

By the Committee on Judiciary; and Senator Miller

590-1827-06

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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 implementing the  
educational program under the act; 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

**CODING:** Words ~~stricken~~ are deletions; words underlined are additions.

1 blood-lead levels in egregious cases may result in impairment  
2 of the ability to think, concentrate, and learn.

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

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

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

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

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

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

23 (1) "Affected property" means a room or group of rooms  
24 within a property constructed before January 1, 1960, or  
25 within a property constructed between January 1, 1960, and  
26 January 1, 1978, where the owner has actual knowledge of the  
27 presence of lead-based paint, that form a single independent  
28 habitable dwelling unit for occupation by one or more  
29 individuals and that has living facilities with permanent  
30 provisions for living, sleeping, eating, cooking, and  
31 sanitation. Affected property does not include:

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

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

6       (c) An area that is secured and inaccessible to  
7 occupants; or

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

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

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

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

22       (5) "Lead-based-paint hazard" means paint-lead hazards  
23 and dust-lead hazards.

24       (6) "Owner" means a person, firm, corporation,  
25 nonprofit organization, partnership, government, guardian,  
26 conservator, receiver, trustee, executor, or other judicial  
27 officer, or other entity which, alone or with others, owns,  
28 holds, or controls the freehold or leasehold title or part of  
29 the title to property, with or without actually possessing it.  
30 The definition includes a vendee who possesses the title, but  
31 does not include a mortgagee or an owner of a reversionary

1 interest under a ground rent lease. The term includes any  
2 authorized agent of the owner, including a property manager or  
3 leasing agent.

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

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

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

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

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

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

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

26 (10) "Tenant" means the individual named as the lessee  
27 in a lease, rental agreement, or occupancy agreement for a  
28 dwelling unit.

29 Section 4. Educational programs.--

30 (1) LEAD POISONING PREVENTION EDUCATIONAL PROGRAM  
31 ESTABLISHED.--In order to achieve the purposes of this act, a

1 statewide, multifaceted, ongoing educational program designed  
2 to meet the needs of tenants, property owners, health care  
3 providers, early childhood educators, care providers, and  
4 realtors is established.

5 (2) PUBLIC INFORMATION INITIATIVE.--The Governor, in  
6 conjunction with the Secretary of Health and his or her  
7 designee, shall sponsor a series of public service  
8 announcements on radio, television, the Internet, and print  
9 media about the nature of lead-based-paint hazards, the  
10 importance of standards for lead poisoning prevention in  
11 properties, and the purposes and responsibilities set forth in  
12 this act. In developing and coordinating this public  
13 information initiative, the sponsors shall seek the  
14 participation and involvement of private industry  
15 organizations, including those involved in real estate,  
16 insurance, mortgage banking, and pediatrics.

17 (3) DISTRIBUTION OF LITERATURE ABOUT CHILDHOOD LEAD  
18 POISONING.--By January 1, 2007, the Secretary of Health or his  
19 or her designee shall develop culturally and linguistically  
20 appropriate information pamphlets regarding childhood lead  
21 poisoning, the importance of testing for elevated blood-lead  
22 levels, prevention of childhood lead poisoning, treatment of  
23 childhood lead poisoning, and, where appropriate, the  
24 requirements of this act. These information pamphlets shall be  
25 distributed to parents or the other legal guardians of  
26 children 6 years of age or younger on the following occasions:

27 (a) By a health care provider at the time of a child's  
28 birth and at the time of any childhood immunization or  
29 vaccination unless it is established that such information  
30 pamphlet has been provided previously to the parent or legal  
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1 guardian by the health care provider within the prior 12  
2 months.

3 (b) By the owner or operator of any child care  
4 facility or preschool or kindergarten class on or before  
5 October 15 of the calendar year.

6 Section 5. Screening program.--

7 (1) The secretary shall establish a program for early  
8 identification of persons at risk of having elevated  
9 blood-lead levels. Such program shall systematically screen  
10 children under 6 years of age in the target populations  
11 identified in subsection (2) for the presence of elevated  
12 blood-lead levels. Children within the specified target  
13 populations shall be screened with a blood-lead test at age 12  
14 months and age 24 months, or between the ages of 36 months and  
15 72 months if they have not previously been screened. The  
16 secretary shall, after consultation with recognized  
17 professional medical groups and such other sources as the  
18 secretary deems appropriate, promulgate rules establishing:

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

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

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

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

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1           (b) Children under the age of 6 years exhibiting  
2 delayed cognitive development or other symptoms of childhood  
3 lead poisoning.

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

7           (d) Persons at risk residing, or who have recently  
8 resided, in buildings or geographical areas in which  
9 significant numbers of cases of lead poisoning or elevated  
10 blood-lead levels have recently been reported.

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

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

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

28           (3) The secretary shall maintain comprehensive records  
29 of all screenings conducted pursuant to this section. Such  
30 records shall be indexed geographically and by owner in order  
31 to determine the location of areas of relatively high

1 incidence of lead poisoning and other elevated blood-lead  
2 levels.

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

9       Section 6. For the 2006-2007 fiscal year, the sum of  
10 \$308,000 in recurring general revenue funds is appropriated to  
11 the Department of Health for the purpose of implementing  
12 section 5 of this act.

13       Section 7. Section 4 shall take effect only if the  
14 requirements in that section are consistent with requirements  
15 of any federal childhood lead-poisoning-prevention grant  
16 awarded to the Department of Health and if federal funds  
17 awarded with any such grant are permitted to be used to  
18 implement the requirements in that section.

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

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22                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
23                   COMMITTEE SUBSTITUTE FOR  
24                   Senate Bill 642

- 25 -- Provides that the \$308,000 recurring general revenue  
26 funds are appropriated solely for the implementation of  
27 the section of the act related to identification of  
28 persons at risk of having elevated blood-lead levels.  
29 -- Provides that only implementation of the educational  
30 program section of the act is contingent upon receipt of  
31 any federal childhood lead-poisoning-prevention grant.  
-- Provides that the educational program section of the act  
may be implemented only to the extent that it is  
consistent with the requirements of any federal childhood  
lead-poisoning-prevention grant received.