (1) SCREENING REQUIREMENTS.--To help ensure access to  
31 the maternal and child health care system, the Department of



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

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

31

1           (b) Postnatal screening.--A risk factor analysis using  
2 the department's designated risk assessment instrument shall  
3 also be conducted as part of the medical screening process  
4 upon the birth of a child and submitted to the department's  
5 Office of Vital Statistics for recording and other purposes  
6 provided for in this chapter. The department's screening  
7 process for risk assessment shall include a scoring mechanism  
8 and procedures that establish thresholds for notification,  
9 further assessment, referral, and eligibility for services by  
10 professionals or paraprofessionals consistent with the level  
11 of risk. Procedures for developing and using the screening  
12 instrument, notification, referral, and care coordination  
13 services, reporting requirements, management information, and  
14 maintenance of a computer-driven registry in the Office of  
15 Vital Statistics which ensures privacy safeguards must be  
16 consistent with the provisions and plans established under  
17 chapter 411, Pub. L. No. 99-457, and this chapter. Procedures  
18 established for reporting information and maintaining a  
19 confidential registry must include a mechanism for a  
20 centralized information depository at the state and county  
21 levels. The department shall coordinate with existing risk  
22 assessment systems and information registries. The department  
23 must ensure, to the maximum extent possible, that the  
24 screening information registry is integrated with the  
25 department's automated data systems, including the Florida  
26 On-line Recipient Integrated Data Access (FLORIDA) system.  
27 Tests and screenings must be performed by the State Public  
28 Health Laboratory, in coordination with Children's Medical  
29 Services, at such times and in such manner as is prescribed by  
30 the department after consultation with the Genetics and Infant  
31

1 Screening Advisory Council and the State Coordinating Council  
2 for School Readiness Programs.

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 391.025 Applicability and scope.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 391.029 Program eligibility.--

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

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



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

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

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

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

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

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

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

31

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

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

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

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

21 391.035 Provider qualifications.--

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

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

1 391.055 Service delivery systems.--

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

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

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

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

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

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

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

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

31

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

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

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

14 391.303 Program requirements.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

17 Section 23. Subsection (1) of section 395.003, Florida  
18 Statutes, is amended to read:

19 395.003 Licensure; issuance, renewal, denial,  
20 modification, suspension, and revocation.--

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

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

30 2. ~~Nothing in~~ This part does not apply applies to  
31 veterinary hospitals or to commercial business establishments

1 using the word "hospital," "ambulatory surgical center," or  
2 "mobile surgical facility" as a part of a trade name if no  
3 treatment of human beings is performed on the premises of such  
4 establishments.

5 3. By December 31, 2004, the agency shall submit a  
6 report to the President of the Senate and the Speaker of the  
7 House of Representatives recommending whether it is in the  
8 public interest to allow a hospital to license or operate an  
9 emergency department located off the premises of the hospital.  
10 If the agency finds it to be in the public interest, the  
11 report shall also recommend licensure criteria for such  
12 medical facilities, including criteria related to quality of  
13 care and, if deemed necessary, the elimination of the  
14 possibility of confusion related to the service capabilities  
15 of such facility in comparison to the service capabilities of  
16 an emergency department located on the premises of the  
17 hospital. Until July 1, 2005, additional emergency departments  
18 located off the premises of licensed hospitals may not be  
19 authorized by the agency.

20 Section 24. Present subsections (3) and (4) of section  
21 395.1027, Florida Statutes, are redesignated as subsections  
22 (4) and (5), respectively, and a new subsection (3) is added  
23 to that section, to read:

24 395.1027 Regional poison control centers.--

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

28 Section 25. Section 395.404, Florida Statutes, is  
29 amended to read:

30 395.404 Review of trauma registry data; report to  
31 central registry; confidentiality and limited release.--



1           (1)(a) Each trauma center shall furnish, and, upon  
2 request of the department, all acute care hospitals shall  
3 furnish for department review, trauma registry data as  
4 prescribed by rule of the department for the purpose of  
5 monitoring patient outcome and ensuring compliance with the  
6 standards of approval.

7           (b) Trauma registry data obtained pursuant to this  
8 subsection are confidential and exempt from the provisions of  
9 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.  
10 However, the department may provide such trauma registry data  
11 to the person, trauma center, hospital, emergency medical  
12 service provider, local or regional trauma agency, medical  
13 examiner, or other entity from which the data were obtained.  
14 The department may also use or provide trauma registry data  
15 for purposes of research in accordance with the provisions of  
16 chapter 405.

17           (2) Each trauma center, pediatric trauma referral  
18 center, and acute care hospital shall report to the  
19 department's brain and spinal cord injury central registry,  
20 consistent with the procedures and timeframes of s. 381.74,  
21 any person who has a moderate-to-severe brain or spinal cord  
22 injury, and shall include in the report the name, age,  
23 residence, and type of disability of the individual and any  
24 additional information that the department finds necessary.  
25 ~~Notwithstanding the provisions of s. 381.74, each trauma~~  
26 ~~center and acute care hospital shall submit severe disability~~  
27 ~~and head injury registry data to the department as provided by~~  
28 ~~rule. Each trauma center and acute care hospital shall~~  
29 ~~continue to provide initial notification of persons who have~~  
30 ~~severe disabilities and head injuries to the Department of~~  
31 ~~Health within timeframes provided in chapter 413. Such initial~~

1 ~~notification shall be made in the manner prescribed by the~~  
 2 ~~Department of Health for the purpose of providing timely~~  
 3 ~~vocational rehabilitation services to the severely disabled or~~  
 4 ~~head injured person.~~

5 ~~(3) Trauma registry data obtained pursuant to this~~  
 6 ~~section are confidential and exempt from the provisions of s.~~  
 7 ~~119.07(1) and s. 24(a), Art. I of the State Constitution.~~  
 8 ~~However, the department may provide such trauma registry data~~  
 9 ~~to the person, trauma center, pediatric trauma referral~~  
 10 ~~center, hospital, emergency medical service provider, local or~~  
 11 ~~regional trauma agency, medical examiner, or other entity from~~  
 12 ~~which the data were obtained. The department may also use or~~  
 13 ~~provide trauma registry data for purposes of research in~~  
 14 ~~accordance with the provisions of chapter 405.~~

15 Section 26. Subsections (3) and (4) of section  
 16 400.9905, Florida Statutes, are amended, and subsections (5),  
 17 (6), and (7) are added to that section, to read:

18 400.9905 Definitions.--

19 (3) "Clinic" means an entity at which health care  
 20 services are provided to individuals and which tenders charges  
 21 for reimbursement for such services, including a mobile clinic  
 22 and a portable equipment provider. For purposes of this part,  
 23 the term does not include and the licensure requirements of  
 24 this part do not apply to:

25 (a) Entities licensed or registered by the state under  
 26 chapter 395; or entities licensed or registered by the state  
 27 and providing only health care services within the scope of  
 28 services authorized under their respective licenses granted  
 29 under ss. 383.30-383.335, chapter 390, chapter 394, ~~chapter~~  
 30 ~~395~~, chapter 397, this chapter except part XIII, chapter 463,  
 31 chapter 465, chapter 466, chapter 478, part I of chapter 483

1 ~~480~~, chapter 484, or chapter 651, end-stage renal disease  
 2 providers authorized under 42 C.F.R. part 405, subpart U, or  
 3 providers certified under 42 C.F.R. part 485, subpart B or  
 4 subpart H, or any entity that provides neonatal or pediatric  
 5 hospital-based healthcare services by licensed practitioners  
 6 solely within a hospital licensed under chapter 395.

