

CHAMBER ACTION

1 The Governmental Operations Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5
6 A bill to be entitled

7 An act relating to the Lead Poisoning Prevention Screening
8 and Education Act; providing a popular name; providing
9 legislative findings; providing definitions; providing for
10 the establishment of a statewide comprehensive educational
11 program on lead poisoning prevention; providing for a
12 public information initiative; providing for distribution
13 of literature about childhood lead poisoning; requiring
14 the establishment of a screening program for early
15 identification of persons at risk of elevated levels of
16 lead in the blood; providing for screening of children;
17 providing for prioritization of screening; providing for
18 the maintenance of records of screenings; providing for
19 reporting of cases of lead poisoning; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

24 Section 1. Popular name.--This act may be cited as the
25 "Lead Poisoning Prevention Screening and Education Act."

26 Section 2. Legislative findings.--

27 (1) Nearly 300,000 American children may have levels of
28 lead in their blood in excess of 10 micrograms per deciliter
29 (ug/dL). Unless prevented or treated, elevated blood-lead levels
30 in egregious cases may result in impairment of the ability to
31 think, concentrate, and learn.

32 (2) A significant cause of lead poisoning in children is
33 the ingestion of lead particles from deteriorating lead-based
34 paint in older, poorly maintained residences.

35 (3) Childhood lead poisoning can be prevented if parents,
36 property-owners, health professionals, and those who work with
37 young children are informed about the risks of childhood lead
38 poisoning and how to prevent it.

39 (4) Knowledge of lead-based-paint hazards, their control,
40 mitigation, abatement, and risk avoidance is not sufficiently
41 widespread.

42 (5) Most children who live in older homes and who
43 otherwise may be at risk for childhood lead poisoning are not
44 tested for the presence of elevated lead levels in their blood.

45 (6) Testing for elevated lead levels in the blood can lead
46 to the mitigation or prevention of the harmful effects of
47 childhood lead poisoning and may also prevent similar injuries
48 to other children living in the same household.

49 Section 3. Definitions.--As used in this act, the term:

50 (1) "Affected property" means a room or group of rooms
51 within a property constructed before January 1, 1960, or within

52 | a property constructed between January 1, 1960, and January 1,
 53 | 1978, where the owner has actual knowledge of the presence of
 54 | lead-based paint, that form a single independent habitable
 55 | dwelling unit for occupation by one or more individuals and that
 56 | has living facilities with permanent provisions for living,
 57 | sleeping, eating, cooking, and sanitation. Affected property
 58 | does not include:

59 | (a) An area not used for living, sleeping, eating,
 60 | cooking, or sanitation, such as an unfinished basement;

61 | (b) A unit within a hotel, motel, or similar seasonal or
 62 | transient facility, unless such unit is occupied by one or more
 63 | persons at risk for a period exceeding 30 days;

64 | (c) An area that is secured and inaccessible to occupants;
 65 | or

66 | (d) A unit that is not offered for rent.

67 | (2) "Dust-lead hazard" means surface dust in a residential
 68 | dwelling or a facility occupied by a person at risk which
 69 | contains a mass-per-area concentration of lead equal to or
 70 | exceeding 40 ug/ft2 on floors or 250 ug/ft2 on interior
 71 | windowsills based on wipe samples.

72 | (3) "Elevated blood-lead level" means a quantity of lead
 73 | in whole venous blood, expressed in micrograms per deciliter
 74 | (ug/dL), which exceeds 10 ug/dL or such other level as
 75 | specifically provided in this act.

76 | (4) "Lead-based paint" means paint or other surface
 77 | coatings that contain lead equal to or exceeding 1.0 milligram
 78 | per square centimeter, 0.5 percent by weight, or 5,000 parts per
 79 | million (ppm) by weight.

80 (5) "Lead-based-paint hazard" means paint-lead hazards and
 81 dust-lead hazards.

82 (6) "Owner" means a person, firm, corporation, nonprofit
 83 organization, partnership, government, guardian, conservator,
 84 receiver, trustee, executor, or other judicial officer, or other
 85 entity which, alone or with others, owns, holds, or controls the
 86 freehold or leasehold title or part of the title to property,
 87 with or without actually possessing it. The definition includes
 88 a vendee who possesses the title, but does not include a
 89 mortgagee or an owner of a reversionary interest under a ground
 90 rent lease. The term includes any authorized agent of the owner,
 91 including a property manager or leasing agent.

92 (7) "Paint-lead hazard" means any one of the following:

93 (a) Any lead-based paint on a friction surface that is
 94 subject to abrasion and where the dust-lead levels on the
 95 nearest horizontal surface underneath the friction surface, such
 96 as the windowsill or floor, are equal to or greater than the
 97 dust-lead-hazard levels defined in subsection (2);

98 (b) Any damaged or otherwise deteriorated lead-based paint
 99 on an impact surface that is caused by impact from a related
 100 building material, such as a door knob that knocks into a wall
 101 or a door that knocks against its door frame;

102 (c) Any chewable lead-based painted surface on which there
 103 is evidence of teeth marks; or

104 (d) Any other deteriorated lead-based paint in or on the
 105 exterior of any residential building or any facility occupied by
 106 a person at risk.

107 (8) "Person at risk" means a child under the age of 6
 108 years or a pregnant woman who resides or regularly spends at
 109 least 24 hours per week in an affected property.

