-	
1	A bill to be entitled
2	An act relating to healthy lifestyles;
3	providing a short title; providing legislative
4	findings; providing definitions; providing for
5	the establishment of a statewide comprehensive
6	educational program on lead poisoning
7	prevention; providing for a public information
8	initiative; providing for distribution of
9	literature about childhood lead poisoning;
10	requiring the establishment of a screening
11	program for early identification of persons at
12	risk of elevated levels of lead in the blood;
13	providing for screening of children; providing
14	for prioritization of screening; providing for
15	the maintenance of records of screenings;
16	providing for reporting of cases of lead
17	poisoning; providing an appropriation;
18	providing contingencies for implementing the
19	educational program under the act; amending s.
20	381.0054, F.S.; requiring the Department of
21	Health to collaborate with other state agencies
22	in developing policies and strategies to
23	prevent and treat obesity which shall be
24	incorporated into agency programs; requiring
25	the department to advise health care
26	practitioners regarding morbidity, mortality,
27	and costs associated with the condition of
28	being overweight or obese; requiring the
29	department to inform health care practitioners
30	about clinical best practices for obesity
31	prevention and treatment and to encourage

CS for CS for SB 1324

First Engrossed

1	practitioners to counsel their patients
2	regarding the adoption of healthy lifestyles;
3	amending s. 110.123, F.S.; defining the term
4	"age-based and gender-based benefits" for
5	purposes of the state group insurance program;
6	creating the Florida State Employee Wellness
7	Council within the Department of Management
8	Services; providing for membership; providing
9	for reimbursement of per diem and travel
10	expenses; providing purpose and duties of the
11	council; providing an effective date.
12	
13	Be It Enacted by the Legislature of the State of Florida:
14	
15	Section 1. <u>Short titleThis act may be cited as the</u>
16	"Lead Poisoning Prevention Screening and Education Act."
17	Section 2. Legislative findings
18	(1) Nearly 300,000 American children may have levels
19	of lead in their blood in excess of 10 micrograms per
20	deciliter (uq/dL). Unless prevented or treated, elevated
21	blood-lead levels in egregious cases may result in impairment
22	of the ability to think, concentrate, and learn.
23	(2) A significant cause of lead poisoning in children
24	is the ingestion of lead particles from deteriorating
25	lead-based paint in older, poorly maintained residences.
26	(3) Childhood lead poisoning can be prevented if
27	parents, property-owners, health professionals, and those who
28	work with young children are informed about the risks of
29	childhood lead poisoning and how to prevent it.
30	
31	

1	(4) Knowledge of lead-based-paint hazards, their
2	control, mitigation, abatement, and risk avoidance is not
3	sufficiently widespread.
4	(5) Most children who live in older homes and who
5	otherwise may be at risk for childhood lead poisoning are not
б	tested for the presence of elevated lead levels in their
7	blood.
8	(6) Testing for elevated lead levels in the blood can
9	lead to the mitigation or prevention of the harmful effects of
10	childhood lead poisoning and may also prevent similar injuries
11	to other children living in the same household.
12	Section 3. <u>DefinitionsAs used in this act, the</u>
13	term:
14	(1) "Affected property" means a room or group of rooms
15	within a property constructed before January 1, 1960, or
16	within a property constructed between January 1, 1960, and
17	January 1, 1978, where the owner has actual knowledge of the
18	presence of lead-based paint, that form a single independent
19	habitable dwelling unit for occupation by one or more
20	individuals and that has living facilities with permanent
21	provisions for living, sleeping, eating, cooking, and
22	sanitation. Affected property does not include:
23	(a) An area not used for living, sleeping, eating,
24	cooking, or sanitation, such as an unfinished basement;
25	<u>(b) A unit within a hotel, motel, or similar seasonal</u>
26	or transient facility, unless such unit is occupied by one or
27	more persons at risk for a period exceeding 30 days;
28	(c) An area that is secured and inaccessible to
29	<u>occupants; or</u>
30	(d) A unit that is not offered for rent.
31	