7 (b) Entities that own, directly or indirectly,  
 8 entities licensed or registered by the state pursuant to  
 9 chapter 395; or entities that own, directly or indirectly,  
 10 entities licensed or registered by the state and providing  
 11 only health care services within the scope of services  
 12 authorized pursuant to their respective licenses granted under  
 13 ss. 383.30-383.335, chapter 390, chapter 394, ~~chapter 395,~~  
 14 chapter 397, this chapter except part XIII, chapter 463,  
 15 chapter 465, chapter 466, chapter 478, part I of chapter ~~483~~  
 16 480, chapter 484, or chapter 651, end-stage renal disease  
 17 providers authorized under 42 C.F.R. part 405, subpart U, or  
 18 providers certified under 42 C.F.R. part 485, subpart B or  
 19 subpart H, or any entity that provides neonatal or pediatric  
 20 hospital-based healthcare services by licensed practitioners  
 21 solely within a hospital licensed under chapter 395.

22 (c) Entities that are owned, directly or indirectly,  
 23 by an entity licensed or registered by the state pursuant to  
 24 chapter 395; or entities that are owned, directly or  
 25 indirectly, by an entity licensed or registered by the state  
 26 and providing only health care services within the scope of  
 27 services authorized pursuant to their respective licenses  
 28 granted under ss. 383.30-383.335, chapter 390, chapter 394,  
 29 ~~chapter 395,~~ chapter 397, this chapter except part XIII,  
 30 chapter 463, chapter 465, chapter 466, chapter 478, part I of  
 31 chapter ~~483~~ 480, chapter 484, or chapter 651, end-stage renal

1 disease providers authorized under 42 C.F.R. part 405, subpart  
2 U, or providers certified under 42 C.F.R. part 485, subpart B  
3 or subpart H, or any entity that provides neonatal or  
4 pediatric hospital-based healthcare services by licensed  
5 practitioners solely within a hospital licensed under chapter  
6 395.

7 (d) Entities that are under common ownership, directly  
8 or indirectly, with an entity licensed or registered by the  
9 state pursuant to chapter 395; or entities that are under  
10 common ownership, directly or indirectly, with an entity  
11 licensed or registered by the state and providing only health  
12 care services within the scope of services authorized pursuant  
13 to its respective license granted under ss. 383.30-383.335,  
14 chapter 390, chapter 394, ~~chapter 395,~~ chapter 397, this  
15 chapter except part XIII, chapter 463, chapter 465, chapter  
16 466, chapter 478, part I of chapter 483 480, chapter 484, or  
17 chapter 651, end-stage renal disease providers authorized  
18 under 42 C.F.R. part 405, subpart U, or providers certified  
19 under 42 C.F.R. part 485, subpart B or subpart H, or any  
20 entity that provides neonatal or pediatric hospital-based  
21 services by licensed practitioners solely within a hospital  
22 licensed under chapter 395.

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

28 (f) A sole proprietorship, group practice,  
29 partnership, or corporation that provides health care services  
30 by physicians covered by s. 627.419, that is directly  
31 supervised by one or more of such physicians, and that is

1 wholly owned by one or more of those physicians or by a  
 2 physician and the spouse, parent, child, or sibling of that  
 3 physician.

4 ~~(g)(f)~~ A sole proprietorship, group practice,  
 5 partnership, or corporation that provides health care services  
 6 by licensed health care practitioners under chapter 457,  
 7 chapter 458, chapter 459, chapter 460, chapter 461, chapter  
 8 462, chapter 463, chapter 466, chapter 467, chapter 480,  
 9 chapter 484, chapter 486, chapter 490, chapter 491, or part I,  
 10 part III, part X, part XIII, or part XIV of chapter 468, or s.  
 11 464.012, which are wholly owned by one or more ~~a~~ licensed  
 12 health care practitioners ~~practitioner~~, or the licensed health  
 13 care practitioners set forth in this paragraph ~~practitioner~~  
 14 and the spouse, parent, ~~or~~ child, or sibling of a licensed  
 15 health care practitioner, so long as one of the owners who is  
 16 a licensed health care practitioner is supervising the  
 17 services performed therein and is legally responsible for the  
 18 entity's compliance with all federal and state laws. However,  
 19 a health care practitioner may not supervise services beyond  
 20 the scope of the practitioner's license, except that, for the  
 21 purposes of this part, a clinic owned by a licensee in s.  
 22 456.053(3)(b) that provides only services authorized pursuant  
 23 to s. 456.053(3)(b) may be supervised by a licensee specified  
 24 in s. 456.053(3)(b).

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

28 (i) Entities that provide only oncology or radiation  
 29 therapy services by physicians licensed under chapter 458 or  
 30 459.

31

1           (4) "Medical director" means a physician who is  
2 employed or under contract with a clinic and who maintains a  
3 full and unencumbered physician license in accordance with  
4 chapter 458, chapter 459, chapter 460, or chapter 461.  
5 However, if the clinic does not provide services pursuant to  
6 the respective physician practice acts listed in this  
7 subsection, it is limited to providing health care services  
8 pursuant to chapter 457, chapter 484, chapter 486, chapter  
9 490, or chapter 491 or part I, part III, part X, part XIII, or  
10 part XIV of chapter 468, the clinic may appoint a  
11 Florida-licensed health care practitioner who does not provide  
12 services pursuant to the respective physician practice acts  
13 listed in this subsection licensed under that chapter to serve  
14 as a clinic director who is responsible for the clinic's  
15 activities. A health care practitioner may not serve as the  
16 clinic director if the services provided at the clinic are  
17 beyond the scope of that practitioner's license, except that a  
18 licensee specified in s. 456.053(3)(b) that provides only  
19 services authorized pursuant to s. 456.053(3)(b) may serve as  
20 clinic director of an entity providing services as specified  
21 in s. 456.053(3)(b).

22           (5) "Mobile clinic" means a movable or detached  
23 self-contained health care unit within or from which direct  
24 health care services are provided to individuals and that  
25 otherwise meets the definition of a clinic in subsection (3).

26           (6) "Portable equipment provider" means an entity that  
27 contracts with or employs persons to provide portable  
28 equipment to multiple locations performing treatment or  
29 diagnostic testing of individuals, that bills third-party  
30 payors for those services, and that otherwise meets the  
31 definition of a clinic in subsection (3).

1           (7) "Chief financial officer" means an individual who  
2 has at least a minimum of a bachelor's degree from an  
3 accredited university in accounting, finance, or a related  
4 field and is the person responsible for the preparation of the  
5 clinic billing.

