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1 A bill to be entitled
2 An act relating to public health care; amending s.
3 381.0012, F.S.; expanding the environmental health
4 enforcement authority of the Department of Health;
5 authorizing the department to issue citations or order
6 payment of fines; providing requirements and limitations;
7 providing a criminal penalty; providing for deposit and
8 use of fines; amending s. 381.004, F.S.; providing
9 additional criteria for release of HIV preliminary test
10 results; amending s. 381.006, F.S.; establishing
11 permitting procedures for group care facilities; providing
12 requirements and limitations; providing for fees;
13 providing fee limitations; providing authority to the
14 department to take adverse action on permits under certain
15 circumstances; amending s. 381.0065, F.S.; modifying
16 standards for rulemaking applicable to regulation of
17 onsite sewage treatment and disposal systems; revising
18 research award qualifications; providing for an extended
19 right of entry; amending s. 381.0101, F.S.; revising
20 definitions; revising environmental health professional
21 certification requirements; clarifying exemptions;
22 creating s. 381.104, F.S.; creating an employee health and
23 wellness program; providing requirements; authorizing
24 state agencies to undertake certain activities relating to
25 agency resources for program purposes; requiring each
26 participating agency to make an annual report; providing
27 duties of the department; amending s. 384.25, F.S.;
28 revising reporting requirements for sexually transmissible
29 diseases; authorizing the department to adopt rules;

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30 amending s. 384.31, F.S.; revising sexually transmissible
 31 disease testing requirements for pregnant women; providing
 32 notice requirements; creating s. 385.104, F.S.;
 33 establishing the Health Promotion and Health Education
 34 Statewide Initiative for certain purposes; providing
 35 requirements; authorizing the department to award funding
 36 to county health departments for certain purposes;
 37 providing funding requirements; providing participation
 38 requirements for county health departments; creating s.
 39 458.3215, F.S.; providing for reactivation of licenses of
 40 certain physicians for certain limited purposes; providing
 41 for a reactivation fee; amending s. 945.601, F.S.;
 42 revising a cross reference, to conform; creating s.
 43 945.6038, F.S.; authorizing the State of Florida
 44 Correctional Medical Authority to enter into agreements
 45 with other state agencies to provide additional medical
 46 services; providing a limitation; providing an effective
 47 date.

48
 49 Be It Enacted by the Legislature of the State of Florida:

50
 51 Section 1. Subsections (6) and (7) are added to section
 52 381.0012, Florida Statutes, to read:

53 381.0012 Enforcement authority.--

54 (6) When a violation of s. 386.01, s. 386.041, or
 55 environmental health rules adopted under this chapter occurs,
 56 and such violation is enforceable by administrative or civil
 57 remedy or is a second degree misdemeanor, the department may
 58 issue a citation that contains an order of correction, an order

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59 to pay a fine, or both. A citation issued under this subsection
 60 constitutes a notice of proposed agency action.

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

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

67 (c) The citing official shall inform the recipient, by
 68 written notice pursuant to ss. 120.569 and 120.57, of the right
 69 to an administrative hearing. The citation must contain a
 70 conspicuous statement that failure to pay the fine within the
 71 allotted time, or failure to appear to contest the citation
 72 after having requested a hearing, constitutes a waiver of the
 73 right to contest the citation.

74 (d) The department may reduce or waive the fine imposed by
 75 the citation after giving due consideration to such factors as
 76 the gravity of the violation, the good faith of the person who
 77 has allegedly committed the violation, and the person's history
 78 of previous violations, including violations for which
 79 enforcement actions were taken under this section or other
 80 provisions of law.

81 (e) Any person who willfully refuses to sign and accept a
 82 citation issued by the department commits a misdemeanor of the
 83 second degree, punishable as provided in s. 775.082 or s.
 84 775.083.

85 (f) The department shall deposit all fines collected under
 86 the authority of this subsection in the County Health Department
 87 Trust Fund for use in the environmental health program under

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88 which the fine was issued and shall use such fines to improve
 89 the respective programs or to provide training to the regulated
 90 industry and department staff working in such programs.

