

CHAMBER ACTION

1 The Committee on State Administration recommends the following:

2  
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to public health care; creating s.  
7 110.175, F.S.; creating an employee health and wellness  
8 program; providing requirements; authorizing state  
9 agencies to undertake certain activities relating to  
10 agency resources for program purposes; requiring each  
11 participating agency to make an annual report; providing  
12 duties of the department; amending s. 381.0012, F.S.;  
13 expanding the environmental health enforcement authority  
14 of the Department of Health; authorizing the department to  
15 issue citations or order payment of fines; providing  
16 requirements and limitations; providing a criminal  
17 penalty; providing for deposit and use of fines; amending  
18 s. 381.004, F.S.; providing additional criteria for  
19 release of HIV preliminary test results; amending s.  
20 381.0065, F.S.; modifying standards for rulemaking  
21 applicable to regulation of onsite sewage treatment and  
22 disposal systems; revising research award qualifications;  
23 providing for an extended right of entry; amending s.

HB 913 CS

2004  
CS

24 | 381.0101, F.S.; revising definitions; revising  
 25 | environmental health professional certification  
 26 | requirements; clarifying exemptions; amending s. 384.25,  
 27 | F.S.; revising reporting requirements for sexually  
 28 | transmissible diseases; authorizing the department to  
 29 | adopt rules; amending s. 384.31, F.S.; revising sexually  
 30 | transmissible disease testing requirements for pregnant  
 31 | women; providing notice requirements; creating s. 385.104,  
 32 | F.S.; establishing the Health Promotion and Health  
 33 | Education Statewide Initiative for certain purposes;  
 34 | providing requirements; authorizing the department to  
 35 | award funding to county health departments for certain  
 36 | purposes; providing funding requirements; providing  
 37 | participation requirements for county health departments;  
 38 | creating s. 458.3215, F.S.; providing for reactivation of  
 39 | licenses of certain physicians for certain limited  
 40 | purposes; providing for a reactivation fee; amending s.  
 41 | 945.601, F.S.; revising a cross reference, to conform;  
 42 | creating s. 945.6038, F.S.; authorizing the State of  
 43 | Florida Correctional Medical Authority to enter into  
 44 | agreements with other state agencies to provide additional  
 45 | medical services; providing a limitation; providing  
 46 | effective dates.

47 |  
 48 | Be It Enacted by the Legislature of the State of Florida:  
 49 |

50 | Section 1. Effective July 1, 2004, section 110.175,  
 51 | Florida Statutes, is created to read:

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

52        110.175 Employee health and wellness program.--  
 53        (1) Each state agency may allocate, from existing  
 54 resources, the necessary funding and facilities for the  
 55 development and maintenance of an employee health and wellness  
 56 program and may seek additional funding from other sources to  
 57 support the program for the benefit of the agency's employees.

58        (2) Each state agency may dedicate resources to develop  
 59 and coordinate an employee health and wellness program or  
 60 arrange to cooperate with other agencies within such agency's  
 61 geographic proximity for program coordination, including  
 62 providers of state employee benefits.

63        (3) Each state agency electing to participate shall  
 64 establish an employee health and wellness coordinator and  
 65 advisory committee to guide the development of an operational  
 66 plan, including the collection of data and development of goals  
 67 and objectives, and to oversee program evaluation and use of any  
 68 agency-allocated funds.

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

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

HB 913 CS

2004  
CS

80        (6) Each state agency shall use an employee health and  
81 wellness activity agreement form, developed by the Department of  
82 Health, to be completed by the employee, signed by both the  
83 employee and the employee's immediate supervisor, and kept in  
84 the employee's personnel file prior to the employee's  
85 participation in any activity. It is the responsibility of the  
86 employee to complete the form and submit it to the personnel  
87 office. Any change to the employee's activities requires  
88 submission of a revised form. An employee found to be in  
89 violation of the submitted agreement form is not allowed further  
90 participation in the program.

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

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

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

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

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

105        (c) Review and offer recommendations to agency leadership  
106 on environmental and social support policies that pertain to  
107 improving the health of employees.

