

1                   A reviser's bill to be entitled  
 2           An act relating to the Florida Statutes; amending ss.  
 3           14.20195, 16.615, 39.001, 39.303, 110.205, 112.061,  
 4           112.3145, 114.04, 120.80, 154.02, 154.04, 154.505,  
 5           215.5601, 215.5602, 335.067, 377.901, 381.0057, 381.0303,  
 6           381.0403, 381.4018, 381.7353, 381.78, 381.79, 381.84,  
 7           381.853, 381.855, 381.86, 381.90, 381.911, 381.912,  
 8           381.92, 381.922, 381.98, 381.983, 381.984, 381.985,  
 9           383.14, 383.216, 383.2162, 383.336, 383.402, 385.203,  
 10          385.210, 388.46, 391.028, 391.221, 391.223, 397.333,  
 11          400.235, 401.23, 401.245, 401.421, 402.56, 403.862,  
 12          406.02, 408.916, 409.352, 409.91255, 413.271, 420.622,  
 13          456.005, 456.011, 456.012, 456.072, 456.073, 456.074,  
 14          456.076, 457.109, 458.311, 458.313, 458.316, 458.3165,  
 15          458.331, 458.346, 458.347, 459.0055, 459.015, 459.022,  
 16          460.413, 461.004, 463.0055, 464.003, 464.018, 464.2085,  
 17          466.004, 466.028, 467.003, 467.004, 468.1295, 468.1755,  
 18          468.301, 468.314, 468.354, 468.506, 478.44, 480.042,  
 19          483.825, 483.901, 484.042, 486.125, 487.041, 490.009,  
 20          491.009, 499.012, 499.01211, 499.024, 499.065, 500.033,  
 21          514.0231, 768.1326, 943.0313, and 1004.435, F.S., pursuant  
 22          to the directive of the Legislature in s. 3, ch. 2007-40,  
 23          Laws of Florida, to redesignate the Secretary of Health as  
 24          the State Surgeon General wherever the term appears in the  
 25          Florida Statutes; providing an effective date.

26  
 27   Be It Enacted by the Legislature of the State of Florida:  
 28

29 Section 1. Paragraph (b) of subsection (2) of section  
 30 14.20195, Florida Statutes, is amended to read:

31 14.20195 Suicide Prevention Coordinating Council;  
 32 creation; membership; duties.--There is created within the  
 33 Statewide Office for Suicide Prevention a Suicide Prevention  
 34 Coordinating Council. The council shall develop strategies for  
 35 preventing suicide.

36 (2) MEMBERSHIP.--The Suicide Prevention Coordinating  
 37 Council shall consist of 28 voting members.

38 (b) The following state officials or their designees shall  
 39 serve on the coordinating council:

- 40 1. The Secretary of Elderly Affairs.
- 41 2. The State Surgeon General ~~Secretary of Health~~.
- 42 3. The Commissioner of Education.
- 43 4. The Secretary of Health Care Administration.
- 44 5. The Secretary of Juvenile Justice.
- 45 6. The Secretary of Corrections.
- 46 7. The executive director of the Department of Law  
 47 Enforcement.
- 48 8. The executive director of the Department of Veterans'  
 49 Affairs.
- 50 9. The Secretary of Children and Family Services.
- 51 10. The director of the Agency for Workforce Innovation.

52 Section 2. Paragraph (e) of subsection (1) of section  
 53 16.615, Florida Statutes, is amended to read:

54 16.615 Council on the Social Status of Black Men and  
 55 Boys.--

56 (1) The Council on the Social Status of Black Men and Boys  
 57 is established within the Department of Legal Affairs and shall  
 58 consist of 19 members appointed as follows:

59 (e) The State Surgeon General ~~Secretary of Health~~ or his  
 60 or her designee.

61 Section 3. Paragraph (c) of subsection (7) of section  
 62 39.001, Florida Statutes, is amended to read:

63 39.001 Purposes and intent; personnel standards and  
 64 screening.--

65 (7) OFFICE OF ADOPTION AND CHILD PROTECTION.--

66 (c) The office is authorized and directed to:

67 1. Oversee the preparation and implementation of the state  
 68 plan established under subsection (8) and revise and update the  
 69 state plan as necessary.

70 2. Provide for or make available continuing professional  
 71 education and training in the prevention of child abuse and  
 72 neglect.

73 3. Work to secure funding in the form of appropriations,  
 74 gifts, and grants from the state, the Federal Government, and  
 75 other public and private sources in order to ensure that  
 76 sufficient funds are available for the promotion of adoption,  
 77 support of adoptive families, and child abuse prevention  
 78 efforts.

79 4. Make recommendations pertaining to agreements or  
 80 contracts for the establishment and development of:

81 a. Programs and services for the promotion of adoption,  
 82 support of adoptive families, and prevention of child abuse and  
 83 neglect.

HB 7015

2008

84           b. Training programs for the prevention of child abuse and  
85 neglect.

86           c. Multidisciplinary and discipline-specific training  
87 programs for professionals with responsibilities affecting  
88 children, young adults, and families.

89           d. Efforts to promote adoption.

90           e. Postadoptive services to support adoptive families.

91           5. Monitor, evaluate, and review the development and  
92 quality of local and statewide services and programs for the  
93 promotion of adoption, support of adoptive families, and  
94 prevention of child abuse and neglect and shall publish and  
95 distribute an annual report of its findings on or before January  
96 1 of each year to the Governor, the Speaker of the House of  
97 Representatives, the President of the Senate, the head ~~secretary~~  
98 of each state agency affected by the report, and the appropriate  
99 substantive committees of the Legislature. The report shall  
100 include:

101           a. A summary of the activities of the office.

102           b. A summary of the adoption data collected and reported  
103 to the federal Adoption and Foster Care Analysis and Reporting  
104 System (AFCARS) and the federal Administration for Children and  
105 Families.

106           c. A summary of the child abuse prevention data collected  
107 and reported to the National Child Abuse and Neglect Data System  
108 (NCANDS) and the federal Administration for Children and  
109 Families.

110 d. A summary detailing the timeliness of the adoption  
 111 process for children adopted from within the child welfare  
 112 system.

113 e. Recommendations, by state agency, for the further  
 114 development and improvement of services and programs for the  
 115 promotion of adoption, support of adoptive families, and  
 116 prevention of child abuse and neglect.

117 f. Budget requests, adoption promotion and support needs,  
 118 and child abuse prevention program needs by state agency.

119 6. Work with the direct-support organization established  
 120 under s. 39.0011 to receive financial assistance.

121 Section 4. Section 39.303, Florida Statutes, is amended to  
 122 read:

123 39.303 Child protection teams; services; eligible  
 124 cases.--The Children's Medical Services Program in the  
 125 Department of Health shall develop, maintain, and coordinate the  
 126 services of one or more multidisciplinary child protection teams  
 127 in each of the service districts of the Department of Children  
 128 and Family Services. Such teams may be composed of appropriate  
 129 representatives of school districts and appropriate health,  
 130 mental health, social service, legal service, and law  
 131 enforcement agencies. The Legislature finds that optimal  
 132 coordination of child protection teams and sexual abuse  
 133 treatment programs requires collaboration between the Department  
 134 of Health and the Department of Children and Family Services.  
 135 The two departments shall maintain an interagency agreement that  
 136 establishes protocols for oversight and operations of child  
 137 protection teams and sexual abuse treatment programs. The State

HB 7015

2008

138 Surgeon General ~~Secretary of Health~~ and the Deputy Secretary for  
139 Children's Medical Services, in consultation with the Secretary  
140 of Children and Family Services, shall maintain the  
141 responsibility for the screening, employment, and, if necessary,  
142 the termination of child protection team medical directors, at  
143 headquarters and in the 15 districts. Child protection team  
144 medical directors shall be responsible for oversight of the  
145 teams in the districts.

146 (1) The Department of Health shall utilize and convene the  
147 teams to supplement the assessment and protective supervision  
148 activities of the family safety and preservation program of the  
149 Department of Children and Family Services. Nothing in this  
150 section shall be construed to remove or reduce the duty and  
151 responsibility of any person to report pursuant to this chapter  
152 all suspected or actual cases of child abuse, abandonment, or  
153 neglect or sexual abuse of a child. The role of the teams shall  
154 be to support activities of the program and to provide services  
155 deemed by the teams to be necessary and appropriate to abused,  
156 abandoned, and neglected children upon referral. The specialized  
157 diagnostic assessment, evaluation, coordination, consultation,  
158 and other supportive services that a child protection team shall  
159 be capable of providing include, but are not limited to, the  
160 following:

161 (a) Medical diagnosis and evaluation services, including  
162 provision or interpretation of X rays and laboratory tests, and  
163 related services, as needed, and documentation of findings  
164 relative thereto.

165 (b) Telephone consultation services in emergencies and in  
166 other situations.

167 (c) Medical evaluation related to abuse, abandonment, or  
168 neglect, as defined by policy or rule of the Department of  
169 Health.

170 (d) Such psychological and psychiatric diagnosis and  
171 evaluation services for the child or the child's parent or  
172 parents, legal custodian or custodians, or other caregivers, or  
173 any other individual involved in a child abuse, abandonment, or  
174 neglect case, as the team may determine to be needed.

175 (e) Expert medical, psychological, and related  
176 professional testimony in court cases.

177 (f) Case staffings to develop treatment plans for children  
178 whose cases have been referred to the team. A child protection  
179 team may provide consultation with respect to a child who is  
180 alleged or is shown to be abused, abandoned, or neglected, which  
181 consultation shall be provided at the request of a  
182 representative of the family safety and preservation program or  
183 at the request of any other professional involved with a child  
184 or the child's parent or parents, legal custodian or custodians,  
185 or other caregivers. In every such child protection team case  
186 staffing, consultation, or staff activity involving a child, a  
187 family safety and preservation program representative shall  
188 attend and participate.

189 (g) Case service coordination and assistance, including  
190 the location of services available from other public and private  
191 agencies in the community.

192 (h) Such training services for program and other employees  
 193 of the Department of Children and Family Services, employees of  
 194 the Department of Health, and other medical professionals as is  
 195 deemed appropriate to enable them to develop and maintain their  
 196 professional skills and abilities in handling child abuse,  
 197 abandonment, and neglect cases.

198 (i) Educational and community awareness campaigns on child  
 199 abuse, abandonment, and neglect in an effort to enable citizens  
 200 more successfully to prevent, identify, and treat child abuse,  
 201 abandonment, and neglect in the community.

202 (j) Child protection team assessments that include, as  
 203 appropriate, medical evaluations, medical consultations, family  
 204 psychosocial interviews, specialized clinical interviews, or  
 205 forensic interviews.

206  
 207 All medical personnel participating on a child protection team  
 208 must successfully complete the required child protection team  
 209 training curriculum as set forth in protocols determined by the  
 210 Deputy Secretary for Children's Medical Services and the  
 211 Statewide Medical Director for Child Protection.

212 (2) The child abuse, abandonment, and neglect reports that  
 213 must be referred by the department to child protection teams of  
 214 the Department of Health for an assessment and other appropriate  
 215 available support services as set forth in subsection (1) must  
 216 include cases involving:

217 (a) Injuries to the head, bruises to the neck or head,  
 218 burns, or fractures in a child of any age.

219 (b) Bruises anywhere on a child 5 years of age or under.



- 220 (c) Any report alleging sexual abuse of a child.
- 221 (d) Any sexually transmitted disease in a prepubescent  
222 child.
- 223 (e) Reported malnutrition of a child and failure of a  
224 child to thrive.
- 225 (f) Reported medical neglect of a child.
- 226 (g) Any family in which one or more children have been  
227 pronounced dead on arrival at a hospital or other health care  
228 facility, or have been injured and later died, as a result of  
229 suspected abuse, abandonment, or neglect, when any sibling or  
230 other child remains in the home.
- 231 (h) Symptoms of serious emotional problems in a child when  
232 emotional or other abuse, abandonment, or neglect is suspected.
- 233 (3) All abuse and neglect cases transmitted for  
234 investigation to a district by the hotline must be  
235 simultaneously transmitted to the Department of Health child  
236 protection team for review. For the purpose of determining  
237 whether face-to-face medical evaluation by a child protection  
238 team is necessary, all cases transmitted to the child protection  
239 team which meet the criteria in subsection (2) must be timely  
240 reviewed by:
- 241 (a) A physician licensed under chapter 458 or chapter 459  
242 who holds board certification in pediatrics and is a member of a  
243 child protection team;
- 244 (b) A physician licensed under chapter 458 or chapter 459  
245 who holds board certification in a specialty other than  
246 pediatrics, who may complete the review only when working under  
247 the direction of a physician licensed under chapter 458 or

248 chapter 459 who holds board certification in pediatrics and is a  
 249 member of a child protection team;

250 (c) An advanced registered nurse practitioner licensed  
 251 under chapter 464 who has a speciality in pediatrics or family  
 252 medicine and is a member of a child protection team;

253 (d) A physician assistant licensed under chapter 458 or  
 254 chapter 459, who may complete the review only when working under  
 255 the supervision of a physician licensed under chapter 458 or  
 256 chapter 459 who holds board certification in pediatrics and is a  
 257 member of a child protection team; or

258 (e) A registered nurse licensed under chapter 464, who may  
 259 complete the review only when working under the direct  
 260 supervision of a physician licensed under chapter 458 or chapter  
 261 459 who holds certification in pediatrics and is a member of a  
 262 child protection team.