91 (g) The provisions of this subsection are an alternative
 92 means of enforcing environmental health requirements which does
 93 not prohibit the department from using other means of
 94 enforcement. However, the department shall use only one method
 95 of enforcement for a single violation.

96 (7) The department may use positive means of enforcement
 97 to ensure compliance with environmental health requirements
 98 specified in this chapter, ss. 386.01 and 386.041, or
 99 environmental health rules adopted under the authority of this
 100 chapter. Such means of enforcement may include requiring
 101 attendance at training courses applicable to the violations
 102 committed and requiring the use of best management practices
 103 currently used or recognized by the appropriate regulated
 104 industry or governmental agency.

105 Section 2. Paragraph (d) of subsection (3) of section
 106 381.004, Florida Statutes, is amended to read:

107 381.004 HIV testing.--

108 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED
 109 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

110 (d) No test result shall be determined as positive, and no
 111 positive test result shall be revealed to any person, without
 112 corroborating or confirmatory tests being conducted except in
 113 the following situations:

114 1. Preliminary test results may be released to licensed
 115 physicians or the medical or nonmedical personnel subject to the

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116 significant exposure for purposes of subparagraphs (h)10., 11.,
 117 and 12.

118 2. Preliminary test results may be released to health care
 119 providers and to the person tested when decisions about medical
 120 care or treatment of, or recommendation to, the person tested
 121 and, in the case of an intrapartum or postpartum woman, when
 122 care, treatment, or recommendations regarding her newborn,
 123 cannot await the results of confirmatory testing. Positive
 124 preliminary HIV test results shall not be characterized to the
 125 patient as a diagnosis of HIV infection. Justification for the
 126 use of preliminary test results must be documented in the
 127 medical record by the health care provider who ordered the test.
 128 ~~This subparagraph does not authorize the release of preliminary~~
 129 ~~test results for the purpose of routine identification of HIV-~~
 130 ~~infected individuals or when HIV testing is incidental to the~~
 131 ~~preliminary diagnosis or care of a patient.~~ Corroborating or
 132 confirmatory testing must be conducted as followup to a positive
 133 preliminary test. Results shall be communicated to the patient
 134 according to statute regardless of the outcome. Except as
 135 provided in this section, test results are confidential and
 136 exempt from the provisions of s. 119.07(1).

137 3. Positive rapid test results are considered preliminary
 138 and may be released in accordance with the manufacturer's
 139 instructions as approved by the United States Food and Drug
 140 Administration. Positive rapid test results require confirmatory
 141 testing for diagnosis and reporting of HIV infection.

142 Section 3. Subsection (16) of section 381.006, Florida
 143 Statutes, is amended to read:

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144 381.006 Environmental health.--The department shall
 145 conduct an environmental health program as part of fulfilling
 146 the state's public health mission. The purpose of this program
 147 is to detect and prevent disease caused by natural and manmade
 148 factors in the environment. The environmental health program
 149 shall include, but not be limited to:

150 (16) A group care facilities ~~group care facilities~~
 151 function, where a group care ~~group care~~ facility means any
 152 public or private school, housing, building or buildings,
 153 section of a building, or distinct part of a building or other
 154 place, whether operated for profit or not, which undertakes,
 155 through its ownership or management, to provide one or more
 156 personal services, care, protection, and supervision to persons
 157 who require such services and who are not related to the owner
 158 or administrator. The department may adopt rules necessary to
 159 protect the health and safety of residents, staff, and patrons
 160 of group care ~~group care~~ facilities, such as child care
 161 facilities, family day care ~~day care~~ homes, assisted living
 162 ~~assisted living~~ facilities, adult day care ~~day care~~ centers,
 163 adult family-care homes, hospices, residential treatment
 164 facilities, crisis stabilization ~~crisis stabilization~~ units,
 165 pediatric extended care ~~extended care~~ centers, intermediate care
 166 ~~intermediate care~~ facilities for the developmentally disabled,
 167 group care ~~group care~~ homes, and, jointly with the Department of
 168 Education, private and public schools. These rules may include
 169 definitions of terms; provisions relating to operation and
 170 maintenance of facilities, buildings, grounds, equipment,
 171 furnishings, and occupant-space requirements; lighting; heating,
 172 cooling, and ventilation; food service; water supply and

