

CHAMBER ACTION

1 The Health & Families Council 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 appropriation; providing contingencies for appropriation;  
21 providing effective dates.

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

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

Section 2. Legislative findings.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

77           (4) "Lead-based paint" means paint or other surface  
 78 coatings that contain lead equal to or exceeding 1.0 milligram

79 per square centimeter, 0.5 percent by weight, or 5,000 parts per  
 80 million (ppm) by weight.

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

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

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

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

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

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

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

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

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

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

117        Section 4. Educational programs.--

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

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

133 organizations, including those involved in real estate,  
 134 insurance, mortgage banking, and pediatrics.

135 (3) DISTRIBUTION OF LITERATURE ABOUT CHILDHOOD LEAD  
 136 POISONING.--By January 1, 2006, the Secretary of Health or his  
 137 or her designee shall develop culturally and linguistically  
 138 appropriate information pamphlets regarding childhood lead  
 139 poisoning, the importance of testing for elevated blood-lead  
 140 levels, prevention of childhood lead poisoning, treatment of  
 141 childhood lead poisoning, and where appropriate, the  
 142 requirements of this act. These information pamphlets shall be  
 143 distributed to parents or the other legal guardians of children  
 144 6 years of age or younger on the following occasions:

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

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

153 Section 5. Screening program.--

154 (1) The secretary shall establish a program for early  
 155 identification of persons at risk of having elevated blood-lead  
 156 levels. Such program shall systematically screen children under  
 157 6 years of age in the target populations identified in  
 158 subsection (2) for the presence of elevated blood-lead levels.  
 159 Children within the specified target populations shall be  
 160 screened with a blood-lead test at age 12 months and age 24

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161 months, or between the ages of 36 months and 72 months if they  
162 have not previously been screened. The secretary shall, after  
163 consultation with recognized professional medical groups and  
164 such other sources as the secretary deems appropriate,  
165 promulgate rules establishing:

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

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

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

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

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

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

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

187 (e) Persons at risk residing, or who have recently  
188 resided, in an affected property contained in a building that

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189 during the preceding 3 years has been subject to enforcement for  
 190 violations of lead-poisoning-prevention statutes, ordinances,  
 191 rules, or regulations as specified by the secretary.

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

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

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

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

212 Section 6. For the 2005-2006 fiscal year, \$308,000 in  
 213 recurring general revenue funds is appropriated to the  
 214 Department of Health for the purpose of this act. For the 2005-  
 215 2006 fiscal year, \$1 million is appropriated to the



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216 | Administrative Trust Fund in the Department of Health for the  
 217 | purpose of this act.

218 |       Section 7. Sections 4, 5, and 6 shall take effect only  
 219 | upon the Department of Health receiving a federal lead poisoning  
 220 | prevention grant of \$1 million or greater.

221 |       Section 8. Except as otherwise expressly provided in this  
 222 | act, this act shall take effect July 1, 2005.