HB 913 CS

2004  
CS

108        (d) Link the employee health and wellness program to other  
109 programs such as the employee assistance program and other  
110 related programs to help employees balance work and family.

111        (e) Offer free, low-cost, or employee-fee-based programs  
112 on site, including the designation of rooms for the express  
113 purpose of physical activity, nutrition, stress reduction, and  
114 weight control activities. Participating agencies with  
115 established employee health and wellness programs may purchase  
116 exercise equipment to be used in the room designated for this  
117 purpose.

118        (10) Each state agency that develops and implements an  
119 employee health and wellness program shall include and document  
120 an evaluation and improvement process in an annual report to  
121 help enhance the program's efficiency and effectiveness. The  
122 annual report shall be submitted to the Department of Health on  
123 July 1 of each year. Agencies shall use an annual report  
124 template provided by the Department of Health to ensure  
125 consistency in the presentation of data and other evaluation  
126 results.

127        (11) The Department of Health shall provide employee  
128 health and wellness model program guidelines and ongoing  
129 technical assistance to other state agencies to assist in the  
130 development of each agency's employee health and wellness  
131 program.

132        Section 2. Subsections (6) and (7) are added to section  
133 381.0012, Florida Statutes, to read:

134        381.0012 Enforcement authority.--

135       (6) When a violation of s. 386.01, s. 386.041, or  
 136 environmental health rules adopted under this chapter occurs,  
 137 and such violation is enforceable by administrative or civil  
 138 remedy or is a second degree misdemeanor, the department may  
 139 issue a citation that contains an order of correction, an order  
 140 to pay a fine, or both. A citation issued under this subsection  
 141 constitutes a notice of proposed agency action.

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

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

148       (c) The citing official shall inform the recipient, by  
 149 written notice pursuant to ss. 120.569 and 120.57, of the right  
 150 to an administrative hearing. The citation must contain a  
 151 conspicuous statement that failure to pay the fine within the  
 152 allotted time, or failure to appear to contest the citation  
 153 after having requested a hearing, constitutes a waiver of the  
 154 right to contest the citation.

155       (d) The department may reduce or waive the fine imposed by  
 156 the citation after giving due consideration to such factors as  
 157 the gravity of the violation, the good faith of the person who  
 158 has allegedly committed the violation, and the person's history  
 159 of previous violations, including violations for which  
 160 enforcement actions were taken under this section or other  
 161 provisions of law.

162       (e) A citation must read, in the space immediately above  
163 the signature line: "Signing this citation is not an admission  
164 of guilt. A refusal to sign this citation is a misdemeanor. You  
165 must be given a copy of this citation." Any person who willfully  
166 refuses to sign and accept a citation issued by the department  
167 commits a misdemeanor of the second degree, punishable as  
168 provided in s. 775.082 or s. 775.083.

169       (f) The department shall deposit all fines collected under  
170 the authority of this subsection in the County Health Department  
171 Trust Fund for use in the environmental health program under  
172 which the fine was issued and shall use such fines to improve  
173 the respective programs or to provide training to the regulated  
174 industry and department staff working in such programs.

175       (g) The provisions of this subsection are an alternative  
176 means of enforcing environmental health requirements which does  
177 not prohibit the department from using other means of  
178 enforcement. However, the department shall use only one method  
179 of enforcement for a single violation.

180       (7) The department may use positive means of enforcement  
181 to ensure compliance with environmental health requirements  
182 specified in this chapter, ss. 386.01 and 386.041, or  
183 environmental health rules adopted under the authority of this  
184 chapter. Such means of enforcement may include requiring  
185 attendance at training courses applicable to the violations  
186 committed and requiring the use of best management practices  
187 currently used or recognized by the appropriate regulated  
188 industry or governmental agency.

HB 913 CS

2004  
CS

189 Section 3. Paragraph (d) of subsection (3) of section  
190 381.004, Florida Statutes, is amended to read:

191 381.004 HIV testing.--

192 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED  
193 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.--

194 (d) No test result shall be determined as positive, and no  
195 positive test result shall be revealed to any person, without  
196 corroborating or confirmatory tests being conducted except in  
197 the following situations:

198 1. Preliminary test results may be released to licensed  
199 physicians or the medical or nonmedical personnel subject to the  
200 significant exposure for purposes of subparagraphs (h)10., 11.,  
201 and 12.