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173 plumbing; sewage; sanitary facilities; insect and rodent
 174 control; garbage; safety; personnel health, hygiene, and work
 175 practices; permits and fees; and other matters the department
 176 finds are appropriate or necessary to protect the safety and
 177 health of the residents, staff, or patrons. The department may
 178 not adopt rules that conflict with rules adopted by the
 179 licensing or certifying agency. The department may enter and
 180 inspect at reasonable hours to determine compliance with
 181 applicable statutes or rules. In addition to any sanctions that
 182 the department may impose for violations of rules adopted under
 183 this section, the department shall also report such violations
 184 to any agency responsible for licensing or certifying the group
 185 care ~~group-care~~ facility. The licensing or certifying agency may
 186 also impose any sanction based solely on the findings of the
 187 department.

188 (a) Each group care facility regulated under this section
 189 shall obtain a permit from the department annually. Group care
 190 facility permits shall expire annually and shall not be
 191 transferable from one place or individual to another. An annual
 192 application for permit renewal shall not be required. In new
 193 facilities, or when the ownership, control, address, or name of
 194 a group care facility is changed, the owner, or the owner's
 195 designee, shall apply to the department for issuance of a permit
 196 in the manner prescribed by the department.

197 (b) The department shall establish procedures for the
 198 issuance and annual renewal of permits and shall establish
 199 annual permit and renewal fees by rule in an amount necessary to
 200 cover the expenses of administering this section. Effective

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201 October 1, 2004, and until such fees are established by rule,
 202 the annual permit fee shall be as follows:

203 1. Nonresidential facilities, including, but not limited
 204 to, child care centers, public schools, and private schools,
 205 shall pay an annual fee based on a rate of \$3.50 per student for
 206 the maximum authorized capacity. The total permit fee shall not
 207 be less than \$110 nor more than \$300.

208 2. Residential facilities, including, but not limited to,
 209 assisted living facilities, group homes, residential treatment
 210 facilities, and other residential facilities, shall pay an
 211 annual fee based on a rate of \$15.50 per bed for the maximum
 212 authorized capacity. The total permit fee shall not be less than
 213 \$110 nor more than \$600, except for foster homes and adult
 214 family care homes, which shall pay a flat fee of \$60.

215 (c) The annual permit and renewal fees established and
 216 adopted by rule shall not be less than \$60 nor more than \$600
 217 per group care facility.

218 (d) Permit fees shall be prorated quarterly to reflect the
 219 actual number of quarters per calendar year the permit is valid.

220 (e) The department may refuse to issue a permit to or
 221 renew a permit for any facility that is not constructed or
 222 maintained in accordance with the rules of the department. The
 223 department may cancel, revoke, or suspend a permit to operate a
 224 group care facility if the permittee:

- 225 1. Fails to pay any fee required by this section;
- 226 2. Obtains or attempts to obtain a permit by fraud; or
- 227 3. Violates a provision of this section.

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229 The department may adopt rules to carry out the provisions of
 230 this section.

231 Section 4. Paragraphs (a) and (j) of subsection (3) of
 232 section 381.0065, Florida Statutes, are amended, and paragraph
 233 (c) is added to subsection (5) of said section, to read:

234 381.0065 Onsite sewage treatment and disposal systems;
 235 regulation.--

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

238 (a) Adopt rules to administer ss. 381.0065-381.0067,
 239 including definitions that are consistent with the definitions
 240 in this section, decreases to setback requirements where no
 241 health hazard exists, increases for the lot-flow allowance for
 242 performance-based systems, requirements for separation from
 243 water table elevation during the wettest season, requirements
 244 for the design and construction of any component part of an
 245 onsite sewage treatment and disposal system, application and
 246 permit requirements for persons who maintain an onsite sewage
 247 treatment and disposal system, requirements for maintenance and
 248 service agreements for aerobic treatment units and performance-
 249 based treatment systems, ~~and~~ recommended standards, including
 250 disclosure requirements, for voluntary system inspections to be
 251 performed by individuals who are authorized by law to perform
 252 such inspections and who shall inform a person having ownership,
 253 control, or use of an onsite sewage treatment and disposal
 254 system of the inspection standards and of that person's
 255 authority to request an inspection based on all or part of the
 256 standards, and requirements for implementation of the United
 257 States Environmental Protection Agency's voluntary national

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258 guidelines for management of onsite and clustered or
 259 decentralized wastewater treatment systems.