263 (4) A face-to-face medical evaluation by a child  
 264 protection team is not necessary when:

265 (a) The child was examined for the alleged abuse or  
 266 neglect by a physician who is not a member of the child  
 267 protection team, and a consultation between the child protection  
 268 team board-certified pediatrician, advanced registered nurse  
 269 practitioner, physician assistant working under the supervision  
 270 of a child protection team board-certified pediatrician, or  
 271 registered nurse working under the direct supervision of a child  
 272 protection team board-certified pediatrician, and the examining  
 273 physician concludes that a further medical evaluation is  
 274 unnecessary;

HB 7015

2008

275 (b) The child protective investigator, with supervisory  
276 approval, has determined, after conducting a child safety  
277 assessment, that there are no indications of injuries as  
278 described in paragraphs (2)(a)-(h) as reported; or

279 (c) The child protection team board-certified  
280 pediatrician, as authorized in subsection (3), determines that a  
281 medical evaluation is not required.

282

283 Notwithstanding paragraphs (a), (b), and (c), a child protection  
284 team pediatrician, as authorized in subsection (3), may  
285 determine that a face-to-face medical evaluation is necessary.

286 (5) In all instances in which a child protection team is  
287 providing certain services to abused, abandoned, or neglected  
288 children, other offices and units of the Department of Health,  
289 and offices and units of the Department of Children and Family  
290 Services, shall avoid duplicating the provision of those  
291 services.

292 (6) The Department of Health child protection team quality  
293 assurance program and the Department of Children and Family  
294 Services' Family Safety Program Office quality assurance program  
295 shall collaborate to ensure referrals and responses to child  
296 abuse, abandonment, and neglect reports are appropriate. Each  
297 quality assurance program shall include a review of records in  
298 which there are no findings of abuse, abandonment, or neglect,  
299 and the findings of these reviews shall be included in each  
300 department's quality assurance reports.

301 Section 5. Paragraph (j) of subsection (2) of section  
302 110.205, Florida Statutes, is amended to read:

303 110.205 Career service; exemptions.--

304 (2) EXEMPT POSITIONS.--The exempt positions that are not  
 305 covered by this part include the following:

306 (j) The appointed secretaries and the State Surgeon  
 307 General, assistant secretaries, deputy secretaries, and deputy  
 308 assistant secretaries of all departments; the executive  
 309 directors, assistant executive directors, deputy executive  
 310 directors, and deputy assistant executive directors of all  
 311 departments; the directors of all divisions and those positions  
 312 determined by the department to have managerial responsibilities  
 313 comparable to such positions, which positions include, but are  
 314 not limited to, program directors, assistant program directors,  
 315 district administrators, deputy district administrators, the  
 316 Director of Central Operations Services of the Department of  
 317 Children and Family Services, the State Transportation  
 318 Development Administrator, State Public Transportation and Modal  
 319 Administrator, district secretaries, district directors of  
 320 transportation development, transportation operations,  
 321 transportation support, and the managers of the offices  
 322 specified in s. 20.23(3)(b), of the Department of  
 323 Transportation. Unless otherwise fixed by law, the department  
 324 shall set the salary and benefits of these positions in  
 325 accordance with the rules of the Senior Management Service; and  
 326 the county health department directors and county health  
 327 department administrators of the Department of Health.

328 Section 6. Paragraph (h) of subsection (3) of section  
 329 112.061, Florida Statutes, is amended to read:

330 112.061 Per diem and travel expenses of public officers,  
 331 employees, and authorized persons.--

332 (3) AUTHORITY TO INCUR TRAVEL EXPENSES.--

333 (h) The State Surgeon General ~~secretary of the Department~~  
 334 ~~of Health~~ or a designee may authorize travel expenses incidental  
 335 to the rendering of medical services for and on behalf of  
 336 clients of the Department of Health. The Department of Health  
 337 may establish rates lower than the rate provided in this section  
 338 for these travel expenses.

339 Section 7. Paragraph (b) of subsection (1) of section  
 340 112.3145, Florida Statutes, is amended to read:

341 112.3145 Disclosure of financial interests and clients  
 342 represented before agencies.--

343 (1) For purposes of this section, unless the context  
 344 otherwise requires, the term:

345 (b) "Specified state employee" means:

346 1. Public counsel created by chapter 350, an assistant  
 347 state attorney, an assistant public defender, a full-time state  
 348 employee who serves as counsel or assistant counsel to any state  
 349 agency, the Deputy Chief Judge of Compensation Claims, a judge  
 350 of compensation claims, an administrative law judge, or a  
 351 hearing officer.

352 2. Any person employed in the office of the Governor or in  
 353 the office of any member of the Cabinet if that person is exempt  
 354 from the Career Service System, except persons employed in  
 355 clerical, secretarial, or similar positions.

356 3. The State Surgeon General or each appointed secretary,  
 357 assistant secretary, deputy secretary, executive director,

358 assistant executive director, or deputy executive director of  
359 each state department, commission, board, or council; unless  
360 otherwise provided, the division director, assistant division  
361 director, deputy director, bureau chief, and assistant bureau  
362 chief of any state department or division; or any person having  
363 the power normally conferred upon such persons, by whatever  
364 title.

365 4. The superintendent or institute director of a state  
366 mental health institute established for training and research in  
367 the mental health field or the warden or director of any major  
368 state institution or facility established for corrections,  
369 training, treatment, or rehabilitation.

370 5. Business managers, purchasing agents having the power  
371 to make any purchase exceeding the threshold amount provided for  
372 in s. 287.017 for CATEGORY ONE, finance and accounting  
373 directors, personnel officers, or grants coordinators for any  
374 state agency.

375 6. Any person, other than a legislative assistant exempted  
376 by the presiding officer of the house by which the legislative  
377 assistant is employed, who is employed in the legislative branch  
378 of government, except persons employed in maintenance, clerical,  
379 secretarial, or similar positions.

380 7. Each employee of the Commission on Ethics.

381 Section 8. Section 114.04, Florida Statutes, is amended to  
382 read:

383 114.04 Filling vacancies.--Except as otherwise provided in  
384 the State Constitution, the Governor shall fill by appointment  
385 any vacancy in a state, district, or county office, other than a

HB 7015

2008

386 member or officer of the Legislature, for the remainder of the  
387 term of an appointive officer and for the remainder of the term  
388 of an elective office, if there is less than 28 months remaining  
389 in the term; otherwise, until the first Tuesday after the first  
390 Monday following the next general election. With respect to any  
391 office which requires confirmation by the Senate, the person so  
392 appointed may hold an ad interim term of office subject to the  
393 provisions of s. 114.05. Each secretary or division director of  
394 a department of the executive branch, or the State Surgeon  
395 General, who is required by law to be appointed by the Governor  
396 and confirmed by the Senate shall serve at the pleasure of the  
397 Governor, unless otherwise provided by law, and the appointment  
398 of such person shall run concurrently with the term of the  
399 Governor making the appointment. In the event a Governor is  
400 elected to a second term of office pursuant to s. 5, Art. IV of  
401 the State Constitution, each secretary or division director, or  
402 the State Surgeon General, so appointed shall be reappointed or,  
403 at the discretion of the Governor, replaced by a new appointee.  
404 Reappointments to the same office shall be subject to  
405 confirmation by the Senate as provided in s. 114.05.

406 Section 9. Subsection (15) of section 120.80, Florida  
407 Statutes, is amended to read:

408 120.80 Exceptions and special requirements; agencies.--

409 (15) DEPARTMENT OF HEALTH.--Notwithstanding s.

410 120.57(1)(a), formal hearings may not be conducted by the State  
411 Surgeon General ~~Secretary of Health~~, the Secretary of Health  
412 Care Administration, or a board or member of a board within the  
413 Department of Health or the Agency for Health Care

HB 7015

2008

414 Administration for matters relating to the regulation of  
415 professions, as defined by chapter 456. Notwithstanding s.  
416 120.57(1)(a), hearings conducted within the Department of Health  
417 in execution of the Special Supplemental Nutrition Program for  
418 Women, Infants, and Children; Child Care Food Program;  
419 Children's Medical Services Program; the Brain and Spinal Cord  
420 Injury Program; and the exemption from disqualification reviews  
421 for certified nurse assistants program need not be conducted by  
422 an administrative law judge assigned by the division. The  
423 Department of Health may contract with the Department of  
424 Children and Family Services for a hearing officer in these  
425 matters.

426 Section 10. Paragraph (c) of subsection (5) of section  
427 154.02, Florida Statutes, is amended to read:

428 154.02 County Health Department Trust Fund.--

429 (5) At a minimum, the trust fund shall consist of:

430 (c) A fixed capital outlay reserve for nonrecurring  
431 expenses that are needed for the renovation and expansion of  
432 facilities, and for the construction of new and replacement  
433 facilities identified by the Department of Health in conjunction  
434 with the board of county commissioners in their annual state-  
435 county contract and approved by the State Surgeon General  
436 ~~secretary of the department~~. These funds may not be used for  
437 construction projects unless there is a specific appropriation  
438 included in the General Appropriations Act for this purpose.

439 Section 11. Paragraph (b) of subsection (1) of section  
440 154.04, Florida Statutes, is amended to read:



HB 7015

2008

441 154.04 Personnel of county health departments; duties;  
442 compensation.--

443 (1)

444 (b) The county health department director shall be a  
445 physician licensed under chapter 458 or chapter 459 who is  
446 trained in public health administration and shall be appointed  
447 by the State Surgeon General ~~Secretary of Health~~ after the  
448 concurrence of the boards of county commissioners of the  
449 respective counties. A county health department administrator  
450 trained in public health administration may be appointed by the  
451 State Surgeon General ~~Secretary of Health~~ after the concurrence  
452 of the boards of county commissioners of the respective  
453 counties.

454 Section 12. Subsection (2) of section 154.505, Florida  
455 Statutes, is amended to read:

456 154.505 Proposals; application process; minimum  
457 requirements.--

458 (2) Applications shall be competitively reviewed by an  
459 independent panel appointed by the State Surgeon General  
460 ~~secretary of the department~~. This panel shall determine the  
461 relative weight for scoring and evaluating each of the following  
462 elements to be used in the evaluation process:

463 (a) The target population to be served.

464 (b) The health benefits to be provided.

465 (c) The proposed service network, including specific  
466 health care providers and health care facilities that will  
467 participate in the service network on a paid or voluntary basis.

- 468 (d) The methods that will be used to measure cost-
- 469 effectiveness.
- 470 (e) How patient and provider satisfaction will be
- 471 measured.
- 472 (f) The proposed internal quality assurance process.
- 473 (g) Projected health status outcomes.
- 474 (h) The way in which data to measure the cost-
- 475 effectiveness, outcomes, and overall performance of the program
- 476 will be collected, including a description of the proposed
- 477 information system.
- 478 (i) All local resources, including cash, in-kind,
- 479 voluntary, or other resources, that will be dedicated to the
- 480 proposal.

481 Section 13. Paragraph (c) of subsection (5) and paragraph  
 482 (b) of subsection (6) of section 215.5601, Florida Statutes, are  
 483 amended to read:

484 215.5601 Lawton Chiles Endowment Fund.--

485 (5) AVAILABILITY OF FUNDS; USES.--

486 (c) The secretaries of the state agencies and the State  
 487 Surgeon General shall conduct meetings to discuss priorities for  
 488 endowment funding for health and human services programs for  
 489 children and elders before submitting their legislative budget  
 490 requests to the Executive Office of the Governor and the  
 491 Legislature. The purpose of the meetings is to gain consensus  
 492 for priority requests and recommended endowment funding levels  
 493 for those priority requests. No later than September 1 of each  
 494 year, the secretaries of the state agencies and the State  
 495 Surgeon General shall also submit their consensus priority

HB 7015

2008

496 requests to the Lawton Chiles Endowment Fund Advisory Council  
497 created in subsection (6).

498 (6) ADVISORY COUNCIL.--The Lawton Chiles Endowment Fund  
499 Advisory Council is established for the purpose of reviewing the  
500 funding priorities of the state agencies, evaluating their  
501 requests against the mission and goals of the agencies and  
502 legislative intent for the use of endowment funds, and allowing  
503 for public input and advocacy.

