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A bill to be entitled
 An act relating to the Lead Poisoning Prevention Screening
 and Education Act; providing a short title; providing
 legislative findings; providing definitions; providing for
 the establishment of a statewide comprehensive educational
 program on lead poisoning prevention; providing for a
 public information initiative; providing for distribution
 of literature about childhood lead poisoning; requiring
 the establishment of a screening program for early
 identification of persons at risk of elevated levels of
 lead in the blood; providing for screening of children;
 providing for prioritization of screening; providing for
 the maintenance of records of screenings; providing for
 reporting of cases of lead poisoning; providing an
 appropriation; providing contingencies for appropriation;
 providing effective dates.

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

Section 1. Short title.--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

29 the ingestion of lead particles from deteriorating lead-based
 30 paint in older, poorly maintained residences.

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

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

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

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

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

46 (1) "Affected property" means a room or group of rooms
 47 within a property constructed before January 1, 1960, or within
 48 a property constructed between January 1, 1960, and January 1,
 49 1978, where the owner has actual knowledge of the presence of
 50 lead-based paint, that form a single independent habitable
 51 dwelling unit for occupation by one or more individuals and that
 52 has living facilities with permanent provisions for living,
 53 sleeping, eating, cooking, and sanitation. Affected property
 54 does not include:

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

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

60 (c) An area that is secured and inaccessible to occupants;
 61 or

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

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

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

72 (4) "Lead-based paint" means paint or other surface
 73 coatings that contain lead equal to or exceeding 1.0 milligram
 74 per square centimeter, 0.5 percent by weight, or 5,000 parts per
 75 million (ppm) by weight.

76 (5) "Lead-based-paint hazard" means paint-lead hazards and
 77 dust-lead hazards.

78 (6) "Owner" means a person, firm, corporation, nonprofit
 79 organization, partnership, government, guardian, conservator,
 80 receiver, trustee, executor, or other judicial officer, or other
 81 entity which, alone or with others, owns, holds, or controls the
 82 freehold or leasehold title or part of the title to property,
 83 with or without actually possessing it. The definition includes
 84 a vendee who possesses the title, but does not include a

85 mortgagee or an owner of a reversionary interest under a ground
 86 rent lease. The term includes any authorized agent of the owner,
 87 including a property manager or leasing agent.

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

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

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

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

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

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

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

109 (10) "Tenant" means the individual named as the lessee in
 110 a lease, rental agreement, or occupancy agreement for a dwelling
 111 unit.

112 Section 4. Educational programs.--

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

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

130 (3) DISTRIBUTION OF LITERATURE ABOUT CHILDHOOD LEAD
 131 POISONING.--By January 1, 2007, the Secretary of Health or his
 132 or her designee shall develop culturally and linguistically
 133 appropriate information pamphlets regarding childhood lead
 134 poisoning, the importance of testing for elevated blood-lead
 135 levels, prevention of childhood lead poisoning, treatment of
 136 childhood lead poisoning, and, where appropriate, the
 137 requirements of this act. These information pamphlets shall be
 138 distributed to parents or the other legal guardians of children
 139 6 years of age or younger on the following occasions:

140 (a) By a health care provider at the time of a child's

141 birth and at the time of any childhood immunization or
 142 vaccination unless it is established that such information
 143 pamphlet has been provided previously to the parent or legal
 144 guardian by the health care provider within the prior 12 months.

145 (b) By the owner or operator of any child care facility or
 146 preschool or kindergarten class on or before October 15 of the
 147 calendar year.

148 Section 5. Screening program.--

149 (1) The secretary shall establish a program for early
 150 identification of persons at risk of having elevated blood-lead
 151 levels. Such program shall systematically screen children under
 152 6 years of age in the target populations identified in
 153 subsection (2) for the presence of elevated blood-lead levels.
 154 Children within the specified target populations shall be
 155 screened with a blood-lead test at age 12 months and age 24
 156 months, or between the ages of 36 months and 72 months if they
 157 have not previously been screened. The secretary shall, after
 158 consultation with recognized professional medical groups and
 159 such other sources as the secretary deems appropriate,
 160 promulgate rules establishing:

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

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

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

169 (a) All children enrolled in the Medicaid program at ages
 170 12 months and 24 months, or between the ages of 36 months and 72
 171 months if they have not previously been screened.

172 (b) Children under the age of 6 years exhibiting delayed
 173 cognitive development or other symptoms of childhood lead
 174 poisoning.

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

178 (d) Persons at risk residing, or who have recently
 179 resided, in buildings or geographical areas in which significant
 180 numbers of cases of lead poisoning or elevated blood-lead levels
 181 have recently been reported.

182 (e) Persons at risk residing, or who have recently
 183 resided, in an affected property contained in a building that
 184 during the preceding 3 years has been subject to enforcement for
 185 violations of lead-poisoning-prevention statutes, ordinances,
 186 rules, or regulations as specified by the secretary.

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

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

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

202
 203 All cases or probable cases of lead poisoning found in the
 204 course of screenings conducted pursuant to this section shall be
 205 reported to the affected individual, to his or her parent or
 206 legal guardian if he or she is a minor, and to the secretary.

207 Section 6. For the 2006-2007 fiscal year, \$308,000 in
 208 recurring general revenue funds is appropriated to the
 209 Department of Health for the purpose of this act. For the 2006-
 210 2007 fiscal year, \$1 million is appropriated to the
 211 Administrative Trust Fund in the Department of Health for the
 212 purpose of this act.

213 Section 7. Sections 4, 5, and 6 shall take effect only
 214 upon the Department of Health receiving federal lead-poisoning-
 215 prevention funds of \$1 million or greater.

216 Section 8. Except as otherwise expressly provided in this
 217 act, this act shall take effect July 1, 2006.