260 (j) Supervise research on, demonstration of, and training
 261 on the performance, environmental impact, and public health
 262 impact of onsite sewage treatment and disposal systems within
 263 this state. Research fees collected under s. 381.0066(2)(k) must
 264 be used to develop and fund hands-on training centers designed
 265 to provide practical information about onsite sewage treatment
 266 and disposal systems to septic tank contractors, master septic
 267 tank contractors, contractors, inspectors, engineers, and the
 268 public and must also be used to fund research projects which
 269 focus on improvements of onsite sewage treatment and disposal
 270 systems, including use of performance-based standards and
 271 reduction of environmental impact. Research projects shall be
 272 initially approved by the technical advisory panel and shall be
 273 applicable to and reflect the soil conditions specific to
 274 Florida. Such projects shall be awarded through competitive
 275 negotiation, using the procedures provided in s. 287.055, to
 276 public or private entities that have experience in onsite sewage
 277 treatment and disposal systems in Florida and that are
 278 principally located in Florida. ~~Research projects shall not be~~
 279 ~~awarded to firms or entities that employ or are associated with~~
 280 ~~persons who serve on either the technical advisory panel or the~~
 281 ~~research review and advisory committee.~~

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

283 (c) Department personnel may enter the premises of others
 284 when necessary to conduct site evaluations and inspections
 285 relating to the permitting of onsite sewage treatment and
 286 disposal systems. Such entry does not constitute trespass, and

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287 department personnel making such entry are not subject to arrest
 288 or to a civil action by reason of such entry. This paragraph
 289 does not authorize a department employee to destroy, injure,
 290 damage, or move anything on premises of another without the
 291 written permission of the landowner.

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

295 381.0101 Environmental health professionals.--

296 (1) LEGISLATIVE INTENT.--Persons responsible for providing
 297 technical and scientific evaluations of environmental health and
 298 sanitary conditions in business establishments and communities
 299 throughout the state may create a danger to the public health if
 300 they are not skilled or competent to perform such evaluations.
 301 The public relies on the judgment of environmental health
 302 professionals employed by both government agencies and private
 303 industries to assure them that environmental hazards are
 304 identified and removed before they endanger the health or safety
 305 of the public. The purpose of this section is to assure the
 306 public that persons specifically responsible for performing
 307 environmental health and sanitary evaluations have been
 308 certified by examination as competent to perform such work.

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

310 (a) "Accredited" means recognized by the American Council
 311 on Education as meeting acceptable levels of quality and
 312 performance.

313 (b)(a) "Board" means the Environmental Health
 314 Professionals Advisory Board.

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

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316 (d)~~(e)~~ "Environmental health" means that segment of public
 317 health work which deals with the examination of those factors in
 318 the human environment which may impact adversely on the health
 319 status of an individual or the public.

320 (e)~~(d)~~ "Environmental health professional" means a person
 321 who is employed or assigned the responsibility for assessing the
 322 environmental health or sanitary conditions, as defined by the
 323 department, within a building, on an individual's property, or
 324 within the community at large, and who has the knowledge,
 325 skills, and abilities to carry out these tasks. Environmental
 326 health professionals may be either field, supervisory, or
 327 administrative staff members.

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

331 (g)~~(f)~~ "Registered sanitarian," "R.S.," "Registered
 332 Environmental Health Specialist," or "R.E.H.S." means a person
 333 who has been certified by either the National Environmental
 334 Health Association or the Florida Environmental Health
 335 Association as knowledgeable in the environmental health
 336 profession.

337 (h)~~(g)~~ "Primary environmental health program" means those
 338 programs determined by the department to be essential for
 339 providing basic environmental and sanitary protection to the
 340 public. These programs shall be established by rule and, at a
 341 minimum, ~~these programs~~ shall include food protection program
 342 work and onsite sewage treatment and disposal systems program
 343 work ~~system~~ evaluations.