504 (b) Before November 1 of each year, the advisory council  
505 shall advise the Governor and the Legislature as to its  
506 recommendations with respect to the priorities submitted by the  
507 secretaries of the state agencies and the State Surgeon General  
508 with respect to endowment funding for health and human services  
509 programs for children and elders. The responsibilities of the  
510 advisory council include:

511 1. Evaluating the value of programs and services submitted  
512 by the state agencies as they relate to the overall enhancement  
513 of services to children and elders;

514 2. Developing criteria and guiding principles for ranking  
515 the priorities submitted by the state agencies;

516 3. Providing recommendations with respect to funding  
517 levels for the programs ranked by the advisory council;

518 4. Participating in periodic evaluation of programs funded  
519 by the endowment to determine the need for continued funding;

520 and

521 5. Soliciting input from child and elder advocacy  
522 organizations, community stakeholders, providers, and the public

523 with respect to statewide child and elder needs and the  
524 effectiveness of program service delivery systems.

525 Section 14. Subsection (4), paragraph (b) of subsection  
526 (5), and subsections (6) and (10) of section 215.5602, Florida  
527 Statutes, are amended to read:

528 215.5602 James and Esther King Biomedical Research  
529 Program.--

530 (4) The council shall advise the State Surgeon General  
531 ~~Secretary of Health~~ as to the direction and scope of the  
532 biomedical research program. The responsibilities of the council  
533 may include, but are not limited to:

534 (a) Providing advice on program priorities and emphases.

535 (b) Providing advice on the overall program budget.

536 (c) Participating in periodic program evaluation.

537 (d) Assisting in the development of guidelines to ensure  
538 fairness, neutrality, and adherence to the principles of merit  
539 and quality in the conduct of the program.

540 (e) Assisting in the development of appropriate linkages  
541 to nonacademic entities, such as voluntary organizations, health  
542 care delivery institutions, industry, government agencies, and  
543 public officials.

544 (f) Developing criteria and standards for the award of  
545 research grants.

546 (g) Developing administrative procedures relating to  
547 solicitation, review, and award of research grants and  
548 fellowships, to ensure an impartial, high-quality peer review  
549 system.

HB 7015

2008

550 (h) Developing and supervising research peer review  
551 panels.

552 (i) Reviewing reports of peer review panels and making  
553 recommendations for research grants and fellowships.

554 (j) Developing and providing oversight regarding  
555 mechanisms for the dissemination of research results.

556 (5)

557 (b) Grants and fellowships shall be awarded by the State  
558 Surgeon General ~~Secretary of Health~~, after consultation with the  
559 council, on the basis of scientific merit, as determined by an  
560 open competitive peer review process that ensures objectivity,  
561 consistency, and high quality. The following types of  
562 applications shall be considered for funding:

563 1. Investigator-initiated research grants.

564 2. Institutional research grants.

565 3. Predoctoral and postdoctoral research fellowships.

566 (6) To ensure that all proposals for research funding are  
567 appropriate and are evaluated fairly on the basis of scientific  
568 merit, the State Surgeon General ~~Secretary of Health~~, in  
569 consultation with the council, shall appoint a peer review panel  
570 of independent, scientifically qualified individuals to review  
571 the scientific content of each proposal and establish its  
572 scientific priority score. The priority scores shall be  
573 forwarded to the council and must be considered in determining  
574 which proposals shall be recommended for funding.

575 (10) The council shall submit an annual progress report on  
576 the state of biomedical research in this state to the Florida  
577 Center for Universal Research to Eradicate Disease and to the

578 Governor, the State Surgeon General ~~Secretary of Health~~, the  
 579 President of the Senate, and the Speaker of the House of  
 580 Representatives by February 1. The report must include:

581 (a) A list of research projects supported by grants or  
 582 fellowships awarded under the program.

583 (b) A list of recipients of program grants or fellowships.

584 (c) A list of publications in peer reviewed journals  
 585 involving research supported by grants or fellowships awarded  
 586 under the program.

587 (d) The total amount of biomedical research funding  
 588 currently flowing into the state.

589 (e) New grants for biomedical research which were funded  
 590 based on research supported by grants or fellowships awarded  
 591 under the program.

592 (f) Progress in the prevention, diagnosis, treatment, and  
 593 cure of diseases related to tobacco use, including cancer,  
 594 cardiovascular disease, stroke, and pulmonary disease.

595 Section 15. Subsection (5) of section 335.067, Florida  
 596 Statutes, is amended to read:

597 335.067 Conserve by Bicycle Program.--There is created  
 598 within the Department of Transportation the Conserve by Bicycle  
 599 Program.

600 (5) By July 1, 2007, if sufficient funds are available in  
 601 the department's budget or from the Federal Government, the  
 602 study shall be completed and shall be submitted to the Governor,  
 603 the President of the Senate, the Speaker of the House of  
 604 Representatives, the Secretary of Transportation, the Secretary

605 of Environmental Protection, and the State Surgeon General  
 606 ~~Secretary of Health~~.

607 Section 16. Paragraph (b) of subsection (1) of section  
 608 377.901, Florida Statutes, is amended to read:

609 377.901 Florida Energy Commission.--

610 (1) The Florida Energy Commission is created and shall be  
 611 located within the Office of Legislative Services for  
 612 administrative purposes. The commission shall be comprised of a  
 613 total of nine members.

614 (b) The following may also attend meetings and provide  
 615 information and advise at the request of the chair:

616 1. The chair of the Florida Public Service Commission, or  
 617 his or her designee.

618 2. The Public Counsel, or his or her designee.

619 3. The Commissioner of Agriculture, or his or her  
 620 designee.

621 4. The Director of the Office of Insurance Regulation, or  
 622 his or her designee.

623 5. The State Surgeon General ~~Secretary of Health~~, or his  
 624 or her designee.

625 6. The chair of the State Board of Education, or his or  
 626 her designee.

627 7. The Secretary of Community Affairs, or his or her  
 628 designee.

629 8. The Secretary of Transportation, or his or her  
 630 designee.

631 9. The Secretary of Environmental Protection, or his or  
 632 her designee.

633  
634 It is the specific intent of the Legislature that nothing in  
635 this section shall in any way change the powers, duties, and  
636 responsibilities of the Public Service Commission or the powers,  
637 duties, and responsibilities assigned by the Florida Electrical  
638 Power Plant Siting Act, ss. 403.501-403.518.

639 Section 17. Subsections (2) and (3) of section 381.0057,  
640 Florida Statutes, are amended to read:

641 381.0057 Funding for school health services.--

642 (2) The State Surgeon General ~~Secretary of Health~~, or his  
643 or her designee, in cooperation with the Commissioner of  
644 Education, or his or her designee, shall publicize the  
645 availability of funds, targeting those school districts or  
646 schools which have a high incidence of medically underserved  
647 high-risk children, low birthweight babies, infant mortality, or  
648 teenage pregnancy.

649 (3) The State Surgeon General ~~Secretary of Health~~, or his  
650 or her designees, in cooperation with the Commissioner of  
651 Education, or his or her designees, in equal representation,  
652 shall form a joint committee to evaluate and select the school  
653 districts or schools to be funded.

654 Section 18. Subsections (5) and (7) of section 381.0303,  
655 Florida Statutes, are amended to read:

656 381.0303 Special needs shelters.--

657 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.--The  
658 State Surgeon General ~~Secretary of Health~~ may establish a  
659 special needs shelter interagency committee and serve as, or  
660 appoint a designee to serve as, the committee's chair. The



HB 7015

2008

661 department shall provide any necessary staff and resources to  
662 support the committee in the performance of its duties. The  
663 committee shall address and resolve problems related to special  
664 needs shelters not addressed in the state comprehensive  
665 emergency medical plan and shall consult on the planning and  
666 operation of special needs shelters.

667 (a) The committee shall:

668 1. Develop, negotiate, and regularly review any necessary  
669 interagency agreements.

670 2. Undertake other such activities as the department deems  
671 necessary to facilitate the implementation of this section.

672 3. Submit recommendations to the Legislature as necessary.

673 (b) The special needs shelter interagency committee shall  
674 be composed of representatives of emergency management, health,  
675 medical, and social services organizations. Membership shall  
676 include, but shall not be limited to, representatives of the  
677 Departments of Health, Community Affairs, Children and Family  
678 Services, Elderly Affairs, and Education; the Agency for Health  
679 Care Administration; the Florida Medical Association; the  
680 Florida Osteopathic Medical Association; Associated Home Health  
681 Industries of Florida, Inc.; the Florida Nurses Association; the  
682 Florida Health Care Association; the Florida Assisted Living  
683 Affiliation; the Florida Hospital Association; the Florida  
684 Statutory Teaching Hospital Council; the Florida Association of  
685 Homes for the Aging; the Florida Emergency Preparedness  
686 Association; the American Red Cross; Florida Hospices and  
687 Palliative Care, Inc.; the Association of Community Hospitals  
688 and Health Systems; the Florida Association of Health

689 Maintenance Organizations; the Florida League of Health Systems;  
 690 the Private Care Association; the Salvation Army; the Florida  
 691 Association of Aging Services Providers; the AARP; and the  
 692 Florida Renal Coalition.

693 (c) Meetings of the committee shall be held in  
 694 Tallahassee, and members of the committee shall serve at the  
 695 expense of the agencies or organizations they represent. The  
 696 committee shall make every effort to use teleconference or  
 697 videoconference capabilities in order to ensure statewide input  
 698 and participation.

699 (7) EMERGENCY MANAGEMENT PLANS.--The submission of  
 700 emergency management plans to county health departments by home  
 701 health agencies, nurse registries, hospice programs, and home  
 702 medical equipment providers is conditional upon receipt of an  
 703 appropriation by the department to establish disaster  
 704 coordinator positions in county health departments unless the  
 705 State Surgeon General ~~secretary of the department~~ and a local  
 706 county commission jointly determine to require that such plans  
 707 be submitted based on a determination that there is a special  
 708 need to protect public health in the local area during an  
 709 emergency.

710 Section 19. Paragraph (c) of subsection (6) and subsection  
 711 (9) of section 381.0403, Florida Statutes, are amended to read:

712 381.0403 The Community Hospital Education Act.--

713 (6) COUNCIL AND DIRECTOR.--

714 (c) The State Surgeon General ~~secretary of the Department~~  
 715 ~~of Health~~ shall designate an administrator to serve as staff  
 716 director. The council shall elect a chair from among its

HB 7015

2008

717 membership. Such other personnel as may be necessary to carry  
718 out the program shall be employed as authorized by the  
719 Department of Health.

720 (9) ANNUAL REPORT ON GRADUATE MEDICAL EDUCATION;  
721 COMMITTEE.--The Executive Office of the Governor, the Department  
722 of Health, and the Agency for Health Care Administration shall  
723 collaborate to establish a committee that shall produce an  
724 annual report on graduate medical education. The committee shall  
725 be comprised of 11 members: five members shall be deans of the  
726 medical schools or their designees; the Governor shall appoint  
727 two members, one of whom must be a representative of the Florida  
728 Medical Association who has supervised or currently supervises  
729 residents or interns and one of whom must be a representative of  
730 the Florida Hospital Association; the Secretary of Health Care  
731 Administration shall appoint two members, one of whom must be a  
732 representative of a statutory teaching hospital and one of whom  
733 must be a physician who has supervised or is currently  
734 supervising residents or interns; and the State Surgeon General  
735 ~~Secretary of Health~~ shall appoint two members, one of whom must  
736 be a representative of a statutory family practice teaching  
737 hospital and one of whom must be a physician who has supervised  
738 or is currently supervising residents or interns. With the  
739 exception of the deans, members shall serve 4-year terms. In  
740 order to stagger the terms, the Governor's appointees shall  
741 serve initial terms of 4 years, the State Surgeon General's  
742 ~~Secretary of Health's~~ appointees shall serve initial terms of 3  
743 years, and the Secretary of Health Care Administration's  
744 appointees shall serve initial terms of 2 years. A member's term

745 shall be deemed terminated when the member's representative  
746 status no longer exists. Once the committee is appointed, it  
747 shall elect a chair to serve for a 1-year term. The report shall  
748 be provided to the Governor, the President of the Senate, and  
749 the Speaker of the House of Representatives by January 15  
750 annually. Committee members shall serve without compensation.  
751 The report shall address the following:

752 (a) The role of residents and medical faculty in the  
753 provision of health care.

754 (b) The relationship of graduate medical education to the  
755 state's physician workforce.

756 (c) The costs of training medical residents for hospitals,  
757 medical schools, teaching hospitals, including all hospital-  
758 medical affiliations, practice plans at all of the medical  
759 schools, and municipalities.

760 (d) The availability and adequacy of all sources of  
761 revenue to support graduate medical education and recommend  
762 alternative sources of funding for graduate medical education.

763 (e) The use of state and federal appropriated funds for  
764 graduate medical education by hospitals receiving such funds.