202 2. Preliminary test results may be released to health care  
203 providers and to the person tested when decisions about medical  
204 care or treatment of, or recommendation to, the person tested  
205 and, in the case of an intrapartum or postpartum woman, when  
206 care, treatment, or recommendations regarding her newborn,  
207 cannot await the results of confirmatory testing. Positive  
208 preliminary HIV test results shall not be characterized to the  
209 patient as a diagnosis of HIV infection. Justification for the  
210 use of preliminary test results must be documented in the  
211 medical record by the health care provider who ordered the test.  
212 ~~This subparagraph does not authorize the release of preliminary~~  
213 ~~test results for the purpose of routine identification of HIV-~~  
214 ~~infected individuals or when HIV testing is incidental to the~~  
215 ~~preliminary diagnosis or care of a patient.~~ Corroborating or  
216 confirmatory testing must be conducted as followup to a positive



217 preliminary test. Results shall be communicated to the patient  
 218 according to statute regardless of the outcome. Except as  
 219 provided in this section, test results are confidential and  
 220 exempt from the provisions of s. 119.07(1).

221 3. Positive rapid test results are considered preliminary  
 222 and may be released in accordance with the manufacturer's  
 223 instructions as approved by the United States Food and Drug  
 224 Administration. Positive rapid test results require confirmatory  
 225 testing for diagnosis and reporting of HIV infection.

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

229 381.0065 Onsite sewage treatment and disposal systems;  
 230 regulation.--

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

233 (a) Adopt rules to administer ss. 381.0065-381.0067,  
 234 including definitions that are consistent with the definitions  
 235 in this section, decreases to setback requirements where no  
 236 health hazard exists, increases for the lot-flow allowance for  
 237 performance-based systems, requirements for separation from  
 238 water table elevation during the wettest season, requirements  
 239 for the design and construction of any component part of an  
 240 onsite sewage treatment and disposal system, application and  
 241 permit requirements for persons who maintain an onsite sewage  
 242 treatment and disposal system, requirements for maintenance and  
 243 service agreements for aerobic treatment units and performance-  
 244 based treatment systems, ~~and~~ recommended standards, including

HB 913 CS

2004  
CS

245 disclosure requirements, for voluntary system inspections to be  
246 performed by individuals who are authorized by law to perform  
247 such inspections and who shall inform a person having ownership,  
248 control, or use of an onsite sewage treatment and disposal  
249 system of the inspection standards and of that person's  
250 authority to request an inspection based on all or part of the  
251 standards, and requirements for implementation of the United  
252 States Environmental Protection Agency's voluntary national  
253 guidelines for management of onsite and clustered or  
254 decentralized wastewater treatment systems.

255 (j) Supervise research on, demonstration of, and training  
256 on the performance, environmental impact, and public health  
257 impact of onsite sewage treatment and disposal systems within  
258 this state. Research fees collected under s. 381.0066(2)(k) must  
259 be used to develop and fund hands-on training centers designed  
260 to provide practical information about onsite sewage treatment  
261 and disposal systems to septic tank contractors, master septic  
262 tank contractors, contractors, inspectors, engineers, and the  
263 public and must also be used to fund research projects which  
264 focus on improvements of onsite sewage treatment and disposal  
265 systems, including use of performance-based standards and  
266 reduction of environmental impact. Research projects shall be  
267 initially approved by the technical advisory panel and shall be  
268 applicable to and reflect the soil conditions specific to  
269 Florida. Such projects shall be awarded through competitive  
270 negotiation, using the procedures provided in s. 287.055, to  
271 public or private entities that have experience in onsite sewage  
272 treatment and disposal systems in Florida and that are

HB 913 CS

2004  
CS

273 | principally located in Florida. ~~Research projects shall not be~~  
 274 | ~~awarded to firms or entities that employ or are associated with~~  
 275 | ~~persons who serve on either the technical advisory panel or the~~  
 276 | ~~research review and advisory committee.~~