6           Section 27. The creation of paragraph 400.9905(3)(i),  
7 Florida Statutes, by this act is intended to clarify the  
8 legislative intent of this provision as it existed at the time  
9 the provision initially took effect as section 456.0375(1)(b),  
10 Florida Statutes, and paragraph 400.9905(3)(i), Florida  
11 Statutes, as created by this act, shall operate retroactively  
12 to October 1, 2001. Nothing in this section shall be construed  
13 as amending, modifying, limiting, or otherwise affecting in  
14 any way the legislative intent, scope, terms, prohibition, or  
15 requirements of section 456.053, Florida Statutes.

16           Section 28. Subsections (1), (2), and (3) and  
17 paragraphs (a) and (b) of subsection (7) of section 400.991,  
18 Florida Statutes, are amended to read:

19           400.991 License requirements; background screenings;  
20 prohibitions.--

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

26           (b) Each mobile clinic must obtain a separate health  
27 care clinic license and ~~clinics~~ must provide to the agency, at  
28 least quarterly, ~~its their~~ projected street location ~~locations~~  
29 to enable the agency to locate and inspect such clinic  
30 ~~clinics~~. A portable equipment provider must obtain a health

31

1 care clinic license for a single administrative office and is  
2 not required to submit quarterly projected street locations.

3 (2) The initial clinic license application shall be  
4 filed with the agency by all clinics, as defined in s.  
5 400.9905, on or before July ~~March~~ 1, 2004. A clinic license  
6 must be renewed biennially.

7 (3) Applicants that submit an application on or before  
8 July ~~March~~ 1, 2004, which meets all requirements for initial  
9 licensure as specified in this section shall receive a  
10 temporary license until the completion of an initial  
11 inspection verifying that the applicant meets all requirements  
12 in rules authorized by s. 400.9925. However, a clinic engaged  
13 in magnetic resonance imaging services may not receive a  
14 temporary license unless it presents evidence satisfactory to  
15 the agency that such clinic is making a good faith effort and  
16 substantial progress in seeking accreditation required under  
17 s. 400.9935.

18 (7) Each applicant for licensure shall comply with the  
19 following requirements:

20 (a) As used in this subsection, the term "applicant"  
21 means individuals owning or controlling, directly or  
22 indirectly, 5 percent or more of an interest in a clinic; the  
23 medical or clinic director, or a similarly titled person who  
24 is responsible for the day-to-day operation of the licensed  
25 clinic; the financial officer or similarly titled individual  
26 who is responsible for the financial operation of the clinic;  
27 and licensed health care practitioners ~~medical providers~~ at  
28 the clinic.

29 (b) Upon receipt of a completed, signed, and dated  
30 application, the agency shall require background screening of  
31 the applicant, in accordance with the level 2 standards for



1 screening set forth in chapter 435. Proof of compliance with  
2 the level 2 background screening requirements of chapter 435  
3 which has been submitted within the previous 5 years in  
4 compliance with any other health care licensure requirements  
5 of this state is acceptable in fulfillment of this paragraph.  
6 Applicants who own less than 10 percent of a health care  
7 clinic are not required to submit fingerprints under this  
8 section.

9 Section 29. Subsections (1), (9), and (11) of section  
10 400.9935, Florida Statutes, are amended to read:

11 400.9935 Clinic responsibilities.--

12 (1) Each clinic shall appoint a medical director or  
13 clinic director who shall agree in writing to accept legal  
14 responsibility for the following activities on behalf of the  
15 clinic. The medical director or the clinic director shall:

16 (a) Have signs identifying the medical director or  
17 clinic director posted in a conspicuous location within the  
18 clinic readily visible to all patients.

19 (b) Ensure that all practitioners providing health  
20 care services or supplies to patients maintain a current  
21 active and unencumbered Florida license.

22 (c) Review any patient referral contracts or  
23 agreements executed by the clinic.

24 (d) Ensure that all health care practitioners at the  
25 clinic have active appropriate certification or licensure for  
26 the level of care being provided.

27 (e) Serve as the clinic records owner as defined in s.  
28 456.057.

29 (f) Ensure compliance with the recordkeeping, office  
30 surgery, and adverse incident reporting requirements of  
31

1 chapter 456, the respective practice acts, and rules adopted  
2 under this part.

3 (g) Conduct systematic reviews of clinic billings to  
4 ensure that the billings are not fraudulent or unlawful. Upon  
5 discovery of an unlawful charge, the medical director or  
6 clinic director shall take immediate corrective action. If the  
7 clinic performs only the technical component of magnetic  
8 resonance imaging, static radiographs, computed tomography, or  
9 positron emission tomography, and provides the professional  
10 interpretation of such services, in a fixed facility that is  
11 accredited by the Joint Commission on Accreditation of  
12 Healthcare Organizations or the Accreditation Association for  
13 Ambulatory Health Care, and the American College of Radiology;  
14 and if, in the preceding quarter, the percentage of scans  
15 performed by that clinic which was billed to all personal  
16 injury protection insurance carriers was less than 15 percent,  
17 the chief financial officer of the clinic may, in a written  
18 acknowledgement provided to the agency, assume the  
19 responsibility for the conduct of the systematic reviews of  
20 clinic billings to ensure that the billings are not fraudulent  
21 or unlawful.

22 (9) Any person or entity providing health care  
23 services which is not a clinic, as defined under s. 400.9905,  
24 may voluntarily apply for a certificate of exemption from  
25 licensure under its exempt status with the agency on a form  
26 that sets forth its name or names and addresses, a statement  
27 of the reasons why it cannot be defined as a clinic, and other  
28 information deemed necessary by the agency. An exemption is  
29 not transferable. The agency may charge an applicant for a  
30 certificate of exemption \$100 or the actual cost, whichever is  
31 less, for processing the certificate.

1           (11)(a) Each clinic engaged in magnetic resonance  
 2 imaging services must be accredited by the Joint Commission on  
 3 Accreditation of Healthcare Organizations, the American  
 4 College of Radiology, or the Accreditation Association for  
 5 Ambulatory Health Care, within 1 year after licensure.  
 6 However, a clinic may request a single, 6-month extension if  
 7 it provides evidence to the agency establishing that, for good  
 8 cause shown, such clinic can not be accredited within 1 year  
 9 after licensure, and that such accreditation will be completed  
 10 within the 6-month extension. After obtaining accreditation as  
 11 required by this subsection, each such clinic must maintain  
 12 accreditation as a condition of renewal of its license.

13           (b) The agency may deny ~~disallow~~ the application or  
 14 revoke the license of any entity formed for the purpose of  
 15 avoiding compliance with the accreditation provisions of this  
 16 subsection and whose principals were previously principals of  
 17 an entity that was unable to meet the accreditation  
 18 requirements within the specified timeframes. The agency may  
 19 adopt rules as to the accreditation of magnetic resonance  
 20 imaging clinics.