765 Section 20. Paragraphs (g) and (h) of subsection (3) of  
766 section 381.4018, Florida Statutes, are amended to read:

767 381.4018 Physician workforce assessment and development.--

768 (3) GENERAL FUNCTIONS.--The department shall maximize the  
769 use of existing programs under the jurisdiction of the  
770 department and other state agencies and coordinate governmental  
771 and nongovernmental stakeholders and resources in order to  
772 develop a state strategic plan and assess the implementation of

HB 7015

2008

773 such strategic plan. In developing the state strategic plan, the  
774 department shall:

775 (g) Coordinate and enhance activities relative to  
776 physician workforce needs, undergraduate medical education, and  
777 graduate medical education provided by the Division of Medical  
778 Quality Assurance, the Community Hospital Education Program and  
779 the Graduate Medical Education Committee established pursuant to  
780 s. 381.0403, area health education center networks established  
781 pursuant to s. 381.0402, and other offices and programs within  
782 the Department of Health as designated by the State Surgeon  
783 General ~~secretary~~.

784 (h) Work in conjunction with and act as a coordinating  
785 body for governmental and nongovernmental stakeholders to  
786 address matters relating to the state's physician workforce  
787 assessment and development for the purpose of ensuring an  
788 adequate supply of well-trained physicians to meet the state's  
789 future needs. Such governmental stakeholders shall include, but  
790 need not be limited to, the State Surgeon General ~~Secretary of~~  
791 ~~Health~~ or his or her designee, the Commissioner of Education or  
792 his or her designee, the Secretary of Health Care Administration  
793 or his or her designee, and the Chancellor of the State  
794 University System or his or her designee from the Board of  
795 Governors of the State University System, and, at the discretion  
796 of the department, other representatives of state and local  
797 agencies that are involved in assessing, educating, or training  
798 the state's current or future physicians. Other stakeholders  
799 shall include, but need not be limited to, organizations  
800 representing the state's public and private allopathic and

HB 7015

2008

801 osteopathic medical schools; organizations representing  
 802 hospitals and other institutions providing health care,  
 803 particularly those that have an interest in providing accredited  
 804 medical education and graduate medical education to medical  
 805 students and medical residents; organizations representing  
 806 allopathic and osteopathic practicing physicians; and, at the  
 807 discretion of the department, representatives of other  
 808 organizations or entities involved in assessing, educating, or  
 809 training the state's current or future physicians.

810 Section 21. Subsection (3) of section 381.7353, Florida  
 811 Statutes, is amended to read:

812 381.7353 Reducing Racial and Ethnic Health Disparities:  
 813 Closing the Gap grant program; administration; department  
 814 duties.--

815 (3) Pursuant to s. 20.43(6), the State Surgeon General  
 816 ~~secretary~~ may appoint an ad hoc advisory committee to: examine  
 817 areas where public awareness, public education, research, and  
 818 coordination regarding racial and ethnic health outcome  
 819 disparities are lacking; consider access and transportation  
 820 issues which contribute to health status disparities; and make  
 821 recommendations for closing gaps in health outcomes and  
 822 increasing the public's awareness and understanding of health  
 823 disparities that exist between racial and ethnic populations.

824 Section 22. Subsections (2) and (7) of section 381.78,  
 825 Florida Statutes, are amended to read:

826 381.78 Advisory council on brain and spinal cord  
 827 injuries.--

HB 7015

2008

828 (2) Members of the council shall be appointed to serve by  
829 the State Surgeon General ~~Secretary of Health~~. All members'  
830 terms shall be for 4 years. An individual may not serve more  
831 than two terms. Any council member who is unwilling or unable to  
832 properly fulfill the duties of the office shall be succeeded by  
833 an individual chosen by the State Surgeon General ~~secretary~~ to  
834 serve out the unexpired balance of the replaced council member's  
835 term. If the unexpired balance of the replaced council member's  
836 term is less than 18 months, then, notwithstanding the  
837 provisions of this subsection, the succeeding council member may  
838 be reappointed by the State Surgeon General ~~secretary~~ twice.

839 (7) A member of the advisory council may be removed from  
840 office by the State Surgeon General ~~Secretary of Health~~ for  
841 malfeasance, misfeasance, neglect of duty, incompetence, or  
842 permanent inability to perform official duties or for pleading  
843 nolo contendere to, or being found guilty of, a crime.  
844 Malfeasance includes, but is not limited to, a violation of any  
845 specific prohibition within this part.

846 Section 23. Subsection (4) of section 381.79, Florida  
847 Statutes, is amended to read:

848 381.79 Brain and Spinal Cord Injury Program Trust Fund.--

849 (4) The Board of Governors of the State University System  
850 shall establish a program administration process which shall  
851 include: an annual prospective program plan with goals, research  
852 design, proposed outcomes, a proposed budget, an annual report  
853 of research activities and findings, and an annual end-of-year  
854 financial statement. Prospective program plans shall be  
855 submitted to the Board of Governors, and funds shall be released

HB 7015

2008

856 upon acceptance of the proposed program plans. The annual report  
857 of research activities and findings shall be submitted to the  
858 Board of Governors, with the executive summaries submitted to  
859 the President of the Senate, the Speaker of the House of  
860 Representatives, and the State Surgeon General ~~Secretary of~~  
861 ~~Health~~.

862 Section 24. Paragraph (a) of subsection (4) and  
863 subsections (5) and (6) of section 381.84, Florida Statutes, are  
864 amended to read:

865 381.84 Comprehensive Statewide Tobacco Education and Use  
866 Prevention Program.--

867 (4) ADVISORY COUNCIL; MEMBERS, APPOINTMENTS, AND  
868 MEETINGS.--The Tobacco Education and Use Prevention Advisory  
869 Council is created within the department.

870 (a) The council shall consist of 23 members, including:

871 1. The State Surgeon General ~~Secretary of Health~~, who  
872 shall serve as the chairperson.

873 2. One county health department director, appointed by the  
874 State Surgeon General ~~Secretary of Health~~.

875 3. Two members appointed by the Commissioner of Education,  
876 of whom one must be a school district superintendent.

877 4. The chief executive officer of the Florida Division of  
878 the American Cancer Society, or his or her designee.

879 5. The chief executive officer of the Greater Southeast  
880 Affiliate of the American Heart Association, or his or her  
881 designee.

882 6. The chief executive officer of the American Lung  
883 Association of Florida, or his or her designee.



884           7. The dean of the University of Miami School of Medicine,  
885 or his or her designee.

886           8. The dean of the University of Florida College of  
887 Medicine, or his or her designee.

888           9. The dean of the University of South Florida College of  
889 Medicine, or his or her designee.

890           10. The dean of the Florida State University College of  
891 Medicine, or his or her designee.

892           11. The dean of Nova Southeastern College of Osteopathic  
893 Medicine, or his or her designee.

894           12. The dean of the Lake Erie College of Osteopathic  
895 Medicine in Bradenton, Florida, or his or her designee.

896           13. The chief executive officer of the Campaign for  
897 Tobacco Free Kids, or his or her designee.

898           14. The chief executive officer of the Legacy Foundation,  
899 or his or her designee.

900           15. Four members appointed by the Governor, of whom two  
901 must have expertise in the field of tobacco-use prevention and  
902 education or smoking cessation and one individual who shall be  
903 between the ages of 16 and 21 at the time of his or her  
904 appointment.

905           16. Two members appointed by the President of the Senate,  
906 of whom one must have expertise in the field of tobacco-use  
907 prevention and education or smoking cessation.

908           17. Two members appointed by the Speaker of the House of  
909 Representatives, of whom one must have expertise in the field of  
910 tobacco-use prevention and education or smoking cessation.

911 (5) COUNCIL DUTIES AND RESPONSIBILITIES.--The council  
 912 shall advise the State Surgeon General ~~Secretary of Health~~ as to  
 913 the direction and scope of the Comprehensive Statewide Tobacco  
 914 Education and Use Prevention Program. The responsibilities of  
 915 the council include, but are not limited to:

916 (a) Providing advice on program priorities and emphases.

917 (b) Providing advice on the overall program budget.

918 (c) Providing advice on copyrighted material, trademark,  
 919 and future transactions as they pertain to the tobacco education  
 920 and use prevention program.

921 (d) Reviewing broadcast material prepared for the  
 922 Internet, portable media players, radio, and television as it  
 923 relates to the advertising component of the tobacco education  
 924 and use prevention program.

925 (e) Participating in periodic program evaluation.

926 (f) Assisting in the development of guidelines to ensure  
 927 fairness, neutrality, and adherence to the principles of merit  
 928 and quality in the conduct of the program.

929 (g) Assisting in the development of administrative  
 930 procedures relating to solicitation, review, and award of  
 931 contracts and grants in order to ensure an impartial, high-  
 932 quality peer review system.

933 (h) Assisting in the development and supervision of peer  
 934 review panels.

935 (i) Reviewing reports of peer review panels and making  
 936 recommendations for contracts and grants.

HB 7015

2008

937 (j) Reviewing the activities and evaluating the  
938 performance of the AHEC network to avoid duplicative efforts  
939 using state funds.

940 (k) Recommending meaningful outcome measures through a  
941 regular review of tobacco-use prevention and education  
942 strategies and programs of other states and the Federal  
943 Government.

944 (l) Recommending policies to encourage a coordinated  
945 response to tobacco use in this state, focusing specifically on  
946 creating partnerships within and between the public and private  
947 sectors.

948 (6) CONTRACT REQUIREMENTS.--Contracts or grants for the  
949 program components or subcomponents described in paragraphs  
950 (3) (a) - (f) shall be awarded by the State Surgeon General  
951 ~~Secretary of Health~~, after consultation with the council, on the  
952 basis of merit, as determined by an open, competitive, peer-  
953 reviewed process that ensures objectivity, consistency, and high  
954 quality. The department shall award such grants or contracts no  
955 later than October 1 for each fiscal year. A recipient of a  
956 contract or grant for the program component described in  
957 paragraph (3) (c) is not eligible for a contract or grant award  
958 for any other program component described in subsection (3) in  
959 the same state fiscal year. A school or college of medicine that  
960 is represented on the council is not eligible to receive a  
961 contract or grant under this section. For the 2007-2008 and  
962 2008-2009 fiscal years only, the department shall award a  
963 contract or grant in the amount of \$10 million to the AHEC  
964 network for the purpose of developing the components described

965 in paragraph (3)(i). The AHEC network may apply for a  
966 competitive contract or grant after the 2008-2009 fiscal year.

967 (a) In order to ensure that all proposals for funding are  
968 appropriate and are evaluated fairly on the basis of merit, the  
969 State Surgeon General ~~Secretary of Health~~, in consultation with  
970 the council, shall appoint a peer review panel of independent,  
971 qualified experts in the field of tobacco control to review the  
972 content of each proposal and establish its priority score. The  
973 priority scores shall be forwarded to the council and must be  
974 considered in determining which proposals will be recommended  
975 for funding.

976 (b) The council and the peer review panel shall establish  
977 and follow rigorous guidelines for ethical conduct and adhere to  
978 a strict policy with regard to conflicts of interest. A member  
979 of the council or panel may not participate in any discussion or  
980 decision with respect to a research proposal by any firm,  
981 entity, or agency with which the member is associated as a  
982 member of the governing body or as an employee or with which the  
983 member has entered into a contractual arrangement. Meetings of  
984 the council and the peer review panels are subject to chapter  
985 119, s. 286.011, and s. 24, Art. I of the State Constitution.

986 (c) In each contract or grant agreement, the department  
987 shall limit the use of food and promotional items to no more  
988 than 2.5 percent of the total amount of the contract or grant  
989 and limit overhead or indirect costs to no more than 7.5 percent  
990 of the total amount of the contract or grant. The department, in  
991 consultation with the Department of Financial Services, shall  
992 publish guidelines for appropriate food and promotional items.

993 (d) In each advertising contract, the department shall  
 994 limit the total of production fees, buyer commissions, and  
 995 related costs to no more than 10 percent of the total contract  
 996 amount.

997 (e) Notwithstanding the competitive process for contracts  
 998 prescribed in this subsection, each county health department is  
 999 eligible for core funding, on a per capita basis, to implement  
 1000 tobacco education and use prevention activities within that  
 1001 county.

1002 Section 25. Paragraph (f) of subsection (4) and paragraph  
 1003 (a) of subsection (5) of section 381.853, Florida Statutes, are  
 1004 amended to read:

1005 381.853 Florida Center for Brain Tumor Research.--

1006 (4) The Florida Center for Brain Tumor Research is  
 1007 established within the Evelyn F. and William L. McKnight Brain  
 1008 Institute of the University of Florida.

1009 (f) The center shall submit an annual report to the  
 1010 Governor, the President of the Senate, the Speaker of the House  
 1011 of Representatives, and the State Surgeon General ~~Secretary of~~  
 1012 ~~Health~~ no later than January 15 that contains recommendations  
 1013 for legislative changes necessary to foster a positive climate  
 1014 for the pursuit of brain tumor research and the development of  
 1015 treatment modalities in the state.

1016 (5) There is established within the center a scientific  
 1017 advisory council that includes biomedical researchers,  
 1018 physicians, clinicians, and representatives from public and  
 1019 private universities and hospitals. The council shall meet at  
 1020 least annually.