(2) "Dust-lead hazard" means surface dust in a 1 2 residential dwelling or a facility occupied by a person at 3 risk which contains a mass-per-area concentration of lead equal to or exceeding 40 ug/ft2 on floors or 250 ug/ft2 on 4 interior windowsills based on wipe samples. 5 (3) "Elevated blood-lead level" means a quantity of б 7 lead in whole venous blood, expressed in micrograms per 8 deciliter (ug/dL), which exceeds 10 ug/dL or such other level 9 as specifically provided in this act. (4) "Lead-based paint" means paint or other surface 10 coatings that contain lead equal to or exceeding 1.0 milligram 11 per square centimeter, 0.5 percent by weight, or 5,000 parts 12 13 per million (ppm) by weight. 14 (5) "Lead-based-paint hazard" means paint-lead hazards and dust-lead hazards. 15 (6) "Owner" means a person, firm, corporation, 16 nonprofit organization, partnership, government, guardian, 17 18 conservator, receiver, trustee, executor, or other judicial 19 officer, or other entity which, alone or with others, owns, holds, or controls the freehold or leasehold title or part of 20 the title to property, with or without actually possessing it. 21 22 The definition includes a vendee who possesses the title, but 23 does not include a mortgagee or an owner of a reversionary 24 interest under a ground rent lease. The term includes any authorized agent of the owner, including a property manager or 25 26 leasing agent. 27 (7) "Paint-lead hazard" means any one of the 28 following: 29 (a) Any lead-based paint on a friction surface that is subject to abrasion and where the dust-lead levels on the 30 nearest horizontal surface underneath the friction surface, 31

4

1	<u>such as the windowsill or floor, are equal to or greater than</u>
1 2	the dust-lead-hazard levels defined in subsection (2);
3	(b) Any damaged or otherwise deteriorated lead-based
4	paint on an impact surface that is caused by impact from a
4 5	
	related building material, such as a door knob that knocks
6	into a wall or a door that knocks against its door frame;
7	(c) Any chewable lead-based painted surface on which
8	there is evidence of teeth marks; or
9	(d) Any other deteriorated lead-based paint in or on
10	the exterior of any residential building or any facility
11	occupied by a person at risk.
12	(8) "Person at risk" means a child under the age of 6
13	years or a pregnant woman who resides or regularly spends at
14	least 24 hours per week in an affected property.
15	(9) "Secretary" means the secretary of the Department
16	of Health or a designee chosen by the secretary to administer
17	the Lead Poisoning Prevention Screening and Education Act.
18	(10) "Tenant" means the individual named as the lessee
19	in a lease, rental agreement, or occupancy agreement for a
20	<u>dwelling unit.</u>
21	Section 4. Educational programs
22	(1) LEAD POISONING PREVENTION EDUCATIONAL PROGRAM
23	ESTABLISHEDIn order to achieve the purposes of this act, a
24	statewide, multifaceted, ongoing educational program designed
25	to meet the needs of tenants, property owners, health care
26	providers, early childhood educators, care providers, and
27	realtors is established.
28	(2) PUBLIC INFORMATION INITIATIVEThe Governor, in
29	conjunction with the Secretary of Health and his or her
30	designee, shall sponsor a series of public service
31	announcements on radio, television, the Internet, and print

media about the nature of lead-based-paint hazards, the 1 2 importance of standards for lead poisoning prevention in properties, and the purposes and responsibilities set forth in 3 this act. In developing and coordinating this public 4 information initiative, the sponsors shall seek the 5 participation and involvement of private industry б 7 organizations, including those involved in real estate, 8 insurance, mortgage banking, and pediatrics. (3) DISTRIBUTION OF LITERATURE ABOUT CHILDHOOD LEAD 9 POISONING.--By January 1, 2007, the Secretary of Health or his 10 or her designee shall develop culturally and linguistically 11 appropriate information pamphlets regarding childhood lead 12 13 poisoning, the importance of testing for elevated blood-lead 14 levels, prevention of childhood lead poisoning, treatment of childhood lead poisoning, and, where appropriate, the 15 requirements of this act. These information pamphlets shall be 16 distributed to parents or the other legal quardians of 17 18 children 6 years of age or younger on the following occasions: 19 (a) By a health care provider at the time of a child's birth and at the time of any childhood immunization or 20 vaccination unless it is established that such information 21 22 pamphlet has been provided previously to the parent or legal 23 quardian by the health care provider within the prior 12 24 months. (b) By the owner or operator of any child care 25 facility or preschool or kindergarten class on or before 26 October 15 of the calendar year. 27 28 Section 5. Screening program. --29 (1) The secretary shall establish a program for early identification of persons at risk of having elevated 30 blood-lead levels. Such program shall systematically screen 31