21           Section 30. Subsections (1) and (3) of section  
 22 400.995, Florida Statutes, are amended, and subsection (10) is  
 23 added to said section, to read:

24           400.995 Agency administrative penalties.--

25           (1) The agency may deny the application for a license  
 26 renewal, revoke or suspend the license, and impose  
 27 administrative finer penalties against clinics of up to \$5,000  
 28 per violation for violations of the requirements of this part  
 29 or rules of the agency. In determining if a penalty is to be  
 30 imposed and in fixing the amount of the fine, the agency shall  
 31 consider the following factors:

1 (a) The gravity of the violation, including the  
2 probability that death or serious physical or emotional harm  
3 to a patient will result or has resulted, the severity of the  
4 action or potential harm, and the extent to which the  
5 provisions of the applicable laws or rules were violated.

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

8 (c) Any previous violations.

9 (d) The financial benefit to the clinic of committing  
10 or continuing the violation.

11 (3) Any action taken to correct a violation shall be  
12 documented in writing by the owner, medical director, or  
13 clinic director of the clinic and verified through followup  
14 visits by agency personnel. The agency may impose a fine and,  
15 in the case of an owner-operated clinic, revoke or deny a  
16 clinic's license when a clinic medical director or clinic  
17 director ~~knowingly fraudulently~~ misrepresents actions taken to  
18 correct a violation.

19 (10) If the agency issues a notice of intent to deny a  
20 license application after a temporary license has been issued  
21 pursuant to s. 400.991(3), the temporary license shall expire  
22 on the date of the notice and may not be extended during any  
23 proceeding for administrative or judicial review pursuant to  
24 chapter 120.

25 Section 31. The agency shall refund 90 percent of the  
26 license application fee to applicants that submitted their  
27 health care clinic licensure fees and applications but were  
28 subsequently exempted from licensure by this act.

29 Section 32. Any person or entity defined as a clinic  
30 under s. 400.9905, Florida Statutes, shall not be in violation  
31 of part XIII of chapter 400, Florida Statutes, due to failure

1 to apply for a clinic license by March 1, 2004, as previously  
2 required by s. 400.991, Florida Statutes. Payment to any such  
3 person or entity by an insurer or other person liable for  
4 payment to such person or entity may not be denied on the  
5 grounds that the person or entity failed to apply for or  
6 obtain a clinic license before March 1, 2004.

7 Section 33. Paragraph (h) is added to subsection (3)  
8 of section 400.9905, Florida Statutes, to read:

9 400.9905 Definitions.--

10 (3) "Clinic" means an entity at which health care  
11 services are provided to individuals and which tenders charges  
12 for reimbursement for such services. For purposes of this  
13 part, the term does not include and the licensure requirements  
14 of this part do not apply to:

15 (h) Entities that provide only oncology or radiation  
16 therapy services by physicians licensed under chapter 458 or  
17 chapter 459.

18 Section 34. The amendment made by this act to section  
19 400.9905(3), Florida Statutes, is intended to clarify the  
20 legislative intent of this provision as it existed at the time  
21 the provision initially took effect as section 456.0375(1)(b),  
22 Florida Statutes, and section 400.9905(3)(h), Florida  
23 Statutes, as created by this act, shall operate retroactively  
24 to October 1, 2001.

25 Section 35. Section 401.211, Florida Statutes, is  
26 amended to read:

27 401.211 Legislative intent.--The Legislature  
28 recognizes that the systematic provision of emergency medical  
29 services saves lives and reduces disability associated with  
30 illness and injury. In addition, that system of care must be  
31 equally capable of assessing, treating, and transporting

1 children, adults, and frail elderly persons. Further, it is  
2 the intent of the Legislature to encourage the development and  
3 maintenance of emergency medical services because such  
4 services are essential to the health and well-being of all  
5 citizens of the state. The Legislature also recognizes that  
6 the establishment of a comprehensive statewide  
7 injury-prevention program supports state and community health  
8 systems by further enhancing the total delivery system of  
9 emergency medical services and reduces injuries for all  
10 persons. The purpose of this part is to protect and enhance  
11 the public health, welfare, and safety through the  
12 establishment of an emergency medical services state plan, an  
13 advisory council, a comprehensive statewide injury-prevention  
14 program, minimum standards for emergency medical services  
15 personnel, vehicles, services and medical direction, and the  
16 establishment of a statewide inspection program created to  
17 monitor the quality of patient care delivered by each licensed  
18 service and appropriately certified personnel.

19 Section 36. Section 401.243, Florida Statutes, is  
20 created to read:

21 401.243 Injury prevention.--The department shall  
22 establish an injury-prevention program with responsibility for  
23 the statewide coordination and expansion of injury-prevention  
24 activities. The duties of the department under the program may  
25 include, but are not limited to, data collection,  
26 surveillance, education, and the promotion of interventions.  
27 In addition, the department may:

28 (1) Provide communities, county health departments,  
29 and other state agencies with expertise and guidance in injury  
30 prevention.

31

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

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

6       (4) Adopt rules governing the implementation of grant  
7 programs. The rules may include, but need not be limited to,  
8 criteria regarding the application process, the selection of  
9 grantees, the implementation of injury-prevention activities,  
10 data collection, surveillance, education, and the promotion of  
11 interventions.

12       Section 37. Section 401.27001, Florida Statutes, is  
13 created to read:

14       401.27001 Background screening required for  
15 certification.--

16       (1) An applicant for initial certification under s.  
17 401.27 must submit information and a set of fingerprints to  
18 the Department of Health on a form and according to procedures  
19 specified by the department, along with payment in an amount  
20 equal to the costs incurred by the Department of Health for a  
21 statewide criminal history check and a national criminal  
22 history check of the applicant.

23       (2) An applicant for initial renewal of certification  
24 on or after July 1, 2004, who has not previously submitted a  
25 set of fingerprints to the Department of Health must submit  
26 information required to perform a statewide criminal  
27 background check and a set of fingerprints required to perform  
28 a national criminal history check. The applicant must submit  
29 the fingerprints on a form and under procedures specified by  
30 the department for a national criminal history check, along  
31 with payment in an amount equal to the costs incurred by the

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

26 (3) Pursuant to the requirements of s. 120.60, an  
27 application for certification must be processed within 90 days  
28 after receipt of the completed application. An application for  
29 certification is not complete until the criminal history and  
30 certified copies of all court documents for an applicant

31



1 having a prior criminal conviction, pursuant to this section,  
2 have been received by the department.

3 (4) The department shall submit the fingerprints and  
4 information required for a statewide criminal history check to  
5 the Department of Law Enforcement, and the Department of Law  
6 Enforcement shall forward the fingerprints to the Federal  
7 Bureau of Investigation for a national criminal history check  
8 of the applicant.