- 1021 (a) The council shall consist of:
- 1022 1. Two members from the Florida Center for Brain Tumor
- 1023 Research within the Evelyn F. and William L. McKnight Brain
- 1024 Institute of the University of Florida appointed by the
- 1025 Governor.
- 1026 2. Two members from the Scripps Research Institute, one of
- 1027 whom must have expertise in basic brain tumor research,
- 1028 appointed by the Speaker of the House of Representatives.
- 1029 3. Two members from other public and private universities
- 1030 and institutions directly involved in brain tumor research
- 1031 appointed by the President of the Senate.
- 1032 4. One member from the Mayo Clinic in Jacksonville who is
- 1033 directly involved in the treatment of brain tumor patients or
- 1034 who has expertise in basic brain tumor research appointed by the
- 1035 State Surgeon General ~~Secretary of Health~~.
- 1036 5. Two members from the Cleveland Clinic in Florida who
- 1037 are directly involved in basic brain tumor research appointed by
- 1038 the Governor.
- 1039 6. One member from the H. Lee Moffitt Cancer Center and
- 1040 Research Institute who is directly involved in the treatment of
- 1041 brain tumor patients or who has expertise in basic brain tumor
- 1042 research appointed by the Speaker of the House of
- 1043 Representatives.
- 1044 7. One member from the M. D. Anderson Cancer Center
- 1045 Orlando who is directly involved in the treatment of brain tumor
- 1046 patients or who has expertise in basic brain tumor research
- 1047 appointed by the President of the Senate.

1048 Section 26. Paragraph (a) of subsection (5) of section  
 1049 381.855, Florida Statutes, is amended to read:

1050 381.855 Florida Center for Universal Research to Eradicate  
 1051 Disease.--

1052 (5) There is established within the center an advisory  
 1053 council that shall meet at least annually.

1054 (a) The council shall consist of one representative from a  
 1055 Florida not-for-profit institution engaged in basic and clinical  
 1056 biomedical research and education which receives more than \$10  
 1057 million in annual grant funding from the National Institutes of  
 1058 Health, to be appointed by the State Surgeon General ~~Secretary~~  
 1059 ~~of Health~~ from a different institution each term, and one  
 1060 representative from and appointed by each of the following  
 1061 entities:

- 1062 1. Enterprise Florida, Inc.
- 1063 2. BioFlorida.
- 1064 3. The Biomedical Research Advisory Council.
- 1065 4. The Florida Medical Foundation.
- 1066 5. Pharmaceutical Research and Manufacturers of America.
- 1067 6. The Florida Cancer Council.
- 1068 7. The American Cancer Society, Florida Division, Inc.
- 1069 8. The American Heart Association.
- 1070 9. The American Lung Association of Florida.
- 1071 10. The American Diabetes Association, South Coastal  
 1072 Region.
- 1073 11. The Alzheimer's Association.
- 1074 12. The Epilepsy Foundation.
- 1075 13. The National Parkinson Foundation.

1076 14. The Florida Public Health Foundation, Inc.  
 1077 15. The Florida Research Consortium.  
 1078 Section 27. Subsections (2) and (3) of section 381.86,  
 1079 Florida Statutes, are amended to read:  
 1080 381.86 Institutional Review Board.--  
 1081 (2) Consistent with federal requirements, the State  
 1082 Surgeon General ~~Secretary of Health~~ shall determine and appoint  
 1083 the membership of the board and designate its chair.  
 1084 (3) The department's Institutional Review Board may serve  
 1085 as an institutional review board for other agencies at the  
 1086 discretion of the State Surgeon General ~~secretary~~.  
 1087 Section 28. Paragraph (a) of subsection (3) of section  
 1088 381.90, Florida Statutes, is amended to read:  
 1089 381.90 Health Information Systems Council; legislative  
 1090 intent; creation, appointment, duties.--  
 1091 (3) The council shall be composed of the following members  
 1092 or their senior executive-level designees:  
 1093 (a) The State Surgeon General ~~Secretary of Health~~;  
 1094  
 1095 Representatives of the Federal Government may serve without  
 1096 voting rights.  
 1097 Section 29. Paragraph (a) of subsection (3) of section  
 1098 381.911, Florida Statutes, is amended to read:  
 1099 381.911 Prostate Cancer Awareness Program.--  
 1100 (3) A prostate cancer advisory committee is created to  
 1101 advise and assist the Department of Health and the Florida  
 1102 Public Health Foundation, Inc., in implementing the program.



1103 (a) The State Surgeon General ~~Secretary of Health~~ shall  
 1104 appoint the advisory committee members, who shall consist of:

1105 1. Three persons from prostate cancer survivor groups or  
 1106 cancer-related advocacy groups.

1107 2. Three persons who are scientists or clinicians from  
 1108 public universities or research organizations.

1109 3. Three persons who are engaged in the practice of a  
 1110 cancer-related medical specialty from health organizations  
 1111 committed to cancer research and control.

1112 Section 30. Paragraph (a) of subsection (3) of section  
 1113 381.912, Florida Statutes, is amended to read:

1114 381.912 Cervical Cancer Elimination Task Force.--

1115 (3) The task force shall consist of:

1116 (a) The director of the Department of Health's Division of  
 1117 Disease Control or another person with expertise in epidemiology  
 1118 who shall serve as chair, appointed by the State Surgeon General  
 1119 ~~Secretary of Health~~.

1120 Section 31. Paragraph (c) of subsection (2) of section  
 1121 381.92, Florida Statutes, is amended to read:

1122 381.92 Florida Cancer Council.--

1123 (2)

1124 (c) The members of the council shall consist of:

1125 1. Chair of the Florida Dialogue on Cancer, who shall  
 1126 serve as the chair of the council;

1127 2. State Surgeon General ~~secretary of the Department of~~  
 1128 ~~Health~~ or his or her designee;

1129 3. Chief Executive Officer of the H. Lee Moffitt Cancer  
 1130 Center or his or her designee;

- 1131 4. Director of the University of Florida Shands Cancer  
 1132 Center or his or her designee;
- 1133 5. Chief Executive Officer of the University of Miami  
 1134 Sylvester Comprehensive Cancer Center or his or her designee;
- 1135 6. Chief Executive Officer of the Mayo Clinic,  
 1136 Jacksonville, or his or her designee;
- 1137 7. Chief Executive Officer of the American Cancer Society,  
 1138 Florida Division, Inc., or his or her designee;
- 1139 8. President of the American Cancer Society, Florida  
 1140 Division, Inc., Board of Directors or his or her designee;
- 1141 9. President of the Florida Society of Clinical Oncology  
 1142 or his or her designee;
- 1143 10. President of the American College of Surgeons, Florida  
 1144 Chapter, or his or her designee;
- 1145 11. Chief Executive Officer of Enterprise Florida, Inc.,  
 1146 or his or her designee;
- 1147 12. Five representatives from cancer programs approved by  
 1148 the American College of Surgeons. Three shall be appointed by  
 1149 the Governor, one shall be appointed by the Speaker of the House  
 1150 of Representatives, and one shall be appointed by the President  
 1151 of the Senate;
- 1152 13. One member of the House of Representatives, to be  
 1153 appointed by the Speaker of the House of Representatives; and
- 1154 14. One member of the Senate, to be appointed by the  
 1155 President of the Senate.
- 1156 Section 32. Paragraphs (a) and (b) of subsection (3) of  
 1157 section 381.922, Florida Statutes, are amended to read:

HB 7015

2008

1158 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
1159 Cancer Research Program.--

1160 (3)(a) Applications for funding for cancer research may be  
1161 submitted by any university or established research institute in  
1162 the state. All qualified investigators in the state, regardless  
1163 of institutional affiliation, shall have equal access and  
1164 opportunity to compete for the research funding. Collaborative  
1165 proposals, including those that advance the program's goals  
1166 enumerated in subsection (2), may be given preference. Grants  
1167 shall be awarded by the State Surgeon General ~~Secretary of~~  
1168 ~~Health~~, after consultation with the Biomedical Research Advisory  
1169 Council, on the basis of scientific merit, as determined by an  
1170 open, competitive peer review process that ensures objectivity,  
1171 consistency, and high quality. The following types of  
1172 applications shall be considered for funding:

- 1173 1. Investigator-initiated research grants.
- 1174 2. Institutional research grants.
- 1175 3. Collaborative research grants, including those that  
1176 advance the finding of cures through basic or applied research.

1177 (b) In order to ensure that all proposals for research  
1178 funding are appropriate and are evaluated fairly on the basis of  
1179 scientific merit, the State Surgeon General ~~Secretary of Health~~,  
1180 in consultation with the council, shall appoint a peer review  
1181 panel of independent, scientifically qualified individuals to  
1182 review the scientific content of each proposal and establish its  
1183 priority score. The priority scores shall be forwarded to the  
1184 council and must be considered in determining which proposals  
1185 shall be recommended for funding.

HB 7015

2008

1186 Section 33. Paragraph (a) of subsection (6) of section  
 1187 381.98, Florida Statutes, is amended to read:

1188 381.98 The Florida Public Health Foundation, Inc.;  
 1189 establishment; purpose; mission; duties; board of directors.--

1190 (6) The affairs of the corporation shall be managed by an  
 1191 executive director appointed by a board of directors consisting  
 1192 of:

1193 (a) The State Surgeon General ~~Secretary of Health~~ or his  
 1194 or her designee.

1195 Section 34. Subsection (9) of section 381.983, Florida  
 1196 Statutes, is repealed.

1197 Section 35. Subsections (2) and (3) of section 381.984,  
 1198 Florida Statutes, are amended to read:

1199 381.984 Educational programs.--

1200 (2) PUBLIC INFORMATION INITIATIVE.--The Governor, in  
 1201 conjunction with the State Surgeon General ~~Secretary of Health~~  
 1202 and his or her designee, shall sponsor a series of public  
 1203 service announcements on radio, television, the Internet, and  
 1204 print media about the nature of lead-based-paint hazards, the  
 1205 importance of standards for lead poisoning prevention in  
 1206 properties, and the purposes and responsibilities set forth in  
 1207 this act. In developing and coordinating this public information  
 1208 initiative, the sponsors shall seek the participation and  
 1209 involvement of private industry organizations, including those  
 1210 involved in real estate, insurance, mortgage banking, and  
 1211 pediatrics.

1212 (3) DISTRIBUTION OF LITERATURE ABOUT CHILDHOOD LEAD  
 1213 POISONING.--By January 1, 2007, the State Surgeon General

HB 7015

2008

1214 ~~Secretary of Health~~ or his or her designee shall develop  
1215 culturally and linguistically appropriate information pamphlets  
1216 regarding childhood lead poisoning, the importance of testing  
1217 for elevated blood-lead levels, prevention of childhood lead  
1218 poisoning, treatment of childhood lead poisoning, and, where  
1219 appropriate, the requirements of this act. These information  
1220 pamphlets shall be distributed to parents or the other legal  
1221 guardians of children 6 years of age or younger on the following  
1222 occasions:

1223 (a) By a health care provider at the time of a child's  
1224 birth and at the time of any childhood immunization or  
1225 vaccination unless it is established that such information  
1226 pamphlet has been provided previously to the parent or legal  
1227 guardian by the health care provider within the prior 12 months.

1228 (b) By the owner or operator of any child care facility or  
1229 preschool or kindergarten class on or before October 15 of the  
1230 calendar year.

1231 Section 36. Section 381.985, Florida Statutes, is amended  
1232 to read:

1233 381.985 Screening program.--

1234 (1) The State Surgeon General ~~secretary~~ shall establish a  
1235 program for early identification of persons at risk of having  
1236 elevated blood-lead levels. Such program shall systematically  
1237 screen children under 6 years of age in the target populations  
1238 identified in subsection (2) for the presence of elevated blood-  
1239 lead levels. Children within the specified target populations  
1240 shall be screened with a blood-lead test at age 12 months and  
1241 age 24 months, or between the ages of 36 months and 72 months if

HB 7015

2008

1242 they have not previously been screened. The State Surgeon  
1243 General ~~secretary~~ shall, after consultation with recognized  
1244 professional medical groups and such other sources as the State  
1245 Surgeon General ~~secretary~~ deems appropriate, promulgate rules  
1246 establishing:

1247 (a) The means by which and the intervals at which such  
1248 children under 6 years of age shall be screened for lead  
1249 poisoning and elevated blood-lead levels.

1250 (b) Guidelines for the medical followup on children found  
1251 to have elevated blood-lead levels.

1252 (2) In developing screening programs to identify persons  
1253 at risk with elevated blood-lead levels, priority shall be given  
1254 to persons within the following categories:

1255 (a) All children enrolled in the Medicaid program at ages  
1256 12 months and 24 months, or between the ages of 36 months and 72  
1257 months if they have not previously been screened.

1258 (b) Children under the age of 6 years exhibiting delayed  
1259 cognitive development or other symptoms of childhood lead  
1260 poisoning.