1	children under 6 years of age in the target populations
2	identified in subsection (2) for the presence of elevated
3	blood-lead levels. Children within the specified target
4	populations shall be screened with a blood-lead test at age 12
5	months and age 24 months, or between the ages of 36 months and
6	72 months if they have not previously been screened. The
7	secretary shall, after consultation with recognized
8	professional medical groups and such other sources as the
9	secretary deems appropriate, promulgate rules establishing:
10	(a) The means by which and the intervals at which such
11	children under 6 years of age shall be screened for lead
12	poisoning and elevated blood-lead levels.
13	(b) Guidelines for the medical followup on children
14	found to have elevated blood-lead levels.
15	(2) In developing screening programs to identify
16	persons at risk with elevated blood-lead levels, priority
17	shall be given to persons within the following categories:
18	(a) All children enrolled in the Medicaid program at
19	ages 12 months and 24 months, or between the ages of 36 months
20	and 72 months if they have not previously been screened.
21	(b) Children under the age of 6 years exhibiting
22	delayed cognitive development or other symptoms of childhood
23	lead poisoning.
24	<u>(c) Persons at risk residing in the same household, or</u>
25	recently residing in the same household, as another person at
26	risk with a blood-lead level of 10 ug/dL or greater.
27	(d) Persons at risk residing, or who have recently
28	resided, in buildings or geographical areas in which
29	significant numbers of cases of lead poisoning or elevated
30	blood-lead levels have recently been reported.
31	

7

1	(e) Persons at risk residing, or who have recently
2	resided, in an affected property contained in a building that
3	during the preceding 3 years has been subject to enforcement
4	for violations of lead-poisoning-prevention statutes,
5	ordinances, rules, or regulations as specified by the
б	secretary.
7	(f) Persons at risk residing, or who have recently
8	resided, in a room or group of rooms contained in a building
9	whose owner also owns a building containing affected
10	properties which during the preceding 3 years has been subject
11	to an enforcement action for a violation of
12	lead-poisoning-prevention statutes, ordinances, rules, or
13	regulations.
14	(q) Persons at risk residing in other buildings or
15	geographical areas in which the secretary reasonably
16	determines there to be a significant risk of affected
17	individuals having a blood-lead level of 10 ug/dL or greater.
18	(3) The secretary shall maintain comprehensive records
19	of all screenings conducted pursuant to this section. Such
20	records shall be indexed geographically and by owner in order
21	to determine the location of areas of relatively high
22	incidence of lead poisoning and other elevated blood-lead
23	levels.
24	
25	All cases or probable cases of lead poisoning found in the
26	course of screenings conducted pursuant to this section shall
27	be reported to the affected individual, to his or her parent
28	or legal guardian if he or she is a minor, and to the
29	secretary.
30	Section 6. For the 2006-2007 fiscal year, the sum of
31	\$308,000 in recurring general revenue funds is appropriated to

the Department of Health for the purpose of implementing 1 2 section 5 of this act. 3 Section 7. Section 4 shall take effect only if the 4 requirements in that section are consistent with requirements 5 of any federal childhood lead-poisoning-prevention grant awarded to the Department of Health and if federal funds б 7 awarded with any such grant are permitted to be used to 8 implement the requirements in that section. Section 8. Subsection (1) of section 381.0054, Florida 9 Statutes, is amended to read: 10 381.0054 Healthy lifestyles promotion .--11 (1) The Department of Health shall promote healthy 12 13 lifestyles to reduce the prevalence of excess weight gain 14 overweight and obesity in Florida by implementing appropriate physical activity and nutrition programs that are directed 15 towards target all Floridians by: 16 (a) Using all appropriate media to promote maximum 17 18 public awareness of the latest research on healthy lifestyles and chronic diseases and disseminating relevant information 19 through a statewide clearinghouse relating to wellness, 20 physical activity, and nutrition and their impact on chronic 21 22 diseases and disabling conditions. 23 (b) Providing technical assistance, training, and 24 resources on healthy lifestyles and chronic diseases to the public, county health departments, health care providers, 25 school districts, and other persons or entities, including 26 faith-based organizations, that request such assistance to 27 28 promote physical activity, nutrition, and healthy lifestyle 29 programs. (c) Developing, implementing, and using all available 30 31 research methods to collect data, including, but not limited