9 (5) If an applicant has undergone a criminal history  
10 check as a condition of employment or certification as a  
11 firefighter under s. 633.34, the Division of State Fire  
12 Marshal of the Department of Financial Services shall provide  
13 the criminal history information regarding the applicant  
14 seeking certification or renewal of certification under s.  
15 401.27 to the department. Any applicant for initial  
16 certification or renewal of certification who has already  
17 submitted a set of fingerprints and information to the  
18 Division of State Fire Marshal of the Department of Financial  
19 Services for the criminal history check required for  
20 employment and certification of firefighters under s. 633.34  
21 within 2 years prior to application under s. 401.27 is not  
22 required to provide to the department a subsequent set of  
23 fingerprints or other duplicate information required for a  
24 criminal history check if the applicant submits an affidavit  
25 in a form prescribed by the department attesting that he or  
26 she has been a state resident for the previous 2 years.

27 (6) Notwithstanding the grounds for certification  
28 denial outlined in s. 401.411, an applicant must not have been  
29 found guilty of, regardless of plea or adjudication, any  
30 offense prohibited under any of the following provisions of  
31

1 the Florida Statutes or under any similar statute of another  
2 jurisdiction:

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

5 (b) Section 782.04, relating to murder.

6 (c) Section 782.07, relating to manslaughter,  
7 aggravated manslaughter of an elderly person or disabled  
8 adult, or aggravated manslaughter of a child.

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

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

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

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

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

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

18 (j) Section 784.01, relating to kidnapping.

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

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

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

23 (n) Chapter 796, relating to prostitution.

24 (o) Section 798.02, relating to lewd and lascivious  
25 behavior.

26 (p) Chapter 800, relating to lewdness and indecent  
27 exposure.

28 (q) Section 806.01, relating to arson.

29 (r) Chapter 812, relating to theft, robbery, and  
30 related crimes, if the offense was a felony.

31

1       (s) Section 817.563, relating to the fraudulent sale  
2 of controlled substances, if the offense was a felony.

3       (t) Section 825.102, relating to abuse, aggravated  
4 abuse, or neglect of an elderly person or disabled adult.

5       (u) Section 825.1025, relating to lewd or lascivious  
6 offenses committed upon or in the presence of an elderly  
7 person or disabled adult.

8       (v) Section 825.103, relating to exploitation of an  
9 elderly person or disabled adult, if the offense was a felony.

10       (w) Section 826.04, relating to incest.

11       (x) Section 827.03, relating to child abuse,  
12 aggravated child abuse, or neglect of a child.

13       (y) Section 827.04, relating to contributing to the  
14 delinquency or dependency of a child.

15       (z) Former s. 827.05, relating to negligent treatment  
16 of children.

17       (aa) Section 827.071, relating to sexual performance  
18 by a child.

19       (bb) Chapter 847, relating to obscene literature.

20       (cc) Chapter 893, relating to drug abuse prevention  
21 and control, if the offense was a felony or if any other  
22 person involved in the offense was a minor.

23       (dd) An act that constitutes domestic violence, as  
24 defined in s. 741.28.

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

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

30

31

1           (b) A misdemeanor prohibited under any of the Florida  
2 Statutes cited in this subsection or under similar statutes of  
3 other jurisdictions;

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

6           (d) A finding of delinquency; or

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

9           (8) For the department to grant an exemption to any  
10 applicant under this section, the applicant must demonstrate  
11 by clear and convincing evidence that the applicant should not  
12 be disqualified from certification or renewed certification.

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

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

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

3           Section 38. Subsection (4) of section 404.056, Florida  
 4 Statutes, is amended to read:

5           404.056 Environmental radiation standards and  
 6 projects; certification of persons performing measurement or  
 7 mitigation services; mandatory testing; notification on real  
 8 estate documents; rules.--

9           (4) MANDATORY TESTING.--All public and private school  
 10 buildings or school sites housing students in kindergarten  
 11 through grade 12; all state-owned, state-operated,  
 12 state-regulated, or state-licensed 24-hour care facilities;  
 13 and all state-licensed day care centers for children or minors  
 14 which are located in counties designated within the Department  
 15 of Community Affairs' Florida Radon Protection Map Categories  
 16 as "Intermediate" or "Elevated Radon Potential" shall be  
 17 measured to determine the level of indoor radon, using  
 18 measurement procedures established by the department. Initial  
 19 measurements ~~Testing~~ shall be conducted ~~completed within the~~  
 20 ~~first year of construction~~ in 20 percent of the habitable  
 21 first floor spaces within any of the regulated buildings and-  
 22 ~~Initial measurements~~ shall be completed and reported to the  
 23 department within 1 ~~by July 1 of the~~ year after the date the  
 24 building is opened for occupancy or within 1 year after  
 25 license approval for the entity residing in the existing  
 26 building. Followup testing must be completed in 5 percent of  
 27 the habitable first floor spaces within any of the regulated  
 28 buildings after the building has been occupied for 5 years,  
 29 and results must be reported to the department by the first  
 30 day ~~July 1 of the~~ 6th ~~5th~~ year of occupancy. After radon  
 31 measurements have been made twice, regulated buildings need

1 not undergo further testing unless significant structural  
 2 changes occur. No funds collected pursuant to s. 553.721 shall  
 3 be used to carry out the provisions of this subsection.

4 Section 39. Subsection (1) and paragraph (g) of  
 5 subsection (3) of section 468.302, Florida Statutes, are  
 6 amended to read:

7 468.302 Use of radiation; identification of certified  
 8 persons; limitations; exceptions.--

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

12 (a) Is a licensed practitioner; or

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

17 (3)

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

20 a. Conduct in vivo and in vitro measurements of  
 21 radioactivity and administer radiopharmaceuticals to human  
 22 beings for diagnostic and therapeutic purposes.

23 b. Administer X radiation from a combination nuclear  
 24 medicine-computed tomography device if that radiation is  
 25 administered as an integral part of a nuclear medicine  
 26 procedure that uses an automated computed tomography protocol  
 27 for the purposes of attenuation correction and anatomical  
 28 localization and the person has received device-specific  
 29 training on the combination device. However,

30 2. The authority of a nuclear medicine technologist  
 31 under this paragraph excludes:

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

3           b. ~~Creating or modifying automated computed tomography~~  
4 ~~protocols; and~~

5           c. ~~Any other operation of a computed tomography~~  
6 ~~device, especially for the purposes of stand-alone diagnostic~~  
7 ~~imaging, which must be performed by a general radiographer~~  
8 ~~certified under this part.~~

9           Section 40. Section 468.304, Florida Statutes, is  
10 amended to read:

11           468.304 Certification ~~examination; admission.~~--The  
12 department shall certify ~~admit to examination for~~  
13 ~~certification~~ any applicant who meets the following criteria  
14 ~~pays to the department a nonrefundable fee not to exceed \$100~~  
15 ~~plus the actual per applicant cost to the department for~~  
16 ~~purchasing the examination from a national organization and~~  
17 ~~submits satisfactory evidence, verified by oath or~~  
18 ~~affirmation, that she or he:~~

19           (1) Pays to the department a nonrefundable fee that  
20 may not exceed \$100, plus the actual per-applicant cost to the  
21 department for purchasing the examination from a national  
22 organization.