110 (9) "Secretary" means the secretary of the Department of
 111 Health or a designee chosen by the secretary to administer the
 112 Lead Poisoning Prevention Screening and Education Act.

113 (10) "Tenant" means the individual named as the lessee in
 114 a lease, rental agreement, or occupancy agreement for a dwelling
 115 unit.

116 Section 4. Educational programs.--

117 (1) LEAD POISONING PREVENTION EDUCATIONAL PROGRAM
 118 ESTABLISHED.--In order to achieve the purposes of this act, a
 119 statewide, multifaceted, ongoing educational program designed to
 120 meet the needs of tenants, property owners, health care
 121 providers, early childhood educators, care providers, and
 122 realtors is established.

123 (2) PUBLIC INFORMATION INITIATIVE.--The Governor, in
 124 conjunction with the Secretary of Health and his or her
 125 designee, shall sponsor a series of public service announcements
 126 on radio, television, the Internet, and print media about the
 127 nature of lead-based-paint hazards, the importance of standards
 128 for lead poisoning prevention in properties, and the purposes
 129 and responsibilities set forth in this act. In developing and
 130 coordinating this public information initiative, the sponsors
 131 shall seek the participation and involvement of private industry
 132 organizations, including those involved in real estate,
 133 insurance, mortgage banking, and pediatrics.

134 (3) DISTRIBUTION OF LITERATURE ABOUT CHILDHOOD LEAD
 135 POISONING.--By January 1, 2006, the Secretary of Health or his
 136 or her designee shall develop culturally and linguistically
 137 appropriate information pamphlets regarding childhood lead
 138 poisoning, the importance of testing for elevated blood-lead
 139 levels, prevention of childhood lead poisoning, treatment of
 140 childhood lead poisoning, and where appropriate, the
 141 requirements of this act. These information pamphlets shall be
 142 distributed to parents or the other legal guardians of children
 143 6 years of age or younger on the following occasions:

144 (a) By a health care provider at the time of a child's
 145 birth and at the time of any childhood immunization or
 146 vaccination unless it is established that such information
 147 pamphlet has been provided previously to the parent or legal
 148 guardian by the health care provider within the prior 12 months.

149 (b) By the owner or operator of any child care facility or
 150 preschool or kindergarten class on or before October 15 of the
 151 calendar year.

152 Section 5. Screening program.--

153 (1) The secretary shall establish a program for early
 154 identification of persons at risk of having elevated blood-lead
 155 levels. Such program shall systematically screen children under
 156 6 years of age in the target populations identified in
 157 subsection (2) for the presence of elevated blood-lead levels.
 158 Children within the specified target populations shall be
 159 screened with a blood-lead test at age 12 months and age 24
 160 months, or between the ages of 36 months and 72 months if they
 161 have not previously been screened. The secretary shall, after

162 consultation with recognized professional medical groups and
 163 such other sources as the secretary deems appropriate,
 164 promulgate rules establishing:

165 (a) The means by which and the intervals at which such
 166 children under 6 years of age shall be screened for lead
 167 poisoning and elevated blood-lead levels.

168 (b) Guidelines for the medical followup on children found
 169 to have elevated blood-lead levels.

170 (2) In developing screening programs to identify persons
 171 at risk with elevated blood-lead levels, priority shall be given
 172 to persons within the following categories:

173 (a) All children enrolled in the Medicaid program at ages
 174 12 months and 24 months, or between the ages of 36 months and 72
 175 months if they have not previously been screened.

176 (b) Children under the age of 6 years exhibiting delayed
 177 cognitive development or other symptoms of childhood lead
 178 poisoning.

179 (c) Persons at risk residing in the same household, or
 180 recently residing in the same household, as another person at
 181 risk with a blood-lead level of 10 ug/dL or greater.

182 (d) Persons at risk residing, or who have recently
 183 resided, in buildings or geographical areas in which significant
 184 numbers of cases of lead poisoning or elevated blood-lead levels
 185 have recently been reported.

186 (e) Persons at risk residing, or who have recently
 187 resided, in an affected property contained in a building that
 188 during the preceding 3 years has been subject to enforcement for

189 violations of lead-poisoning-prevention statutes, ordinances,
 190 rules, or regulations as specified by the secretary.

191 (f) Persons at risk residing, or who have recently
 192 resided, in a room or group of rooms contained in a building
 193 whose owner also owns a building containing affected properties
 194 which during the preceding 3 years has been subject to an
 195 enforcement action for a violation of lead poisoning prevention
 196 statutes, ordinances, rules, or regulations.

197 (g) Persons at risk residing in other buildings or
 198 geographical areas in which the secretary reasonably determines
 199 there to be a significant risk of affected individuals having a
 200 blood-lead level of 10 ug/dL or greater.

201 (3) The secretary shall maintain comprehensive records of
 202 all screenings conducted pursuant to this section. Such records
 203 shall be indexed geographically and by owner in order to
 204 determine the location of areas of relatively high incidence of
 205 lead poisoning and other elevated blood-lead levels.

206
 207 All cases or probable cases of lead poisoning found in the
 208 course of screenings conducted pursuant to this section shall be
 209 reported to the affected individual, to his or her parent or
 210 legal guardian if he or she is a minor, and to the secretary.

211 Section 6. This act shall take effect July 1, 2005.