9

es. ion cal age ol ity lop
ion cal age ol ity
cal age ol ity
age ol ity
age ol ity
ol ity
ity
lop
lop
lop
е
<u>q0</u>
L
ach
on
of
<u>_</u>
ms

1	Section 9. Paragraph (h) of subsection (3) of section
2	110.123, Florida Statutes, is amended, and subsection (13) is
3	added to that section, to read:
4	110.123 State group insurance program
5	(3) STATE GROUP INSURANCE PROGRAM
6	(h)1. A person eligible to participate in the state
7	group insurance program may be authorized by rules adopted by
8	the department, in lieu of participating in the state group
9	health insurance plan, to exercise an option to elect
10	membership in a health maintenance organization plan which is
11	under contract with the state in accordance with criteria
12	established by this section and by said rules. The offer of
13	optional membership in a health maintenance organization plan
14	permitted by this paragraph may be limited or conditioned by
15	rule as may be necessary to meet the requirements of state and
16	federal laws.
17	2. The department shall contract with health
18	maintenance organizations seeking to participate in the state
19	group insurance program through a request for proposal or
20	other procurement process, as developed by the Department of
21	Management Services and determined to be appropriate.
22	a. The department shall establish a schedule of
23	minimum benefits for health maintenance organization coverage,
24	and that schedule shall include: physician services; inpatient
25	and outpatient hospital services; emergency medical services,
26	including out-of-area emergency coverage; diagnostic
27	laboratory and diagnostic and therapeutic radiologic services;
28	mental health, alcohol, and chemical dependency treatment
29	services meeting the minimum requirements of state and federal
30	law; skilled nursing facilities and services; prescription
31	drugs; age-based and gender-based wellness benefits; and other

1	benefits as may be required by the department. Additional
2	services may be provided subject to the contract between the
3	department and the HMO. <u>As used in this paragraph, the term</u>
4	"age-based and gender-based wellness benefits" includes
5	aerobic exercise, education in alcohol and substance abuse
6	prevention, blood cholesterol screening, health risk
7	appraisals, blood pressure screening and education, nutrition
8	education, program planning, safety belt education, smoking
9	cessation, stress management, weight management, and woman's
10	health education.
11	b. The department may establish uniform deductibles,
12	copayments, coverage tiers, or coinsurance schedules for all
13	participating HMO plans.
14	c. The department may require detailed information
15	from each health maintenance organization participating in the
16	procurement process, including information pertaining to
17	organizational status, experience in providing prepaid health
18	benefits, accessibility of services, financial stability of
19	the plan, quality of management services, accreditation
20	status, quality of medical services, network access and
21	adequacy, performance measurement, ability to meet the
22	department's reporting requirements, and the actuarial basis
23	of the proposed rates and other data determined by the
24	director to be necessary for the evaluation and selection of
25	health maintenance organization plans and negotiation of
26	appropriate rates for these plans. Upon receipt of proposals
27	by health maintenance organization plans and the evaluation of
28	those proposals, the department may enter into negotiations
29	with all of the plans or a subset of the plans, as the
30	department determines appropriate. Nothing shall preclude the
31	department from negotiating regional or statewide contracts