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344 (3) CERTIFICATION REQUIRED.--No person shall perform
 345 environmental health or sanitary evaluations in any primary
 346 program area of environmental health without being certified by
 347 the department as competent to perform such evaluations. The
 348 requirements of this section shall not be mandatory for persons
 349 performing inspections of public or retail food service
 350 establishments licensed under chapter 500 or chapter 509.

351 (5) STANDARDS FOR CERTIFICATION.--The department shall
 352 adopt rules that establish definitions of terms and minimum
 353 standards of education, training, or experience for those
 354 persons subject to this section. The rules must also address the
 355 process for application, examination, issuance, expiration, and
 356 renewal of certification and ethical standards of practice for
 357 the profession.

358 (a) Persons employed as environmental health professionals
 359 shall exhibit a knowledge of rules and principles of
 360 environmental and public health law in Florida through
 361 examination. A person may not conduct environmental health
 362 evaluations in a primary program area unless he or she is
 363 currently certified in that program area or works under the
 364 direct supervision, during his or her initial probationary
 365 period for that position, of a certified environmental health
 366 professional.

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

371 2. Persons employed in the primary environmental health
 372 programs ~~program~~ of a food protection ~~program~~ or ~~an~~ onsite

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373 sewage treatment and disposal systems ~~system~~ prior to September
 374 21, 1994, shall be considered certified while employed in that
 375 position and shall be required to adhere to any professional
 376 standards established by the department pursuant to paragraph
 377 (b), complete any continuing education requirements imposed
 378 under paragraph (d), and pay the certificate renewal fee imposed
 379 under subsection (7).

380 3. Persons employed in the primary environmental health
 381 programs ~~program~~ of a food protection ~~program~~ or an onsite
 382 sewage treatment and disposal systems ~~system~~ prior to September
 383 21, 1994, who change positions or program areas and transfer
 384 into another primary environmental health program area on or
 385 after September 21, 1994, must be certified by examination in
 386 that program within 6 months after such transfer, except that
 387 they will not be required to possess the college degree required
 388 under paragraph (e).

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

392 (6) EXEMPTIONS.--A person who conducts primary
 393 environmental evaluation activities and maintains a current
 394 registration or certification from another state agency which
 395 examined the person's knowledge of the primary program area and
 396 requires comparable continuing education to maintain the
 397 certificate shall not be required to be certified by this
 398 section. ~~Examples of persons not subject to certification are~~
 399 ~~physicians, registered dietitians, certified laboratory~~
 400 ~~personnel, and nurses.~~

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401 Section 6. Section 381.104, Florida Statutes, is created
 402 to read:

403 381.104 Employee health and wellness program.--

404 (1) Each state agency may allocate, from existing
 405 resources, the necessary funding and facilities for the
 406 development and maintenance of an employee health and wellness
 407 program and may seek additional funding from other sources to
 408 support the program for the benefit of the agency's employees.

409 (2) Each state agency may dedicate resources to develop
 410 and coordinate an employee health and wellness program or
 411 arrange to cooperate with other agencies within such agency's
 412 geographic proximity for program coordination, including
 413 providers of state employee benefits.

414 (3) Each state agency electing to participate shall
 415 establish an employee health and wellness coordinator and
 416 advisory committee to guide the development of an operational
 417 plan, including the collection of data and development of goals
 418 and objectives, and to oversee program evaluation and use of any
 419 agency-allocated funds.

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

423 (5) Each state agency may establish policies that allow
 424 employees no more than 30 minutes of work time three times each
 425 week, as individual workload allows, to use for the purpose of
 426 engaging in health and wellness activities which may include
 427 physical activity, stress reduction, tobacco cessation, personal
 428 training, nutrition counseling, or weight reduction and control.
 429 Such 30-minute periods may be used to modify the start or end of

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430 the workday or to extend the lunch hour.

431 (6) Each state agency shall use an employee health and
432 wellness activity agreement form, developed by the Department of
433 Health, to be completed by the employee, signed by both the
434 employee and the employee's immediate supervisor, and kept in
435 the employee's personnel file prior to the employee's
436 participation in any activity. It is the responsibility of the
437 employee to complete the form and submit it to the personnel
438 office. Any change to the employee's activities requires
439 submission of a revised form. An employee found to be in
440 violation of the submitted agreement form is not allowed further
441 participation in the program.