1261 (c) Persons at risk residing in the same household, or  
1262 recently residing in the same household, as another person at  
1263 risk with a blood-lead level of 10 ug/dL or greater.

1264 (d) Persons at risk residing, or who have recently  
1265 resided, in buildings or geographical areas in which significant  
1266 numbers of cases of lead poisoning or elevated blood-lead levels  
1267 have recently been reported.

1268 (e) Persons at risk residing, or who have recently  
1269 resided, in an affected property contained in a building that

HB 7015

2008

1270 during the preceding 3 years has been subject to enforcement for  
 1271 violations of lead-poisoning-prevention statutes, ordinances,  
 1272 rules, or regulations as specified by the State Surgeon General  
 1273 ~~secretary~~.

1274 (f) Persons at risk residing, or who have recently  
 1275 resided, in a room or group of rooms contained in a building  
 1276 whose owner also owns a building containing affected properties  
 1277 which during the preceding 3 years has been subject to an  
 1278 enforcement action for a violation of lead-poisoning-prevention  
 1279 statutes, ordinances, rules, or regulations.

1280 (g) Persons at risk residing in other buildings or  
 1281 geographical areas in which the State Surgeon General ~~secretary~~  
 1282 reasonably determines there to be a significant risk of affected  
 1283 individuals having a blood-lead level of 10 ug/dL or greater.

1284 (3) The State Surgeon General ~~secretary~~ shall maintain  
 1285 comprehensive records of all screenings conducted pursuant to  
 1286 this section. Such records shall be indexed geographically and  
 1287 by owner in order to determine the location of areas of  
 1288 relatively high incidence of lead poisoning and other elevated  
 1289 blood-lead levels.

1290  
 1291 All cases or probable cases of lead poisoning found in the  
 1292 course of screenings conducted pursuant to this section shall be  
 1293 reported to the affected individual, to his or her parent or  
 1294 legal guardian if he or she is a minor, and to the State Surgeon  
 1295 General ~~secretary~~.

1296 Section 37. Subsection (5) of section 383.14, Florida  
 1297 Statutes, is amended to read:

HB 7015

2008

1298           383.14 Screening for metabolic disorders, other hereditary  
1299 and congenital disorders, and environmental risk factors.--

1300           (5) ADVISORY COUNCIL.--There is established a Genetics and  
1301 Newborn Screening Advisory Council made up of 15 members  
1302 appointed by the State Surgeon General ~~Secretary of Health~~. The  
1303 council shall be composed of two consumer members, three  
1304 practicing pediatricians, at least one of whom must be a  
1305 pediatric hematologist, one representative from each of the four  
1306 medical schools in the state, the State Surgeon General  
1307 ~~Secretary of Health~~ or his or her designee, one representative  
1308 from the Department of Health representing Children's Medical  
1309 Services, one representative from the Florida Hospital  
1310 Association, one individual with experience in newborn screening  
1311 programs, one individual representing audiologists, and one  
1312 representative from the Agency for Persons with Disabilities.  
1313 All appointments shall be for a term of 4 years. The chairperson  
1314 of the council shall be elected from the membership of the  
1315 council and shall serve for a period of 2 years. The council  
1316 shall meet at least semiannually or upon the call of the  
1317 chairperson. The council may establish ad hoc or temporary  
1318 technical advisory groups to assist the council with specific  
1319 topics which come before the council. Council members shall  
1320 serve without pay. Pursuant to the provisions of s. 112.061, the  
1321 council members are entitled to be reimbursed for per diem and  
1322 travel expenses. It is the purpose of the council to advise the  
1323 department about:

1324           (a) Conditions for which testing should be included under  
1325 the screening program and the genetics program.



1326 (b) Procedures for collection and transmission of  
 1327 specimens and recording of results.

1328 (c) Methods whereby screening programs and genetics  
 1329 services for children now provided or proposed to be offered in  
 1330 the state may be more effectively evaluated, coordinated, and  
 1331 consolidated.

1332 Section 38. Subsection (6) of section 383.216, Florida  
 1333 Statutes, is amended to read:

1334 383.216 Community-based prenatal and infant health care.--

1335 (6) Prenatal and infant health care coalitions may be  
 1336 established for single counties or for services delivery  
 1337 catchment areas. A prenatal and infant health care coalition  
 1338 shall be initiated at the local level on a voluntary basis. Once  
 1339 a coalition has been organized locally and includes the  
 1340 membership specified in subsection (5), the coalition must  
 1341 submit a list of its members to the State Surgeon General  
 1342 ~~Secretary of Health~~ to carry out the responsibilities outlined  
 1343 in this section.

1344 Section 39. Subsection (7) of section 383.2162, Florida  
 1345 Statutes, is amended to read:

1346 383.2162 Black infant health practice initiative.--

1347 (7) EVALUATIONS AND REPORTS.--The department shall conduct  
 1348 an annual evaluation of the implementation of the initiative  
 1349 describing which areas are participating in the initiative, the  
 1350 number of reviews conducted by each participating coalition,  
 1351 grant balances, and recommendations for modifying the  
 1352 initiative. All participating coalitions shall produce a report  
 1353 on their collective findings and recommendations by January 1,

HB 7015

2008

1354 2010, to the Governor, the President of the Senate, the Speaker  
 1355 of the House of Representatives, and the State Surgeon General  
 1356 ~~Secretary of Health~~.

1357 Section 40. Subsection (2) of section 383.336, Florida  
 1358 Statutes, is amended to read:

1359 383.336 Provider hospitals; practice parameters; peer  
 1360 review board.--

1361 (2) The Office of the State Surgeon General ~~Secretary of~~  
 1362 ~~Health~~, in consultation with the Board of Medicine and the  
 1363 Florida Obstetric and Gynecologic Society, is directed to  
 1364 establish practice parameters to be followed by physicians in  
 1365 provider hospitals in performance of a caesarean section  
 1366 delivery when the delivery will be paid partly or fully by state  
 1367 funds or federal funds administered by the state. These  
 1368 parameters shall be directed to reduce the number of unnecessary  
 1369 caesarean section deliveries. These practice parameters shall  
 1370 address, at a minimum, the following: feasibility of attempting  
 1371 a vaginal delivery for each patient with a prior caesarean  
 1372 section; dystocia, including arrested dilation and prolonged  
 1373 deceleration phase; fetal distress; and fetal malposition. The  
 1374 Department of Health shall adopt rules to implement the  
 1375 provisions of this subsection.

1376 Section 41. Subsections (2), (4), (6), and (17) of section  
 1377 383.402, Florida Statutes, are amended to read:

1378 383.402 Child abuse death review; State Child Abuse Death  
 1379 Review Committee; local child abuse death review committees.--

1380 (2) (a) The State Child Abuse Death Review Committee is  
 1381 established within the Department of Health and shall consist of

1382 a representative of the Department of Health, appointed by the  
 1383 State Surgeon General ~~Secretary of Health~~, who shall serve as  
 1384 the state committee coordinator. The head of each of the  
 1385 following agencies or organizations shall also appoint a  
 1386 representative to the state committee:

- 1387 1. The Department of Legal Affairs.
- 1388 2. The Department of Children and Family Services.
- 1389 3. The Department of Law Enforcement.
- 1390 4. The Department of Education.
- 1391 5. The Florida Prosecuting Attorneys Association, Inc.
- 1392 6. The Florida Medical Examiners Commission, whose  
 1393 representative must be a forensic pathologist.

1394 (b) In addition, the State Surgeon General ~~Secretary of~~  
 1395 ~~Health~~ shall appoint the following members to the state  
 1396 committee, based on recommendations from the Department of  
 1397 Health and the agencies listed in paragraph (a), and ensuring  
 1398 that the committee represents the regional, gender, and ethnic  
 1399 diversity of the state to the greatest extent possible:

- 1400 1. A board-certified pediatrician.
- 1401 2. A public health nurse.
- 1402 3. A mental health professional who treats children or  
 1403 adolescents.
- 1404 4. An employee of the Department of Children and Family  
 1405 Services who supervises family services counselors and who has  
 1406 at least 5 years of experience in child protective  
 1407 investigations.
- 1408 5. The medical director of a child protection team.
- 1409 6. A member of a child advocacy organization.

1410 7. A social worker who has experience in working with  
 1411 victims and perpetrators of child abuse.

1412 8. A person trained as a paraprofessional in patient  
 1413 resources who is employed in a child abuse prevention program.

1414 9. A law enforcement officer who has at least 5 years of  
 1415 experience in children's issues.

1416 10. A representative of the Florida Coalition Against  
 1417 Domestic Violence.

1418 11. A representative from a private provider of programs  
 1419 on preventing child abuse and neglect.

1420 (4) The members of the state committee shall be appointed  
 1421 to staggered terms of office which may not exceed 2 years, as  
 1422 determined by the State Surgeon General ~~Secretary of Health~~.  
 1423 Members are eligible for reappointment. The state committee  
 1424 shall elect a chairperson from among its members to serve for a  
 1425 2-year term, and the chairperson may appoint ad hoc committees  
 1426 as necessary to carry out the duties of the committee.

1427 (6) At the direction of the State Surgeon General  
 1428 ~~Secretary of Health~~, the director of each county health  
 1429 department, or the directors of two or more county health  
 1430 departments by agreement, may convene and support a county or  
 1431 multicounty child abuse death review committee in accordance  
 1432 with the protocols established by the State Child Abuse Death  
 1433 Review Committee. Each local committee must include a local  
 1434 state attorney, or his or her designee, and any other members  
 1435 that are determined by guidelines developed by the State Child  
 1436 Abuse Death Review Committee. The members of a local committee  
 1437 shall be appointed to 2-year terms and may be reappointed. The

HB 7015

2008

1438 local committee shall elect a chairperson from among its  
1439 members. Members shall serve without compensation but are  
1440 entitled to reimbursement for per diem and travel expenses  
1441 incurred in the performance of their duties as provided in s.  
1442 112.061 and to the extent that funds are available.

1443 (17) For the purpose of carrying out the responsibilities  
1444 assigned to the State Child Abuse Death Review Committee and the  
1445 local review committees, the State Surgeon General ~~Secretary of~~  
1446 ~~Health~~ may substitute an existing entity whose function and  
1447 organization include the function and organization of the  
1448 committees established by this section.

1449 Section 42. Paragraph (c) of subsection (1) and subsection  
1450 (2) of section 385.203, Florida Statutes, are amended to read:

1451 385.203 Diabetes Advisory Council; creation; function;  
1452 membership.--

1453 (1) To guide a statewide comprehensive approach to  
1454 diabetes prevention, diagnosis, education, care, treatment,  
1455 impact, and costs thereof, there is created a Diabetes Advisory  
1456 Council that serves as the advisory unit to the Department of  
1457 Health, other governmental agencies, professional and other  
1458 organizations, and the general public. The council shall:

1459 (c) By June 30 of each year, meet with the State Surgeon  
1460 General ~~Secretary of Health~~ or designee to make specific  
1461 recommendations regarding the public health aspects of the  
1462 prevention and control of diabetes.

1463 (2) The members of the council shall be appointed by the  
1464 Governor with advice from the State Surgeon General ~~Secretary of~~

1465 ~~Health~~. Members shall serve 4-year terms or until their  
 1466 successors are appointed or qualified.

1467 Section 43. Subsection (5) of section 385.210, Florida  
 1468 Statutes, is amended to read:

1469 385.210 Arthritis prevention and education.--

1470 (5) FUNDING.--

1471 (a) The State Surgeon General ~~Secretary of Health~~ may  
 1472 accept grants, services, and property from the Federal  
 1473 Government, foundations, organizations, medical schools, and  
 1474 other entities as may be available for the purposes of  
 1475 fulfilling the obligations of this program.

1476 (b) The State Surgeon General ~~secretary~~ shall seek any  
 1477 federal waiver or waivers that may be necessary to maximize  
 1478 funds from the Federal Government to implement this program.

1479 Section 44. Paragraph (a) of subsection (2) of section  
 1480 388.46, Florida Statutes, is amended to read:

1481 388.46 Florida Coordinating Council on Mosquito Control;  
 1482 establishment; membership; organization; responsibilities.--

1483 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.--

1484 (a) Membership.--The Florida Coordinating Council on  
 1485 Mosquito Control shall be comprised of the following  
 1486 representatives or their authorized designees:

1487 1. The Secretary of Environmental Protection and the State  
 1488 Surgeon General ~~Secretary of Health~~;

1489 2. The executive director of the Fish and Wildlife  
 1490 Conservation Commission;

1491 3. The state epidemiologist;

1492 4. The Commissioner of Agriculture; and

1493           5. Representatives from:

1494           a. The University of Florida, Institute of Food and

1495 Agricultural Sciences, Florida Medical Entomological Research

1496 Laboratory;

1497           b. Florida Agricultural and Mechanical University;

1498           c. The United States Environmental Protection Agency;

1499           d. The United States Department of Agriculture, Insects

1500 Affecting Man Laboratory;

1501           e. The United States Fish and Wildlife Service;

1502           f. Two mosquito control directors to be nominated by the

1503 Florida Mosquito Control Association, two representatives of

1504 Florida environmental groups, and two private citizens who are

1505 property owners whose lands are regularly subject to mosquito

1506 control operations, to be appointed to 4-year terms by the

1507 Commissioner of Agriculture; and

1508           g. The Board of Trustees of the Internal Improvement Trust

1509 Fund.

1510           Section 45. Subsection (1) of section 391.028, Florida

1511 Statutes, is amended to read:

1512           391.028 Administration.--The Children's Medical Services

1513 program shall have a central office and area offices.