with health maintenance organization plans when this is 1 2 cost-effective and when the department determines that the plan offers high value to enrollees. 3 d. The department may limit the number of HMOs that it 4 contracts with in each service area based on the nature of the 5 bids the department receives, the number of state employees in б 7 the service area, or any unique geographical characteristics 8 of the service area. The department shall establish by rule 9 service areas throughout the state. e. All persons participating in the state group 10 insurance program may be required to contribute towards a 11 total state group health premium that may vary depending upon 12 13 the plan and coverage tier selected by the enrollee and the 14 level of state contribution authorized by the Legislature. 3. The department is authorized to negotiate and to 15 contract with specialty psychiatric hospitals for mental 16 health benefits, on a regional basis, for alcohol, drug abuse, 17 18 and mental and nervous disorders. The department may 19 establish, subject to the approval of the Legislature pursuant to subsection (5), any such regional plan upon completion of 20 an actuarial study to determine any impact on plan benefits 21 and premiums. 2.2 23 4. In addition to contracting pursuant to subparagraph 24 2., the department may enter into contract with any HMO to participate in the state group insurance program which: 25 a. Serves greater than 5,000 recipients on a prepaid 26 basis under the Medicaid program; 27 28 b. Does not currently meet the 25-percent 29 non-Medicare/non-Medicaid enrollment composition requirement 30 established by the Department of Health excluding participants 31 enrolled in the state group insurance program;

13

1	c. Meets the minimum benefit package and copayments
2	and deductibles contained in sub-subparagraphs 2.a. and b.;
3	d. Is willing to participate in the state group
4	insurance program at a cost of premiums that is not greater
5	than 95 percent of the cost of HMO premiums accepted by the
6	department in each service area; and
7	e. Meets the minimum surplus requirements of s.
8	641.225.
0 9	041.225.
10	The department is authorized to contract with HMOs that meet
11	the requirements of sub-subparagraphs ad. prior to the open
12	
13	enrollment period for state employees. The department is not
	required to renew the contract with the HMOs as set forth in
14	this paragraph more than twice. Thereafter, the HMOs shall be
15	eligible to participate in the state group insurance program
16	only through the request for proposal or invitation to
17	negotiate process described in subparagraph 2.
18	5. All enrollees in a state group health insurance
19	plan, a TRICARE supplemental insurance plan, or any health
20	maintenance organization plan have the option of changing to
21	any other health plan that is offered by the state within any
22	open enrollment period designated by the department. Open
23	enrollment shall be held at least once each calendar year.
24	6. When a contract between a treating provider and the
25	state-contracted health maintenance organization is terminated
26	for any reason other than for cause, each party shall allow
27	any enrollee for whom treatment was active to continue
28	coverage and care when medically necessary, through completion
29	of treatment of a condition for which the enrollee was
30	receiving care at the time of the termination, until the
31	enrollee selects another treating provider, or until the next

open enrollment period offered, whichever is longer, but no 1 2 longer than 6 months after termination of the contract. Each 3 party to the terminated contract shall allow an enrollee who has initiated a course of prenatal care, regardless of the 4 trimester in which care was initiated, to continue care and 5 coverage until completion of postpartum care. This does not б 7 prevent a provider from refusing to continue to provide care 8 to an enrollee who is abusive, noncompliant, or in arrears in 9 payments for services provided. For care continued under this subparagraph, the program and the provider shall continue to 10 be bound by the terms of the terminated contract. Changes made 11 within 30 days before termination of a contract are effective 12 13 only if agreed to by both parties.

14 7. Any HMO participating in the state group insurance program shall submit health care utilization and cost data to 15 the department, in such form and in such manner as the 16 department shall require, as a condition of participating in 17 18 the program. The department shall enter into negotiations with 19 its contracting HMOs to determine the nature and scope of the data submission and the final requirements, format, penalties 20 associated with noncompliance, and timetables for submission. 21 22 These determinations shall be adopted by rule.

8. The department may establish and direct, with
respect to collective bargaining issues, a comprehensive
package of insurance benefits that may include supplemental
health and life coverage, dental care, long-term care, vision
care, and other benefits it determines necessary to enable
state employees to select from among benefit options that best
suit their individual and family needs.