277 | (5) ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.--

278 | (c) Department personnel may enter the premises of others  
 279 | when necessary to conduct site evaluations and inspections  
 280 | relating to the permitting of onsite sewage treatment and  
 281 | disposal systems. Such entry does not constitute trespass, and  
 282 | department personnel making such entry are not subject to arrest  
 283 | or to a civil action by reason of such entry. This paragraph  
 284 | does not authorize a department employee to destroy, injure,  
 285 | damage, or move anything on premises of another without the  
 286 | written permission of the landowner.

287 | Section 5. Subsections (1), (2), (3), and (6) and  
 288 | paragraph (a) of subsection (5) of section 381.0101, Florida  
 289 | Statutes, are amended to read:

290 | 381.0101 Environmental health professionals.--

291 | (1) LEGISLATIVE INTENT.--Persons responsible for providing  
 292 | technical and scientific evaluations of environmental health and  
 293 | sanitary conditions in business establishments and communities  
 294 | throughout the state may create a danger to the public health if  
 295 | they are not skilled or competent to perform such evaluations.  
 296 | The public relies on the judgment of environmental health  
 297 | professionals employed by both government agencies and private  
 298 | industries to assure them that environmental hazards are  
 299 | identified and removed before they endanger the health or safety  
 300 | of the public. The purpose of this section is to assure the

301 public that persons specifically responsible for performing  
 302 environmental health and sanitary evaluations have been  
 303 certified by examination as competent to perform such work.

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

305 (a) "Accredited" means recognized by the American Council  
 306 on Education as meeting acceptable levels of quality and  
 307 performance.

308 (b)(a) "Board" means the Environmental Health  
 309 Professionals Advisory Board.

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

311 (d)(e) "Environmental health" means that segment of public  
 312 health work which deals with the examination of those factors in  
 313 the human environment which may impact adversely on the health  
 314 status of an individual or the public.

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

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

326 (g)(f) "Registered sanitarian," "R.S.," "Registered  
 327 Environmental Health Specialist," or "R.E.H.S." means a person  
 328 who has been certified by either the National Environmental

HB 913 CS

2004  
CS

329 Health Association or the Florida Environmental Health  
330 Association as knowledgeable in the environmental health  
331 profession.

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

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

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

353 (a) Persons employed as environmental health professionals  
354 shall exhibit a knowledge of rules and principles of  
355 environmental and public health law in Florida through  
356 examination. A person may not conduct environmental health

357 | evaluations in a primary program area unless he or she is  
 358 | currently certified in that program area or works under the  
 359 | direct supervision, during his or her initial probationary  
 360 | period for that position, of a certified environmental health  
 361 | professional.

362 |         1. All persons who begin employment in a primary  
 363 | environmental health program on or after September 21, 1994,  
 364 | must be certified in that program within the initial  
 365 | probationary period for that position ~~6 months after employment~~.

366 |         2. Persons employed in the primary environmental health  
 367 | programs ~~program~~ of a food protection ~~program~~ or an onsite  
 368 | sewage treatment and disposal systems ~~system~~ prior to September  
 369 | 21, 1994, shall be considered certified while employed in that  
 370 | position and shall be required to adhere to any professional  
 371 | standards established by the department pursuant to paragraph  
 372 | (b), complete any continuing education requirements imposed  
 373 | under paragraph (d), and pay the certificate renewal fee imposed  
 374 | under subsection (7).

375 |         3. Persons employed in the primary environmental health  
 376 | programs ~~program~~ of a food protection ~~program~~ or an onsite  
 377 | sewage treatment and disposal systems ~~system~~ prior to September  
 378 | 21, 1994, who change positions or program areas and transfer  
 379 | into another primary environmental health program area on or  
 380 | after September 21, 1994, must be certified by examination in  
 381 | that program within 6 months after such transfer, except that  
 382 | they will not be required to possess the college degree required  
 383 | under paragraph (e).