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

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

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

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

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

456 (c) Review and offer recommendations to agency leadership
457 on environmental and social support policies that pertain to
458 improving the health of employees.

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459 (d) Link the employee health and wellness program to other
 460 programs such as the employee assistance program and other
 461 related programs to help employees balance work and family.

462 (e) Offer free, low-cost, or employee-fee-based programs
 463 on site, including the designation of rooms for the express
 464 purpose of physical activity, nutrition, stress reduction, and
 465 weight control activities. Participating agencies with
 466 established employee health and wellness programs may purchase
 467 exercise equipment to be used in the room designated for this
 468 purpose.

469 (10) Each state agency that develops and implements an
 470 employee health and wellness program shall include and document
 471 an evaluation and improvement process in an annual report to
 472 help enhance the program's efficiency and effectiveness. The
 473 annual report shall be submitted to the Department of Health on
 474 July 1 of each year. Agencies shall use an annual report
 475 template provided by the Department of Health to ensure
 476 consistency in the presentation of data and other evaluation
 477 results.

478 (11) The Department of Health shall provide employee
 479 health and wellness model program guidelines and ongoing
 480 technical assistance to other state agencies to assist in the
 481 development of each agency's employee health and wellness
 482 program.

483 Section 7. Section 384.25, Florida Statutes, is amended to
 484 read:

485 384.25 Reporting required.--

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

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

494 (a)(2) The department shall adopt rules specifying the
 495 information required in and a maximum ~~minimum~~ time period for
 496 reporting a sexually transmissible disease, including, but not
 497 limited to, HIV and AIDS. In adopting such rules, the department
 498 shall consider the need for information, protections for the
 499 privacy and confidentiality of the patient, and the practical
 500 ability of persons and laboratories to report in a reasonable
 501 fashion. To ensure the confidentiality of persons infected with
 502 HIV ~~the human immunodeficiency virus (HIV),~~ reporting of HIV
 503 ~~infection and AIDS acquired immune deficiency syndrome (AIDS)~~
 504 must be conducted using a system ~~the HIV/AIDS Reporting System~~
 505 ~~(HARS)~~ developed by the Centers for Disease Control and
 506 Prevention of the United States Public Health Service or an
 507 equivalent system.

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

511 (b)(4) ~~The department may require physician and laboratory~~
 512 ~~reporting of HIV infection. However, only reports of HIV~~
 513 ~~infection identified on or after the effective date of the rule~~
 514 ~~developed by the department pursuant to this subsection shall be~~
 515 ~~accepted. The Reporting may not affect or relate to anonymous~~
 516 ~~HIV testing programs conducted pursuant to s. 381.004(4) or to~~

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517 ~~university-based medical research protocols as determined by the~~
 518 ~~department.~~

519 (2)(5) After notification of the test subject ~~under~~
 520 ~~subsection (4)~~, the department may, with the consent of the test
 521 subject, notify school superintendents of students and school
 522 personnel whose HIV tests are positive.

523 (3) The department shall adopt rules requiring each
 524 physician and laboratory to report any newborn or infant up to
 525 18 months of age who has been exposed to HIV. The rules may
 526 include the method and time period for reporting, information to
 527 be included in the report, requirements for enforcement, and
 528 followup activities by the department.

529 (4)(6) The department shall by February 1 of each year
 530 submit to the Legislature an annual report relating to all
 531 information obtained pursuant to this section.

532 (5)(7) Each person who violates the provisions of this
 533 section or the rules adopted hereunder may be fined by the
 534 department up to \$500 for each offense. The department shall
 535 report each violation of this section to the regulatory agency
 536 responsible for licensing each health care professional and each
 537 laboratory to which these provisions apply.