23           (2) Submits a completed application on a form  
24 specified by the department. An incomplete application expires  
25 6 months after initial filing. The application must include  
26 the social security number of the applicant. Each applicant  
27 shall notify the department in writing of his or her current  
28 mailing address. Notwithstanding any other law, service by  
29 regular mail to an applicant's last reported mailing address  
30 constitutes adequate and sufficient notice of any official  
31 departmental communication to the applicant.

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

3           ~~(a)(1)~~ Is at least 18 years of age at the time of  
4 application;

5           ~~(b)(2)~~ Is a high school, vocational school, technical  
6 school, or college graduate or has successfully completed the  
7 requirements for a graduate equivalency diploma (GED) or its  
8 equivalent;

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

10           (d) Has passed an examination as specified in s.  
11 468.306 or meets the requirements specified in s. 468.3065;  
12 and

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

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

23           ~~b.2.~~ With respect to an applicant for a basic X-ray  
24 machine operator-podiatric medicine certificate, has completed  
25 a course of study approved by the department, provided that  
26 such course of study shall be limited to that information  
27 necessary to perform radiographic procedures within the scope  
28 of practice of a podiatric physician licensed pursuant to  
29 chapter 461;

30           ~~c.3.~~ With respect only to an applicant for a general  
31 radiographer's certificate who is a basic X-ray machine



1 operator certificateholder, has completed an educational  
2 program or a 2-year training program that takes into account  
3 the types of procedures and level of supervision usually and  
4 customarily practiced in a hospital, which educational or  
5 training program complies with the rules of the department; or

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

13 (4) Submits complete documentation of any criminal  
14 offense in any jurisdiction of which the applicant has been  
15 found guilty, regardless of whether adjudication of guilt was  
16 withheld, or to which the applicant has pled guilty or nolo  
17 contendere.

18 (5) Submits complete documentation of any final  
19 disciplinary action taken against the applicant by a licensing  
20 or regulatory body in any jurisdiction, by a national  
21 organization, or by a specialty board that is recognized by  
22 the department. Disciplinary action includes revocation,  
23 suspension, probation, reprimand, or being otherwise acted  
24 against, including being denied certification or resigning  
25 from or nonrenewal of membership taken in lieu of or in  
26 settlement of a pending disciplinary case.

27  
28 The department may not certify any applicant who has committed  
29 an offense that would constitute a violation of any of the  
30 provisions of s. 468.3101 or the rules adopted thereunder if  
31 the applicant had been certified by the department at the time

1 of the offense. No application for a limited computed  
2 tomography certificate shall be accepted. All persons holding  
3 valid computed tomography certificates as of October 1, 1984,  
4 are subject to the provisions of s. 468.309.

5 Section 41. Section 468.306, Florida Statutes, is  
6 amended to read:

7 468.306 Examinations.--All applicants, except those  
8 certified pursuant to s. 468.3065, shall be required to pass  
9 an examination. The department is authorized to develop or  
10 use examinations for each type of certificate. The department  
11 may require an applicant who does not pass an examination  
12 after five attempts to complete additional remedial education,  
13 as specified by rule of the department, before admitting the  
14 applicant to subsequent examinations.

15 (1) The department shall have the authority to  
16 contract with organizations that develop such test  
17 examinations. Examinations may be administered by the  
18 department or the contracting organization.

19 (2) Examinations shall be given for each type of  
20 certificate at least twice a year at such times and places as  
21 the department may determine to be advantageous for  
22 applicants. ~~If an applicant applies less than 75 days before~~  
23 ~~an examination, the department may schedule the applicant for~~  
24 ~~a later examination.~~

25 (3) All examinations shall be written and include  
26 positioning, technique, and radiation protection. The  
27 department shall either pass or fail each applicant on the  
28 basis of his or her final grade. The examination for a basic  
29 X-ray machine operator shall include basic positioning and  
30 basic techniques directly related to the skills necessary to  
31 safely operate radiographic equipment.

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

5           Section 42. Section 468.3065, Florida Statutes, is  
6 amended to read:

7           468.3065 Certification by endorsement.--The department  
8 may issue a certificate by endorsement to practice radiologic  
9 technology to an applicant who, upon applying to the  
10 department and remitting a nonrefundable fee not to exceed  
11 \$50, demonstrates to the department that he or she holds a  
12 current certificate, license, or registration to practice  
13 radiologic technology, provided that the requirements for such  
14 certificate, license, or registration are deemed by the  
15 department to be substantially equivalent to those established  
16 under this part and rules adopted under this part ~~hereunder~~.

17           Section 43. Subsection (1) of section 468.307, Florida  
18 Statutes, is amended to read:

19           468.307 Certificate; issuance; display.--

20           (1) The department shall issue a certificate to each  
21 candidate who has met the requirements of ss. 468.304 and  
22 468.306 or has qualified under s. 468.3065. The department may  
23 by rule establish a subcategory of a certificate issued under  
24 this part limiting the certificateholder to a specific  
25 procedure or specific type of equipment. The first regular  
26 certificate issued to a new certificateholder expires on the  
27 last day of the certificateholder's birth month and shall be  
28 valid for at least 12 months but no more than 24 months.  
29 However, if the new certificateholder already holds a regular,  
30 active certificate in a different category under this part,

31

1 the new certificate shall be combined with and expire on the  
2 same date as the existing certificate.

3 Section 44. Section 468.309, Florida Statutes, is  
4 amended to read:

5 468.309 Certificate; duration; renewal; reversion to  
6 inactive status; members of Armed Forces and spouses.--

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

18 (b) Sixty days before the end of the biennium, the  
19 department shall mail a notice of renewal to the last known  
20 address of the certificateholder.

21 (c) Each certificateholder shall notify the department  
22 in writing of his or her current mailing address and place of  
23 practice. Notwithstanding any other law, service by regular  
24 mail to a certificateholder's last reported mailing address  
25 constitutes adequate and sufficient notice of any official  
26 departmental communication to the certificateholder.

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

29 (3) The department may, by rule, prescribe continuing  
30 education requirements, not to exceed 24 hours each licensure  
31 period, as a condition for renewal of a certificate. The

1 criteria for approval of continuing education providers,  
2 courses, and programs shall be as specified ~~approved~~ by the  
3 department. Continuing education, which may be required for  
4 persons certified under this part, may be obtained through  
5 home study courses approved by the department.

6 (4) Any certificate ~~that which~~ is not renewed by its  
7 expiration date at the end of the biennium prescribed by the  
8 ~~department~~ shall automatically be placed in an expired status,  
9 and the certificateholder may not practice radiologic  
10 technology until the certificate has been reactivated ~~revert~~  
11 ~~to an inactive status. Such certificate may be reactivated~~  
12 ~~only if the certificateholder meets the other qualifications~~  
13 ~~for reactivation in s. 468.3095.~~

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

25 (6) A certificateholder who is in good standing  
26 remains in good standing if he or she is absent from the state  
27 because of his or her spouse's active duty with the Armed  
28 Forces of the United States. The certificateholder remains in  
29 good standing without paying renewal fees or completing  
30 continuing education as long as his or her spouse is a member  
31 of the Armed Forces on active duty and for a period of 6

1 months after the spouse's discharge from active duty, if the  
 2 certificateholder is not engaged in practicing radiologic  
 3 technology in the private sector for profit. The  
 4 certificateholder must pay a renewal fee and complete  
 5 continuing education not to exceed 12 classroom hours to renew  
 6 the certificate.