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

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

396 Section 6. Effective July 1, 2004, section 384.25, Florida  
 397 Statutes, is amended to read:

398 384.25 Reporting required.--

399 (1) Each person who makes a diagnosis of or treats a  
 400 person with a sexually transmissible disease, including, but not  
 401 limited to, HIV and AIDS, and each laboratory that performs a  
 402 test for a sexually transmissible disease, including, but not  
 403 limited to, HIV, which concludes with a positive result shall  
 404 report such facts as may be required by the department by rule,  
 405 within a time period as specified by rule of the department, but  
 406 in no case to exceed 2 weeks.

407 ~~(a)(2)~~ The department shall adopt rules specifying the  
 408 information required in and a maximum ~~minimum~~ time period for  
 409 reporting a sexually transmissible disease, including, but not  
 410 limited to, HIV and AIDS. In adopting such rules, the department  
 411 shall consider the need for information, protections for the

412 | privacy and confidentiality of the patient, and the practical  
 413 | ability of persons and laboratories to report in a reasonable  
 414 | fashion. To ensure the confidentiality of persons infected with  
 415 | HIV ~~the human immunodeficiency virus (HIV)~~, reporting of HIV  
 416 | infection and AIDS ~~acquired immune deficiency syndrome (AIDS)~~  
 417 | must be conducted using a system ~~the HIV/AIDS Reporting System~~  
 418 | ~~(HARS)~~ developed by the Centers for Disease Control and  
 419 | Prevention of the United States Public Health Service or an  
 420 | equivalent system.

421 | ~~(3) The department shall require reporting of physician~~  
 422 | ~~diagnosed cases of AIDS based upon diagnostic criteria from the~~  
 423 | ~~Centers for Disease Control and Prevention.~~

424 | ~~(b)(4) The department may require physician and laboratory~~  
 425 | ~~reporting of HIV infection. However, only reports of HIV~~  
 426 | ~~infection identified on or after the effective date of the rule~~  
 427 | ~~developed by the department pursuant to this subsection shall be~~  
 428 | ~~accepted. The Reporting may not affect or relate to anonymous~~  
 429 | ~~HIV testing programs conducted pursuant to s. 381.004(4) or to~~  
 430 | ~~university-based medical research protocols as determined by the~~  
 431 | ~~department.~~

432 | ~~(2)(5) After notification of the test subject under~~  
 433 | ~~subsection (4), the department may, with the consent of the test~~  
 434 | ~~subject, notify school superintendents of students and school~~  
 435 | ~~personnel whose HIV tests are positive.~~

436 | (3) The department shall adopt rules requiring each  
 437 | physician and laboratory to report any newborn or infant up to  
 438 | 18 months of age who has been exposed to HIV. The rules may  
 439 | include the method and time period for reporting, information to



HB 913 CS

2004  
CS

440 be included in the report, requirements for enforcement, and  
441 followup activities by the department.

442 ~~(4)(6)~~ The department shall by February 1 of each year  
443 submit to the Legislature an annual report relating to all  
444 information obtained pursuant to this section.

445 ~~(5)(7)~~ Each person who violates the provisions of this  
446 section or the rules adopted hereunder may be fined by the  
447 department up to \$500 for each offense. The department shall  
448 report each violation of this section to the regulatory agency  
449 responsible for licensing each health care professional and each  
450 laboratory to which these provisions apply.

451 Section 7. Effective July 1, 2004, section 384.31, Florida  
452 Statutes, is amended to read:

453 384.31 ~~Serological~~ Testing of pregnant women; duty of the  
454 attendant.--

455 ~~(1)~~ Every person, including every physician licensed under  
456 chapter 458 or chapter 459 or midwife licensed under part I of  
457 chapter 464 or chapter 467, attending a pregnant woman for  
458 conditions relating to pregnancy during the period of gestation  
459 and delivery shall ~~take or cause~~ the woman to be tested for  
460 sexually transmissible diseases, including, but not limited to,  
461 HIV, as required by rule of the department, notwithstanding s.  
462 381.004(3)(a), taken a sample of venous blood at a time or times  
463 specified by the department. The tests ~~Each sample of blood~~  
464 shall be performed ~~tested~~ by a laboratory approved for such  
465 purposes under part I of chapter 483 ~~for sexually transmissible~~  
466 ~~diseases as required by rule of the department.~~ Pregnant women  
467 shall be notified of the tests that will be conducted and of