538 Section 8. Section 384.31, Florida Statutes, is amended to
 539 read:

540 384.31 ~~Serological~~ Testing of pregnant women; duty of the
 541 attendant.--

542 (1) Every person, including every physician licensed under
 543 chapter 458 or chapter 459 or midwife licensed under part I of
 544 chapter 464 or chapter 467, attending a pregnant woman for
 545 conditions relating to pregnancy during the period of gestation

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546 and delivery shall ~~take or~~ cause the woman to be tested for
547 sexually transmissible diseases, including, but not limited to,
548 HIV, as required by rule of the department, notwithstanding s.
549 381.004(3)(a), ~~taken a sample of venous blood~~ at a time or times
550 specified by the department. The tests ~~Each sample of blood~~
551 shall be performed ~~tested~~ by a laboratory approved for such
552 purposes under part I of chapter 483 ~~for sexually transmissible~~
553 ~~diseases as required by rule of the department.~~ Pregnant women
554 shall be notified of the tests that will be conducted and of
555 their right to refuse testing. If a woman objects to testing, a
556 written statement of objection, signed by the patient, shall be
557 placed in the patient's medical record and no testing shall
558 occur.

559 ~~(2) At the time the venous blood sample is taken, testing~~
560 ~~for human immunodeficiency virus (HIV) infection shall be~~
561 ~~offered to each pregnant woman. The prevailing professional~~
562 ~~standard of care in this state requires each health care~~
563 ~~provider and midwife who attends a pregnant woman to counsel the~~
564 ~~woman to be tested for human immunodeficiency virus (HIV).~~
565 ~~Counseling shall include a discussion of the availability of~~
566 ~~treatment if the pregnant woman tests HIV positive. If a~~
567 ~~pregnant woman objects to HIV testing, reasonable steps shall be~~
568 ~~taken to obtain a written statement of such objection, signed by~~
569 ~~the patient, which shall be placed in the patient's medical~~
570 ~~record. Every person, including every physician licensed under~~
571 ~~chapter 458 or chapter 459 or midwife licensed under part I of~~
572 ~~chapter 464 or chapter 467, who attends a pregnant woman who has~~
573 ~~been offered and objects to HIV testing shall be immune from~~
574 ~~liability arising out of or related to the contracting of HIV~~

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575 ~~infection or acquired immune deficiency syndrome (AIDS) by the~~
 576 ~~child from the mother.~~

577 Section 9. Section 385.104, Florida Statutes, is created
 578 to read:

579 385.104 Health Promotion and Health Education Statewide
 580 Initiative.--

581 (1) The Department of Health shall establish the Health
 582 Promotion and Health Education Statewide Initiative to provide a
 583 comprehensive and community-based health promotion and education
 584 program. The program is designed to provide funding to counties
 585 in this state to improve individual and community health, aimed
 586 specifically at preventing and reducing the impact of chronic
 587 diseases and promoting healthy lifestyles.

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

592 (3) The implementation of these activities shall be
 593 coordinated with and linked to existing state plans and national
 594 priorities, focusing on evidence-based programs and population-
 595 based efforts that specifically address social and environmental
 596 policy strategies.

597 (4) Subject to the availability of funds, the Department
 598 of Health may award funding to county health departments for
 599 purposes of improving individual and community health by
 600 expanding and improving the health infrastructure through
 601 environmental and policy changes aimed specifically at
 602 preventing and reducing the impact of chronic diseases and
 603 promoting healthy lifestyles.

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

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

612 (b) Information describing how health promotion and
613 education activities are to be coordinated at the local level
614 with other health activities conducted by other education,
615 health, and agricultural agencies.

616 (c) Information describing how local health promotion and
617 education activities reflect state and national objectives for
618 health.

619 (d) A description of the collaborative process that the
620 county health department employed in the development of the
621 health promotion and education program, including consultations
622 with individuals and organizations with expertise in promoting
623 public health, nutrition, or physical activity.

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

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

631 (7) A county health department that receives funds under
632 this section may use the funds to carry out one or more of the

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633 following activities:

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

638 (b) Develop and implement activities to create a
 639 comprehensive, coordinated nutrition and physical fitness
 640 awareness and chronic disease prevention program.

641 (c) Develop and implement programs in schools and
 642 worksites to increase physical fitness and to enhance the
 643 nutritional status of residents of this state.

644 (d) Develop and implement policy and environmental changes
 645 related to the cessation of tobacco, healthful nutrition, and
 646 physical education.

