

HB 393

2006  
CS

## CHAMBER ACTION

---

1 The Health Care Appropriations Committee recommends the  
2 following:

**Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the Lead Poisoning Prevention Screening  
8 and Education Act; providing a short title; 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  
20 contingencies for implementing the screening program and  
21 educational program under the act; providing an effective  
22 date.

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

25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51

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 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:

HB 393

2006  
CS

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

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

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

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

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

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

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

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

HB 393

2006  
CS

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

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

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

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

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

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

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

HB 393

2006  
CS

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

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

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

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

118 Section 4. Educational programs.--

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

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

HB 393

2006  
CS

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

136 (3) DISTRIBUTION OF LITERATURE ABOUT CHILDHOOD LEAD  
137 POISONING.--By January 1, 2007, the Secretary of Health or his  
138 or her designee shall develop culturally and linguistically  
139 appropriate information pamphlets regarding childhood lead  
140 poisoning, the importance of testing for elevated blood-lead  
141 levels, prevention of childhood lead poisoning, treatment of  
142 childhood lead poisoning, and, where appropriate, the  
143 requirements of this act. These information pamphlets shall be  
144 distributed to parents or the other legal guardians of children  
145 6 years of age or younger on the following occasions:

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

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

154 Section 5. Screening program.--

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

HB 393

2006  
CS

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

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

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

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

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

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

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

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

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

HB 393

2006  
CS

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

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

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

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

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

213 Section 6. The establishment of a screening program for  
214 early identification of persons at risk of having elevated  
215 blood-lead levels shall be implemented to the extent funding is  
216 provided in the General Appropriations Act.



HB 393

2006  
CS

217           Section 7. The lead poisoning prevention education program  
218 shall be implemented only to the extent that the requirements in  
219 this act are consistent with the requirements of any federal  
220 childhood lead poisoning prevention grant awarded to the  
221 Department of Health and to the extent that federal funds  
222 awarded with any such grant are permitted to be used to  
223 implement the requirements in this act.

224           Section 8. This act shall take effect July 1, 2006.