HB 913 CS

2004  
CS

468 their right to refuse testing. If a woman objects to testing, a  
469 written statement of objection, signed by the patient, shall be  
470 placed in the patient's medical record and no testing shall  
471 occur. If the patient refuses to sign the statement of  
472 objection, the refusal shall be noted on the form by a licensed  
473 health care professional who shall print his or her name by the  
474 notation and who shall sign the notation.

475 ~~(2) At the time the venous blood sample is taken, testing~~  
476 ~~for human immunodeficiency virus (HIV) infection shall be~~  
477 ~~offered to each pregnant woman. The prevailing professional~~  
478 ~~standard of care in this state requires each health care~~  
479 ~~provider and midwife who attends a pregnant woman to counsel the~~  
480 ~~woman to be tested for human immunodeficiency virus (HIV).~~  
481 ~~Counseling shall include a discussion of the availability of~~  
482 ~~treatment if the pregnant woman tests HIV positive. If a~~  
483 ~~pregnant woman objects to HIV testing, reasonable steps shall be~~  
484 ~~taken to obtain a written statement of such objection, signed by~~  
485 ~~the patient, which shall be placed in the patient's medical~~  
486 ~~record. Every person, including every physician licensed under~~  
487 ~~chapter 458 or chapter 459 or midwife licensed under part I of~~  
488 ~~chapter 464 or chapter 467, who attends a pregnant woman who has~~  
489 ~~been offered and objects to HIV testing shall be immune from~~  
490 ~~liability arising out of or related to the contracting of HIV~~  
491 ~~infection or acquired immune deficiency syndrome (AIDS) by the~~  
492 ~~child from the mother.~~

493 Section 8. Section 385.104, Florida Statutes, is created  
494 to read:

495        385.104 Health Promotion and Health Education Statewide  
496 Initiative.--

497        (1) The Department of Health shall establish the Health  
498 Promotion and Health Education Statewide Initiative to provide a  
499 comprehensive and community-based health promotion and education  
500 program. The program is designed to provide funding to counties  
501 in this state to improve individual and community health, aimed  
502 specifically at preventing and reducing the impact of chronic  
503 diseases and promoting healthy lifestyles.

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

508        (3) The implementation of these activities shall be  
509 coordinated with and linked to existing state plans and national  
510 priorities, focusing on evidence-based programs and population-  
511 based efforts that specifically address social and environmental  
512 policy strategies.

513        (4) Subject to the availability of funds, the Department  
514 of Health may award funding to county health departments for  
515 purposes of improving individual and community health by  
516 expanding and improving the health infrastructure through  
517 environmental and policy changes aimed specifically at  
518 preventing and reducing the impact of chronic diseases and  
519 promoting healthy lifestyles.

520        (5) To be eligible to receive funding under this section,  
521 a county health department shall submit an application to the

522 secretary of the Department of Health containing information as  
 523 required, including:

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

528 (b) Information describing how health promotion and  
 529 education activities are to be coordinated at the local level  
 530 with other health activities conducted by other education,  
 531 health, and agricultural agencies.

532 (c) Information describing how local health promotion and  
 533 education activities reflect state and national objectives for  
 534 health.

535 (d) A description of the collaborative process that the  
 536 county health department employed in the development of the  
 537 health promotion and education program, including consultations  
 538 with individuals and organizations with expertise in promoting  
 539 public health, nutrition, or physical activity.

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

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

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

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

554       (b) Develop and implement activities to create a  
 555 comprehensive, coordinated nutrition and physical fitness  
 556 awareness and chronic disease prevention program.

557       (c) Develop and implement programs in schools and  
 558 worksites to increase physical fitness and to enhance the  
 559 nutritional status of residents of this state.

560       (d) Develop and implement policy and environmental changes  
 561 related to the cessation of tobacco, healthful nutrition, and  
 562 physical education.