647 (e) Collaborate with community-based organizations,
 648 volunteer organizations, state medical associations, and public
 649 health groups to develop and implement health education and
 650 promotion activities.

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

654 Section 10. Section 458.3215, Florida Statutes, is created
 655 to read:

656 458.3215 Reactivation of license for clinical research
 657 purposes.--

658 (1) Any person who left the practice of medicine for
 659 purposes of retirement and who, at the time of retirement, was
 660 in good standing with the board may apply to have his or her
 661 license reactivated, without examination, for purposes of seeing

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662 patients solely in a clinical research setting. Such person must
 663 not have been out of the practice of medicine for more than 10
 664 years at the time of application under this section.

665 (2) The board shall by rule set the reactivation fee, not
 666 to exceed \$300, and develop criteria for reactivation of a
 667 license under this section, including appropriate continuing
 668 education requirements, not to exceed those prescribed in s.
 669 458.321 for reactivation of a license.

670 Section 11. Section 945.601, Florida Statutes, is amended
 671 to read:

672 945.601 Correctional Medical Authority; ss. 945.601-
 673 945.6038; ~~945.601-945.6035~~, definitions.--As used in this act:

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

676 (2) "Health care provider" means:

677 (a) A regional research hospital or research center which
 678 is authorized by law to provide hospital services in accordance
 679 with chapter 395, which has a contractual or operating
 680 arrangement with a regional school of medicine, and which is
 681 located at that regional school of medicine;

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

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

686 (3) "Project" means any structure, facility, machinery,
 687 equipment, or other property suitable for use by a health
 688 facility in connection with its operations or proposed
 689 operations, including, without limitation, real property
 690 therefor; a clinic, computer facility, dining hall, firefighting

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691 facility, fire prevention facility, long-term care facility,
 692 hospital, interns' residence, laboratory, laundry, maintenance
 693 facility, nurses' residence, office, parking area, pharmacy,
 694 recreational facility, research facility, storage facility,
 695 utility, or X-ray facility, or any combination of the foregoing;
 696 and other structure or facility related thereto or required or
 697 useful for health care purposes, the conducting of research, or
 698 the operation of a health facility, including a facility or
 699 structure essential or convenient for the orderly conduct of the
 700 health facility and other similar items necessary or convenient
 701 for the operation of a particular facility or structure in the
 702 manner for which its use is intended. "Project" does not include
 703 such items as fuel, supplies, or other items which are
 704 customarily deemed to result in a current operating charge.

705 (4) "Quality management program" means to monitor and
 706 evaluate inmate health care and includes the following
 707 objectives:

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

710 (b) Assuring systematic monitoring of the treatment
 711 environment.

712 (c) Assisting in the reduction of professional and general
 713 liability risks.

714 (d) Enhancing efficient utilization of resources.

715 (e) Assisting in credential review and privilege
 716 delineation.

717 (f) Enhancing the identification of continuing educational
 718 needs.

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719 (g) Facilitating the identification of strengths,
720 weaknesses, and opportunities for improvement.

721 (h) Facilitating the coordination and integration of
722 information systems.

723 (i) Assuring the resolution of identified problems.

724 (5) "Real property" includes all lands, including
725 buildings, structures, improvements, and fixtures thereon; any
726 property of any nature appurtenant thereto or used in connection
727 therewith; and every estate, interest, and right, legal or
728 equitable, therein, including any such interest for a term of
729 years.

730 Section 12. Section 945.6038, Florida Statutes, is created
731 to read:

732 945.6038 Additional services.--The authority is authorized
733 to enter into an agreement or may contract with the Department
734 of Children and Family Services, subject to the availability of
735 funding, to conduct surveys of medical services and to provide
736 medical quality assurance and improvement assistance at secure
737 confinement and treatment facilities for persons confined under
738 part V of chapter 394. The authority may enter into similar
739 agreements with other state agencies, subject to the
740 availability of funds. The authority may not enter into any such
741 agreement if doing so would impair the authority's ability to
742 fulfill its obligations with regard to the Department of
743 Corrections as set forth in this chapter.

744 Section 13. This act shall take effect upon becoming a
745 law.