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

24 Section 45. Subsection (2) of section 468.3095,  
 25 Florida Statutes, is amended to read:

26 468.3095 Inactive status; reactivation; automatic  
 27 suspension; reinstatement.--

28 (2)(a) A certificate ~~that which~~ that ~~has been expired~~  
 29 ~~inactive~~ for less than 10 years ~~1 year after the end of the~~  
 30 ~~biennium prescribed by the department~~ may be reactivated  
 31 ~~renewed pursuant to s. 468.309~~ upon payment of the biennial

1 renewal fee and a late renewal fee, not to exceed \$100, and  
2 submission of a reactivation application containing any  
3 information that the department deems necessary to show that  
4 the applicant is a radiologic technologist in good standing  
5 and has met the requirements for continuing education. The  
6 ~~renewed certificate shall expire 2 years after the date the~~  
7 ~~certificate automatically reverted to inactive status.~~

8 ~~(b) A certificate which has been inactive for more~~  
9 ~~than 1 year may be reactivated upon application to the~~  
10 ~~department.~~ The department shall prescribe, by rule,  
11 continuing education requirements as a condition of  
12 reactivating a certificate. The continuing education  
13 requirements for reactivating a certificate may shall not  
14 exceed 10 classroom hours for each year the certificate was  
15 expired inactive and may not shall in no event exceed 100  
16 classroom hours for all years in which the certificate was  
17 expired inactive.

18 (b) A certificate that has been inactive for less than  
19 10 years may be reactivated by meeting all of the requirements  
20 of paragraph (a) for expired certificates, except for payment  
21 of the fee for late renewal.

22 (c) A certificate that which has been inactive for  
23 ~~more than 10 years or more shall~~ automatically becomes null  
24 and void and may not be reactivated, renewed, or used to  
25 practice radiologic technology be suspended. A  
26 certificateholder whose certificate has become null and void  
27 may become certified again only by reapplying to the  
28 department as a new applicant and meeting the requirements of  
29 s. 468.304 or s. 468.3065.

30 (d) When an expired or inactive certificate is  
31 reactivated, the reactivated certificate expires on the last

1 day of the certificateholder's birth month and shall be valid  
 2 for at least 12 months but no more than 24 months. However, if  
 3 the reactivating certificateholder already holds a regular,  
 4 active certificate in a different category under this part,  
 5 the reactivated certificate shall be combined with and expire  
 6 on the same date as the existing certificate. ~~One year before~~  
 7 ~~the suspension, the department shall give notice to the~~  
 8 ~~certificateholder. A suspended certificate may be reinstated~~  
 9 ~~as provided for original issuance in s. 468.307.~~

10 Section 46. Subsection (1) of section 468.3101,  
 11 Florida Statutes, is amended, and subsections (5) and (6) are  
 12 added to that section, to read:

13 468.3101 Disciplinary grounds and actions.--

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

20 (a) Procuring, attempting to procure, or renewing a  
 21 certificate to practice radiologic technology by bribery, by  
 22 fraudulent misrepresentation, or through an error of the  
 23 department.

24 (b) Having a voluntary or mandatory certificate to  
 25 practice radiologic technology revoked, suspended, or  
 26 otherwise acted against, including being denied certification,  
 27 by a national organization; by a specialty board recognized by  
 28 the department; or by a ~~the~~ certification authority of another  
 29 state, territory, or country.

30 (c) Being convicted or found guilty, regardless of  
 31 adjudication, in any jurisdiction of a crime that ~~which~~



1 directly relates to the practice of radiologic technology or  
2 to the ability to practice radiologic technology. Pleading A  
3 ~~plea of~~ nolo contendere shall be considered a conviction for  
4 the purpose of this provision.

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

9 (e) Making or filing a false report or record that  
10 ~~which~~ the certificateholder knows to be false, intentionally  
11 or negligently failing to file a report or record required by  
12 state or federal law, or willfully impeding or obstructing  
13 such filing or inducing another to do so. Such reports or  
14 records include only those reports or records which are signed  
15 in the capacity as a radiologic technologist.

16 (f) Engaging in unprofessional conduct, which  
17 includes, but is not limited to, any departure from, or the  
18 failure to conform to, the standards of practice of radiologic  
19 technology as established by the department, in which case  
20 actual injury need not be established.

21 (g) Being unable to practice radiologic technology  
22 with reasonable skill and safety to patients by reason of  
23 illness; ~~drunkenness;~~ or use of alcohol, drugs, narcotics,  
24 chemicals, or other materials or as a result of any mental or  
25 physical condition. A radiologic technologist affected under  
26 this paragraph shall, at reasonable intervals, be afforded an  
27 opportunity to demonstrate that he or she can resume the  
28 competent practice of radiologic technology with reasonable  
29 skill and safety.

30

31

1 (h) Failing to report to the department any person who  
2 the certificateholder knows is in violation of this part or of  
3 the rules of the department.

4 (i) Violating any provision of this part, any rule of  
5 the department, or any lawful order of the department  
6 previously entered in a disciplinary proceeding or failing to  
7 comply with a lawfully issued subpoena of the department.

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

12 (k) Testing positive for any drug, as defined in s.  
13 112.0455, on any confirmed preemployment or employer-required  
14 drug screening when the radiologic technologist does not have  
15 a lawful prescription and legitimate medical reason for using  
16 such drug.

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

25 (m) Having been found guilty of, regardless of  
26 adjudication, or pleading guilty or nolo contendere to, any  
27 offense prohibited under s. 435.03 or under any similar  
28 statute of another jurisdiction.

29 (n) Failing to comply with the recommendations of the  
30 department's impaired practitioner program for treatment,  
31 evaluation, or monitoring. A letter from the director of the

1 impaired practitioner program that the certificateholder is  
2 not in compliance shall be considered conclusive proof under  
3 this part.

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

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

20 Section 47. Paragraph (a) of subsection (5) of section  
21 489.553, Florida Statutes, is amended to read:

22 489.553 Administration of part; registration  
23 qualifications; examination.--

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

26 (a) Have been a registered septic tank contractor in  
27 Florida for at least 3 years or a plumbing contractor  
28 certified under part I of this chapter who has provided septic  
29 tank contracting services for at least 3 years. The 3 years  
30 must immediately precede the date of application and may not  
31

1 be interrupted by any probation, suspension, or revocation  
2 imposed by the licensing agency.

3 Section 48. Section 489.554, Florida Statutes, is  
4 amended to read:

5 489.554 Registration renewal.--

6 (1) The department shall prescribe by rule the method  
7 for approving approval of continuing education courses, ~~and~~  
8 for renewing renewal of annual registration, for approving  
9 inactive status for the late filing of a renewal application,  
10 for allowing a contractor to hold a registration in inactive  
11 status for a specified period, and for reactivating a  
12 registration.