1514           (1) The Director of Children's Medical Services must be a

1515 physician licensed under chapter 458 or chapter 459 who has

1516 specialized training and experience in the provision of health

1517 care to children and who has recognized skills in leadership and

1518 the promotion of children's health programs. The director shall

1519 be the deputy secretary and the Deputy State Health Officer for

1520 Children's Medical Services and is appointed by and reports to

1521 the State Surgeon General ~~secretary~~. The director may appoint  
 1522 division directors subject to the approval of the State Surgeon  
 1523 General ~~secretary~~.

1524 Section 46. Subsection (1) of section 391.221, Florida  
 1525 Statutes, is amended to read:

1526 391.221 Statewide Children's Medical Services Network  
 1527 Advisory Council.--

1528 (1) The State Surgeon General ~~secretary of the department~~  
 1529 may appoint a Statewide Children's Medical Services Network  
 1530 Advisory Council for the purpose of acting as an advisory body  
 1531 to the department. Specifically, the duties of the council shall  
 1532 include, but not be limited to:

1533 (a) Recommending standards and credentialing requirements  
 1534 for health care providers rendering health services to  
 1535 Children's Medical Services network participants.

1536 (b) Making recommendations to the director of Children's  
 1537 Medical Services concerning the selection of health care  
 1538 providers for the Children's Medical Services network.

1539 (c) Reviewing and making recommendations concerning  
 1540 network health care provider or participant disputes that are  
 1541 brought to the attention of the advisory council.

1542 (d) Providing input to the Children's Medical Services  
 1543 program on the policies governing the Children's Medical  
 1544 Services network.

1545 (e) Reviewing the financial reports and financial status  
 1546 of the network and making recommendations concerning the methods  
 1547 of payment and cost controls for the network.



HB 7015

2008

1548 (f) Reviewing and recommending the scope of benefits for  
1549 the network.

1550 (g) Reviewing network performance measures and outcomes  
1551 and making recommendations for improvements to the network and  
1552 its maintenance and collection of data and information.

1553 Section 47. Section 391.223, Florida Statutes, is amended  
1554 to read:

1555 391.223 Technical advisory panels.--The State Surgeon  
1556 General ~~secretary of the department~~ may establish technical  
1557 advisory panels to assist in developing specific policies and  
1558 procedures for the Children's Medical Services program.

1559 Section 48. Paragraph (b) of subsection (1) of section  
1560 397.333, Florida Statutes, is amended to read:

1561 397.333 Statewide Drug Policy Advisory Council.--

1562 (1)

1563 (b) The following state officials shall be appointed to  
1564 serve on the advisory council:

1565 1. The Attorney General, or his or her designee.

1566 2. The executive director of the Department of Law  
1567 Enforcement, or his or her designee.

1568 3. The Secretary of Children and Family Services, or his  
1569 or her designee.

1570 4. The State Surgeon General ~~Secretary of Health~~, or his  
1571 or her designee.

1572 5. The Secretary of Corrections, or his or her designee.

1573 6. The Secretary of Juvenile Justice, or his or her  
1574 designee.

1575 7. The Commissioner of Education, or his or her designee.

1576 8. The executive director of the Department of Highway  
 1577 Safety and Motor Vehicles, or his or her designee.

1578 9. The Adjutant General of the state as the Chief of the  
 1579 Department of Military Affairs, or his or her designee.

1580 Section 49. Paragraph (a) of subsection (3) of section  
 1581 400.235, Florida Statutes, is amended to read:

1582 400.235 Nursing home quality and licensure status; Gold  
 1583 Seal Program.--

1584 (3)(a) The Gold Seal Program shall be developed and  
 1585 implemented by the Governor's Panel on Excellence in Long-Term  
 1586 Care which shall operate under the authority of the Executive  
 1587 Office of the Governor. The panel shall be composed of three  
 1588 persons appointed by the Governor, to include a consumer  
 1589 advocate for senior citizens and two persons with expertise in  
 1590 the fields of quality management, service delivery excellence,  
 1591 or public sector accountability; three persons appointed by the  
 1592 Secretary of Elderly Affairs, to include an active member of a  
 1593 nursing facility family and resident care council and a member  
 1594 of the University Consortium on Aging; the State Long-Term Care  
 1595 Ombudsman; one person appointed by the Florida Life Care  
 1596 Residents Association; one person appointed by the State Surgeon  
 1597 General Secretary of Health; two persons appointed by the  
 1598 Secretary of Health Care Administration; one person appointed by  
 1599 the Florida Association of Homes for the Aging; and one person  
 1600 appointed by the Florida Health Care Association. Vacancies on  
 1601 the panel shall be filled in the same manner as the original  
 1602 appointments.

1603           Section 50. Subsection (21) of section 401.23, Florida  
 1604 Statutes, is repealed.

1605           Section 51. Paragraphs (a) and (c) of subsection (2) and  
 1606 subsection (6) of section 401.245, Florida Statutes, are amended  
 1607 to read:

1608           401.245 Emergency Medical Services Advisory Council.--

1609           (2) (a) No more than 15 members may be appointed to this  
 1610 council. Members shall be appointed for 4-year terms in such a  
 1611 manner that each year the terms of approximately one-fourth of  
 1612 the members expire. The chair of the council shall be designated  
 1613 by the State Surgeon General ~~secretary~~. Vacancies shall be  
 1614 filled for the remainder of unexpired terms in the same manner  
 1615 as the original appointment. Members shall receive no  
 1616 compensation but may be reimbursed for per diem and travel  
 1617 expenses.

1618           (c) Appointments to the council shall be made by the State  
 1619 Surgeon General ~~secretary~~, except that state agency  
 1620 representatives shall be appointed by the respective agency  
 1621 head.

1622           (6) There is established a committee to advise the  
 1623 Department of Health on matters concerning preventative,  
 1624 prehospital, hospital, rehabilitative, and other posthospital  
 1625 medical care for children.

1626           (a) Committee members shall be appointed by the State  
 1627 Surgeon General ~~secretary~~, and shall include, but not be limited  
 1628 to, physicians and other medical professionals that have  
 1629 experience in emergency medicine or expertise in emergency and  
 1630 critical care for children.

HB 7015

2008

1631 (b) Appointments to the committee shall be for a term of 2  
 1632 years. Vacancies may be filled for the unexpired term at the  
 1633 discretion of the State Surgeon General ~~secretary~~. The members  
 1634 shall serve without compensation, and shall not be reimbursed  
 1635 for necessary expenses incurred in the performance of their  
 1636 duties, unless there is funding available from the Federal  
 1637 Government or contributions or grants from private sources.

1638 Section 52. Subsection (1) of section 401.421, Florida  
 1639 Statutes, is amended to read:

1640 401.421 Injunctive relief; cease and desist notice; civil  
 1641 penalty; enforcement.--

1642 (1) The State Surgeon General ~~secretary~~ may cause to be  
 1643 instituted a civil action in circuit court for preliminary or  
 1644 permanent injunctive relief to remedy or prevent a violation of  
 1645 this part or any rule adopted by the department under this part.

1646 Section 53. Paragraph (a) of subsection (4) of section  
 1647 402.56, Florida Statutes, is amended to read:

1648 402.56 Children's cabinet; organization; responsibilities;  
 1649 annual report.--

1650 (4) MEMBERS.--The cabinet shall consist of 15 members  
 1651 including the Governor and the following persons:

- 1652 (a)1. The Secretary of Children and Family Services;
- 1653 2. The Secretary of Juvenile Justice;
- 1654 3. The director of the Agency for Persons with  
 1655 Disabilities;
- 1656 4. The director of the Agency for Workforce Innovation;
- 1657 5. The State Surgeon General ~~Secretary of Health~~;
- 1658 6. The Secretary of Health Care Administration;

- 1659 7. The Commissioner of Education;  
 1660 8. The director of the Statewide Guardian Ad Litem Office;  
 1661 9. The director of the Office of Child Abuse Prevention;  
 1662 and  
 1663 10. Five members representing children and youth advocacy  
 1664 organizations, who are not service providers and who are  
 1665 appointed by the Governor.

1666 Section 54. Subsections (1), (4), and (5) of section  
 1667 403.862, Florida Statutes, are amended to read:

1668 403.862 Department of Health; public water supply duties  
 1669 and responsibilities; coordinated budget requests with  
 1670 department.--

1671 (1) Recognizing that supervision and control of county  
 1672 health departments of the Department of Health is retained by  
 1673 the State Surgeon General ~~secretary of that agency~~, and that  
 1674 public health aspects of the state public water supply program  
 1675 require joint participation in the program by the Department of  
 1676 Health and its units and the department, the Department of  
 1677 Health shall:

1678 (a) Establish and maintain laboratories for the conducting  
 1679 of radiological, microbiological, and chemical analyses of water  
 1680 samples from public water systems, which are submitted to such  
 1681 laboratories for analysis. Copies of the reports of such  
 1682 analyses and quarterly summary reports shall be submitted to the  
 1683 appropriate department district or subdistrict office.

1684 (b) Require each county health department to:

- 1685 1. Collect such water samples for analysis as may be  
 1686 required by the terms of this act, from public water systems

HB 7015

2008

1687 within its jurisdiction. The duty to collect such samples may be  
1688 shared with the appropriate department district or subdistrict  
1689 office and shall be coordinated by field personnel involved.

1690 2. Submit the collected water samples to the appropriate  
1691 laboratory for analysis.

1692 3. Maintain reports of analyses for its own records.

1693 4. Conduct complaint investigation of public water systems  
1694 to determine compliance with federal, state, and local standards  
1695 and permit compliance.

1696 5. Notify the appropriate department district or  
1697 subdistrict office of potential violations of federal, state,  
1698 and local standards and permit conditions by public water  
1699 systems and assist the department in enforcement actions with  
1700 respect to such violations to the maximum extent practicable.

1701 6. Review and evaluate laboratory analyses of water  
1702 samples from private water systems.

1703 (c) Require those county health departments designated by  
1704 the Department of Health and approved by the department as  
1705 having qualified sanitary engineering staffs and available legal  
1706 resources, in addition to the duties prescribed in paragraph  
1707 (b), to:

1708 1. Review, evaluate, and approve or disapprove each  
1709 application for the construction, modification, or expansion of  
1710 a public water system to determine compliance with federal,  
1711 state, and local requirements. A copy of the completed permit  
1712 application and a report of the final action taken by the county  
1713 health department shall be forwarded to the appropriate  
1714 department district office.

1715           2. Review, evaluate, and approve or disapprove  
 1716 applications for the expansion of distribution systems. Written  
 1717 notification of action taken on such applications shall be  
 1718 forwarded to the appropriate department district or subdistrict  
 1719 office.

1720           3. Maintain inventory, operational, and bacteriological  
 1721 records and carry out monitoring, surveillance, and sanitary  
 1722 surveys of public water systems to ensure compliance with  
 1723 federal, state, and local regulations.

1724           4. Participate in educational and training programs  
 1725 relating to drinking water and public water systems.

1726           5. Enforce the provisions of this part and rules adopted  
 1727 under this part.

1728           (d) Require those county health departments designated by  
 1729 the Department of Health as having the capability of performing  
 1730 bacteriological analyses, in addition to the duties prescribed  
 1731 in paragraph (b), to:

1732           1. Perform bacteriological analyses of water samples  
 1733 submitted for analysis.

1734           2. Submit copies of the reports of such analyses to the  
 1735 appropriate department district or subdistrict office.

1736           (e) Make available to the central and branch laboratories  
 1737 funds sufficient, to the maximum extent possible, to carry out  
 1738 the public water supply functions and responsibilities required  
 1739 of such laboratories as provided in this section.

1740           (f) Have general supervision and control over all private  
 1741 water systems and all public water systems not otherwise covered  
 1742 or included in this part. This shall include the authority to

1743 adopt and enforce rules, including definitions of terms, to  
 1744 protect the health, safety, or welfare of persons being served  
 1745 by all private water systems and all public water systems not  
 1746 otherwise covered by this part.

1747 (g) Assist state and local agencies in the determination  
 1748 and investigation of suspected waterborne disease outbreaks,  
 1749 including diseases associated with chemical contaminants.

1750 (h) Upon request, consult with and advise any county or  
 1751 municipal authority as to water supply activities.