563       (e) Collaborate with community-based organizations,  
 564 volunteer organizations, state medical associations, and public  
 565 health groups to develop and implement health education and  
 566 promotion activities.

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

570       Section 9. Section 458.3215, Florida Statutes, is created  
 571 to read:

572       458.3215 Reactivation of license for clinical research  
 573 purposes.--

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

HB 913 CS

2004  
CS

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

581 (2) The board shall by rule set the reactivation fee, not  
 582 to exceed \$300, and develop criteria for reactivation of a  
 583 license under this section, including appropriate continuing  
 584 education requirements, not to exceed those prescribed in s.  
 585 458.321 for reactivation of a license.

586 Section 10. Section 945.601, Florida Statutes, is amended  
 587 to read:

588 945.601 Correctional Medical Authority; ss. 945.601-  
 589 945.6038; ~~945.601-945.6035~~, definitions.--As used in this act:

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

592 (2) "Health care provider" means:

593 (a) A regional research hospital or research center which  
 594 is authorized by law to provide hospital services in accordance  
 595 with chapter 395, which has a contractual or operating  
 596 arrangement with a regional school of medicine, and which is  
 597 located at that regional school of medicine;

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

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

602 (3) "Project" means any structure, facility, machinery,  
 603 equipment, or other property suitable for use by a health  
 604 facility in connection with its operations or proposed  
 605 operations, including, without limitation, real property

606 therefor; a clinic, computer facility, dining hall, firefighting  
 607 facility, fire prevention facility, long-term care facility,  
 608 hospital, interns' residence, laboratory, laundry, maintenance  
 609 facility, nurses' residence, office, parking area, pharmacy,  
 610 recreational facility, research facility, storage facility,  
 611 utility, or X-ray facility, or any combination of the foregoing;  
 612 and other structure or facility related thereto or required or  
 613 useful for health care purposes, the conducting of research, or  
 614 the operation of a health facility, including a facility or  
 615 structure essential or convenient for the orderly conduct of the  
 616 health facility and other similar items necessary or convenient  
 617 for the operation of a particular facility or structure in the  
 618 manner for which its use is intended. "Project" does not include  
 619 such items as fuel, supplies, or other items which are  
 620 customarily deemed to result in a current operating charge.

621 (4) "Quality management program" means to monitor and  
 622 evaluate inmate health care and includes the following  
 623 objectives:

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

626 (b) Assuring systematic monitoring of the treatment  
 627 environment.

628 (c) Assisting in the reduction of professional and general  
 629 liability risks.

630 (d) Enhancing efficient utilization of resources.

631 (e) Assisting in credential review and privilege  
 632 delineation.

HB 913 CS

2004  
CS

633 (f) Enhancing the identification of continuing educational  
634 needs.

635 (g) Facilitating the identification of strengths,  
636 weaknesses, and opportunities for improvement.

637 (h) Facilitating the coordination and integration of  
638 information systems.

639 (i) Assuring the resolution of identified problems.

640 (5) "Real property" includes all lands, including  
641 buildings, structures, improvements, and fixtures thereon; any  
642 property of any nature appurtenant thereto or used in connection  
643 therewith; and every estate, interest, and right, legal or  
644 equitable, therein, including any such interest for a term of  
645 years.

646 Section 11. Section 945.6038, Florida Statutes, is created  
647 to read:

648 945.6038 Additional services.--The authority is authorized  
649 to enter into an agreement or may contract with the Department  
650 of Children and Family Services, subject to the availability of  
651 funding, to conduct surveys of medical services and to provide  
652 medical quality assurance and improvement assistance at secure  
653 confinement and treatment facilities for persons confined under  
654 part V of chapter 394. The authority may enter into similar  
655 agreements with other state agencies, subject to the  
656 availability of funds. The authority may not enter into any such  
657 agreement if doing so would impair the authority's ability to  
658 fulfill its obligations with regard to the Department of  
659 Corrections as set forth in this chapter.



HB 913 CS

2004  
CS

660           Section 12. Except as otherwise provided herein, this act  
661 shall take effect upon becoming a law.