13 (2) At a minimum, annual renewal shall include  
14 continuing education requirements of not less than 6 classroom  
15 hours annually for septic tank contractors and not less than  
16 12 classroom hours annually for master septic tank  
17 contractors. The 12 classroom hours of continuing education  
18 required for master septic tank contractors may include the 6  
19 classroom hours required for septic tank contractors, but at a  
20 minimum must include 6 classroom hours of approved master  
21 septic tank contractor coursework.

22 (3) A certificate of registration becomes inactive  
23 when a renewal application is not filed in a timely manner. A  
24 certificate that has become inactive may be reactivated under  
25 this section by application to the department. A licensed  
26 contractor may apply to the department for voluntary inactive  
27 status at any time during the period of registration.

28 (4) A master septic tank contractor may elect to  
29 revert to the status of a registered septic tank contractor at  
30 any time during the period of registration. The department  
31 shall prescribe by rule the method for a master septic tank

1 contractor who has reverted to the status of a registered  
2 septic tank contractor to apply for status as a master septic  
3 tank contractor.

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

8 Section 49. Section 784.081, Florida Statutes, is  
9 amended to read:

10 784.081 Assault or battery on specified officials or  
11 employees; reclassification of offenses.--Whenever a person is  
12 charged with committing an assault or aggravated assault or a  
13 battery or aggravated battery upon any elected official or  
14 employee of: a school district; a private school; the Florida  
15 School for the Deaf and the Blind; a university developmental  
16 research school; a state university or any other entity of the  
17 state system of public education, as defined in s. 1000.04; an  
18 employee or protective investigator of the Department of  
19 Children and Family Services; ~~or~~ an employee of a lead  
20 community-based provider and its direct service contract  
21 providers; or an employee of the Department of Health or its  
22 direct service contract providers, when the person committing  
23 the offense knows or has reason to know the identity or  
24 position or employment of the victim, the offense for which  
25 the person is charged shall be reclassified as follows:

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

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

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

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

3           Section 50. Paragraph (a) of subsection (2) of section  
4 381.7355, Florida Statutes, is amended to read:

5           381.7355 Project requirements; review criteria.--

6           (2) A proposal must include each of the following  
7 elements:

8           (a) The purpose and objectives of the proposal,  
9 including identification of the particular racial or ethnic  
10 disparity the project will address. The proposal must address  
11 one or more of the following priority areas:

12           1. Decreasing racial and ethnic disparities in  
13 maternal and infant mortality rates.

14           2. Decreasing racial and ethnic disparities in  
15 morbidity and mortality rates relating to cancer.

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

18           4. Decreasing racial and ethnic disparities in  
19 morbidity and mortality rates relating to cardiovascular  
20 disease.

21           5. Decreasing racial and ethnic disparities in  
22 morbidity and mortality rates relating to diabetes.

23           6. Increasing adult and child immunization rates in  
24 certain racial and ethnic populations.

25           7. Decreasing racial and ethnic disparities in oral  
26 health care.

27           Section 51. Present subsection (2) of section 381.005,  
28 Florida Statutes, is redesignated as subsection (3), and a new  
29 subsection (2) is added to that section, to read:

30           381.005 Primary and preventive health services.--

31

1       (2) Between October 1, or earlier if the vaccination  
2 is available, and February 1 of each year, subject to the  
3 availability of an adequate supply of the necessary vaccine,  
4 each hospital licensed pursuant to chapter 395 shall implement  
5 a program to offer immunizations against the influenza virus  
6 and pneumococcal bacteria to all patients age 65 or older, in  
7 accordance with the recommendations of the Advisory Committee  
8 on Immunization Practices of the United States Centers for  
9 Disease Control and Prevention and subject to the clinical  
10 judgment of the responsible practitioner.

11       Section 52. 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 53. The Technical Review and Advisory Panel of  
18 the Department of Health, created by section 381.0068, Florida  
19 Statutes, shall review and advise the Legislature on the need  
20 and structure of a disciplinary board for the onsite sewage  
21 industry. The panel shall submit a report to the Legislature  
22 by January 2, 2005.

23       Section 54. Subsection (9) of section 409.907, Florida  
24 Statutes, is amended to read:

25       409.907 Medicaid provider agreements.--The agency may  
26 make payments for medical assistance and related services  
27 rendered to Medicaid recipients only to an individual or  
28 entity who has a provider agreement in effect with the agency,  
29 who is performing services or supplying goods in accordance  
30 with federal, state, and local law, and who agrees that no  
31 person shall, on the grounds of handicap, race, color, or

1 national origin, or for any other reason, be subjected to  
2 discrimination under any program or activity for which the  
3 provider receives payment from the agency.

4 (9) Upon receipt of a completed, signed, and dated  
5 application, and completion of any necessary background  
6 investigation and criminal history record check, the agency  
7 must either:

8 (a) Enroll the applicant as a Medicaid provider no  
9 earlier than the effective date of the approval of the  
10 provider application. With respect to providers who were  
11 recently granted a change of ownership and those who primarily  
12 provide emergency medical services transportation or emergency  
13 services and care pursuant to s. 395.1041 or s. 401.45, or  
14 services provided by entities under s. 409.91255, and

15 out-of-state providers, upon approval of the provider  
16 application, the effective date of approval is considered to  
17 be the date the agency receives the provider application; or

18 (b) Deny the application if the agency finds that it  
19 is in the best interest of the Medicaid program to do so. The  
20 agency may consider the factors listed in subsection (10), as  
21 well as any other factor that could affect the effective and  
22 efficient administration of the program, including, but not  
23 limited to, the applicant's demonstrated ability to provide  
24 services, conduct business, and operate a financially viable  
25 concern; the current availability of medical care, services,  
26 or supplies to recipients, taking into account geographic  
27 location and reasonable travel time; the number of providers  
28 of the same type already enrolled in the same geographic area;  
29 and the credentials, experience, success, and patient outcomes  
30 of the provider for the services that it is making application  
31 to provide in the Medicaid program. The agency shall deny the



1 application if the agency finds that a provider; any officer,  
2 director, agent, managing employee, or affiliated person; or  
3 any partner or shareholder having an ownership interest equal  
4 to 5 percent or greater in the provider if the provider is a  
5 corporation, partnership, or other business entity, has failed  
6 to pay all outstanding fines or overpayments assessed by final  
7 order of the agency or final order of the Centers for Medicare  
8 and Medicaid Services, not subject to further appeal, unless  
9 the provider agrees to a repayment plan that includes  
10 withholding Medicaid reimbursement until the amount due is  
11 paid in full.

12           Section 55. Notwithstanding any other law or local  
13 ordinance to the contrary and to ensure uniform health and  
14 safety standards, the regulation, identification, and  
15 packaging of meat, poultry, and fish is preempted to the state  
16 and the Department of Agriculture and Consumer Services.

17           Section 56. This act shall take effect July 1, 2004.  
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