30 a. Based upon a desired benefit package, the31 department shall issue a request for proposal or invitation to

15

negotiate for health insurance providers interested in 1 2 participating in the state group insurance program, and the department shall issue a request for proposal or invitation to 3 negotiate for insurance providers interested in participating 4 in the non-health-related components of the state group 5 insurance program. Upon receipt of all proposals, the б 7 department may enter into contract negotiations with insurance 8 providers submitting bids or negotiate a specially designed 9 benefit package. Insurance providers offering or providing supplemental coverage as of May 30, 1991, which qualify for 10 pretax benefit treatment pursuant to s. 125 of the Internal 11 Revenue Code of 1986, with 5,500 or more state employees 12 13 currently enrolled may be included by the department in the 14 supplemental insurance benefit plan established by the department without participating in a request for proposal, 15 submitting bids, negotiating contracts, or negotiating a 16 specially designed benefit package. These contracts shall 17 18 provide state employees with the most cost-effective and 19 comprehensive coverage available; however, no state or agency funds shall be contributed toward the cost of any part of the 20 premium of such supplemental benefit plans. With respect to 21 22 dental coverage, the division shall include in any 23 solicitation or contract for any state group dental program 24 made after July 1, 2001, a comprehensive indemnity dental plan option which offers enrollees a completely unrestricted choice 25 of dentists. If a dental plan is endorsed, or in some manner 26 recognized as the preferred product, such plan shall include a 27 28 comprehensive indemnity dental plan option which provides 29 enrollees with a completely unrestricted choice of dentists. 30 b. Pursuant to the applicable provisions of s. 31 110.161, and s. 125 of the Internal Revenue Code of 1986, the

16

First Engrossed

department shall enroll in the pretax benefit program those 1 2 state employees who voluntarily elect coverage in any of the supplemental insurance benefit plans as provided by 3 4 sub-subparagraph a. 5 c. Nothing herein contained shall be construed to prohibit insurance providers from continuing to provide or б 7 offer supplemental benefit coverage to state employees as 8 provided under existing agency plans. 9 (13) FLORIDA STATE EMPLOYEE WELLNESS COUNCIL.--(a) There is created within the department the Florida 10 State Employee Wellness Council. 11 (b) The council shall be an advisory body to the 12 13 department to provide health education information to 14 employees and to assist the department in developing minimum benefits for all health care providers when providing 15 age-based and gender-based wellness benefits. 16 (c) The council shall be composed of nine members 17 18 appointed by the Governor. When making appointments to the council, the Governor shall appoint persons who are residents 19 of the state and who are highly knowledgeable concerning, 20 active in, and recognized leaders in the health and medical 21 22 field, at least one of whom must be an employee of the state. Council members shall equitably represent the broadest 23 24 spectrum of the health industry and the geographic areas of the state. Not more than one member of the council may be from 25 any one company, organization, or association. 26 27 (d)1. Council members shall be appointed to 4-year 28 terms, except that the initial terms shall be staggered. The 29 Governor shall appoint three members to 2-year terms, three members to 3-year terms, and three members to 4-year terms. 30 31

17

1	2. A member's absence from three consecutive meetings
2	shall result in his or her automatic removal from the council.
3	A vacancy on the council shall be filled for the remainder of
4	the unexpired term.
5	(e) The council shall annually elect from its
6	membership one member to serve as chair of the council and one
7	member to serve as vice chair.
8	(f) The first meeting of the council shall be called
9	by the chair not more than 60 days after the council members
10	are appointed by the Governor. The council shall thereafter
11	meet at least once quarterly and may meet more often as
12	necessary. The department shall provide staff assistance to
13	the council which shall include, but not be limited to,
14	keeping records of the proceedings of the council and serving
15	as custodian of all books, documents, and papers filed with
16	the council.
17	(q) A majority of the members of the council
18	constitutes a quorum.
19	(h) Members of the council shall serve without
20	compensation, but are entitled to reimbursement for per diem
21	and travel expenses as provided in s. 112.061 while performing
22	their duties.
23	(i) The council shall:
24	1. Work to encourage participation in wellness
25	programs by state employees. The council may prepare
26	informational programs and brochures for state agencies and
27	employees.
28	2. In consultation with the department, develop
29	standards and criteria for age-based and gender-based wellness
30	programs.
31	Section 10. This act shall take effect July 1, 2006.