1752 (4) If the department determines that a county health  
 1753 department or other unit of the Department of Health is not  
 1754 performing its public water supply responsibilities  
 1755 satisfactorily, the secretary of the department shall certify  
 1756 such determination in writing to the State Surgeon General  
 1757 ~~Secretary of Health~~. The State Surgeon General ~~Secretary of~~  
 1758 ~~Health~~ shall evaluate the determination of the department and  
 1759 shall inform the secretary of the department of his or her  
 1760 evaluation. Upon concurrence, the State Surgeon General  
 1761 ~~Secretary of Health~~ shall take immediate corrective action.

1762 (5) Nothing in this section shall serve to negate the  
 1763 powers, duties, and responsibilities of the State Surgeon  
 1764 General ~~Secretary of Health~~ relating to the protection of the  
 1765 public from the spread of communicable disease, epidemics, and  
 1766 plagues.

1767 Section 55. Paragraph (c) of subsection (1) of section  
 1768 406.02, Florida Statutes, is amended to read:

1769 406.02 Medical Examiners Commission; membership; terms;  
 1770 duties; staff.--



HB 7015

2008

1771 (1) There is created the Medical Examiners Commission  
1772 within the Department of Law Enforcement. The commission shall  
1773 consist of nine persons appointed or selected as follows:

1774 (c) One member shall be the State Surgeon General  
1775 ~~Secretary of Health~~ or her or his designated representative.

1776 Section 56. Paragraph (d) of subsection (1) of section  
1777 408.916, Florida Statutes, is amended to read:

1778 408.916 Steering committee.--In order to guide the  
1779 implementation of the pilot project, there is created a Health  
1780 Care Access Steering Committee.

1781 (1) The steering committee shall be composed of the  
1782 following members:

1783 (d) The State Surgeon General ~~Secretary of Health~~.

1784 Section 57. Paragraph (a) of subsection (1) of section  
1785 409.352, Florida Statutes, is amended to read:

1786 409.352 Licensing requirements for physicians, osteopathic  
1787 physicians, and chiropractic physicians employed by the  
1788 department.--

1789 (1) It is the intent of the Legislature that physicians  
1790 providing services in state institutions meet the professional  
1791 standards of their respective licensing boards and that such  
1792 institutions make every reasonable effort to assure that all  
1793 physicians employed are licensed, or will become licensed, in  
1794 this state. When state-licensed physicians cannot be obtained in  
1795 sufficient numbers to provide quality services, the licensing  
1796 requirements in chapters 458, 459, and 460 to the contrary  
1797 notwithstanding, persons employed as physicians, osteopathic  
1798 physicians, or chiropractic physicians in a state institution,

HB 7015

2008

1799 | except those under the control of the Department of Corrections  
 1800 | on June 28, 1977, may be exempted from licensure in accordance  
 1801 | with the following provisions:

1802 |         (a) No more than 10 percent of such persons shall be  
 1803 | exempted from licensure during their continued employment in a  
 1804 | state institution. Those persons who shall be so exempted shall  
 1805 | be selected by the State Surgeon General ~~secretary of the~~  
 1806 | ~~Department of Health~~. In making the selection, the State Surgeon  
 1807 | General ~~secretary~~ shall submit his or her recommendations to the  
 1808 | appropriate licensing board for a determination by the board,  
 1809 | without written examination, of whether or not the person  
 1810 | recommended meets the professional standards required of such  
 1811 | person in the performance of his or her duties or functions. The  
 1812 | criteria to be used by the respective board in making its  
 1813 | determination shall include, but not be limited to, the person's  
 1814 | professional educational background, formal specialty training,  
 1815 | and professional experience within the 10 years immediately  
 1816 | preceding employment by the state institution.

1817 |         Section 58. Subsection (4) of section 409.91255, Florida  
 1818 | Statutes, is amended to read:

1819 |             409.91255 Federally qualified health center access  
 1820 | program.--

1821 |         (4) EVALUATION OF APPLICATIONS.--A review panel shall be  
 1822 | established, consisting of four persons appointed by the State  
 1823 | Surgeon General ~~Secretary of Health~~ and three persons appointed  
 1824 | by the chief executive officer of the Florida Association of  
 1825 | Community Health Centers, Inc., to review all applications for  
 1826 | financial assistance under the program. Applicants shall specify

1827 in the application whether the program funds will be used for  
 1828 the expansion of patient caseloads or services or for capital  
 1829 improvement projects to expand and improve patient facilities.  
 1830 The panel shall use the following elements in reviewing  
 1831 application proposals and shall determine the relative weight  
 1832 for scoring and evaluating these elements:

- 1833 (a) The target population to be served.
- 1834 (b) The health benefits to be provided.
- 1835 (c) The methods that will be used to measure cost-  
 1836 effectiveness.
- 1837 (d) How patient satisfaction will be measured.
- 1838 (e) The proposed internal quality assurance process.
- 1839 (f) Projected health status outcomes.
- 1840 (g) How data will be collected to measure cost-  
 1841 effectiveness, health status outcomes, and overall achievement  
 1842 of the goals of the proposal.

1843 (h) All resources, including cash, in-kind, voluntary, or  
 1844 other resources that will be dedicated to the proposal.

1845 Section 59. Paragraphs (b) and (f) of subsection (2) of  
 1846 section 413.271, Florida Statutes, are amended to read:

1847 413.271 Florida Coordinating Council for the Deaf and Hard  
 1848 of Hearing.--

- 1849 (2)
- 1850 (b) The coordinating council shall be composed of 17  
 1851 members. The appointment of members not representing agencies  
 1852 shall be made by the Governor. The appointment of members  
 1853 representing organizations shall be made by the Governor in

1854 | consultation with those organizations. The membership shall be  
 1855 | as follows:

1856 |         1. Two members representing the Florida Association of the  
 1857 | Deaf.

1858 |         2. Two members representing the Florida Association of  
 1859 | Self Help for Hard of Hearing People.

1860 |         3. A member representing the Association of Late-Deafened  
 1861 | Adults.

1862 |         4. An individual who is deaf and blind.

1863 |         5. A parent of an individual who is deaf.

1864 |         6. A member representing the Deaf Service Center  
 1865 | Association.

1866 |         7. A member representing the Florida Registry of  
 1867 | Interpreters for the Deaf.

1868 |         8. A member representing the Florida Alexander Graham Bell  
 1869 | Association for the Deaf and Hard of Hearing.

1870 |         9. A communication access realtime translator.

1871 |         10. An audiologist licensed under part I of chapter 468.

1872 |         11. A hearing aid specialist licensed under part II of  
 1873 | chapter 484.

1874 |         12. The Secretary of Children and Family Services or his  
 1875 | or her designee.

1876 |         13. The State Surgeon General ~~Secretary of Health~~ or his  
 1877 | or her designee.

1878 |         14. The Commissioner of Education or his or her designee.

1879 |         15. The Secretary of Elderly Affairs or his or her  
 1880 | designee.

1881 |

1882 If any organization from which a representative is to be drawn  
 1883 ceases to exist, a representative of a similar organization  
 1884 shall be named to the coordinating council. The Governor shall  
 1885 make appointments to the coordinating council no later than  
 1886 August 1, 2004, and may remove any member for cause. Each member  
 1887 shall be appointed to a term of 4 years. However, for the  
 1888 purpose of providing staggered terms, of the initial  
 1889 appointments not representing state agencies, seven members,  
 1890 including the audiologist and the hearing aid specialist, shall  
 1891 be appointed to 2-year terms and six members shall be appointed  
 1892 to 4-year terms. Any vacancy on the coordinating council shall  
 1893 be filled in the same manner as the original appointment, and  
 1894 any member appointed to fill a vacancy occurring because of  
 1895 death, resignation, or ineligibility for membership shall serve  
 1896 only for the unexpired term of the member's predecessor. Prior  
 1897 to serving on the coordinating council, all appointees must  
 1898 attend orientation training that shall address, at a minimum,  
 1899 the provisions of this section; the programs operated by the  
 1900 coordinating council; the role and functions of the coordinating  
 1901 council; the current budget for the coordinating council; the  
 1902 results of the most recent formal audit of the coordinating  
 1903 council; and the requirements of the state's public records law,  
 1904 the code of ethics, the Administrative Procedure Act, and other  
 1905 laws relating to public officials, including conflict-of-  
 1906 interest laws.

1907 (f) Staff of the Department of Health shall be assigned by  
 1908 the State Surgeon General ~~Secretary of Health~~ to assist the  
 1909 council in the duties assigned to it by this section.

1910 Section 60. Subsection (2) of section 420.622, Florida  
 1911 Statutes, is amended to read:

1912 420.622 State Office on Homelessness; Council on  
 1913 Homelessness.--

1914 (2) The Council on Homelessness is created to consist of a  
 1915 15-member council of public and private agency representatives  
 1916 who shall develop policy and advise the State Office on  
 1917 Homelessness. The council members shall be: the Secretary of  
 1918 Children and Family Services, or his or her designee; the  
 1919 Secretary of Community Affairs, or his or her designee; the  
 1920 State Surgeon General ~~Secretary of Health~~, or his or her  
 1921 designee; the Executive Director of Veterans' Affairs, or his or  
 1922 her designee; the Secretary of Corrections, or his or her  
 1923 designee; the Director of Workforce Florida, Inc., or his or her  
 1924 designee; one representative of the Florida Association of  
 1925 Counties; one representative of the Florida Coalition for  
 1926 Supportive Housing; the Executive Director of the Florida  
 1927 Housing Finance Corporation, or his or her designee; one  
 1928 representative of the Florida Coalition for the Homeless; one  
 1929 representative of the Florida State Rural Development Council;  
 1930 and four members appointed by the Governor. The council members  
 1931 shall be volunteer, nonpaid persons and shall be reimbursed for  
 1932 travel expenses only. The appointed members of the council shall  
 1933 serve staggered 2-year terms, and the council shall meet at  
 1934 least four times per year. The importance of minority, gender,  
 1935 and geographic representation must be considered when appointing  
 1936 members to the council.

1937 Section 61. Section 456.005, Florida Statutes, is amended  
 1938 to read:

1939 456.005 Long-range policy planning; plans, reports, and  
 1940 recommendations.--To facilitate efficient and cost-effective  
 1941 regulation, the department and the board, where appropriate,  
 1942 shall develop and implement a long-range policy planning and  
 1943 monitoring process to include recommendations specific to each  
 1944 profession. Such process shall include estimates of revenues,  
 1945 expenditures, cash balances, and performance statistics for each  
 1946 profession. The period covered shall not be less than 5 years.  
 1947 The department, with input from the boards, shall develop the  
 1948 long-range plan and must obtain the approval of the State  
 1949 Surgeon General ~~secretary~~. The department shall monitor  
 1950 compliance with the approved long-range plan and, with input  
 1951 from the boards, shall annually update the plans for approval by  
 1952 the State Surgeon General ~~secretary~~. The department shall  
 1953 provide concise management reports to the boards quarterly. As  
 1954 part of the review process, the department shall evaluate:

1955 (1) Whether the department, including the boards and the  
 1956 various functions performed by the department, is operating  
 1957 efficiently and effectively and if there is a need for a board  
 1958 or council to assist in cost-effective regulation.

1959 (2) How and why the various professions are regulated.

1960 (3) Whether there is a need to continue regulation, and to  
 1961 what degree.

1962 (4) Whether or not consumer protection is adequate, and  
 1963 how it can be improved.

1964 (5) Whether there is consistency between the various  
 1965 practice acts.

1966 (6) Whether unlicensed activity is adequately enforced.

1967  
 1968 Such plans should include conclusions and recommendations on  
 1969 these and other issues as appropriate. Such plans shall be  
 1970 provided to the Governor and the Legislature by November 1 of  
 1971 each year.

1972 Section 62. Subsections (4) and (5) of section 456.011,  
 1973 Florida Statutes, are amended to read:

1974 456.011 Boards; organization; meetings; compensation and  
 1975 travel expenses.--

1976 (4) Unless otherwise provided by law, a board member or  
 1977 former board member serving on a probable cause panel shall be  
 1978 compensated \$50 for each day in attendance at an official  
 1979 meeting of the board and for each day of participation in any  
 1980 other business involving the board. Each board shall adopt rules  
 1981 defining the phrase "other business involving the board," but  
 1982 the phrase may not routinely be defined to include telephone  
 1983 conference calls that last less than 4 hours. A board member  
 1984 also shall be entitled to reimbursement for expenses pursuant to  
 1985 s. 112.061. Travel out of state shall require the prior approval  
 1986 of the State Surgeon General ~~secretary~~.

1987 (5) When two or more boards have differences between them,  
 1988 the boards may elect to, or the State Surgeon General ~~secretary~~  
 1989 may request that the boards, establish a special committee to  
 1990 settle those differences. The special committee shall consist of  
 1991 three members designated by each board, who may be members of



1992 the designating board or other experts designated by the board,  
 1993 and of one additional person designated and agreed to by the  
 1994 members of the special committee. In the event the special  
 1995 committee cannot agree on the additional designee, upon request  
 1996 of the special committee, the State Surgeon General ~~secretary~~  
 1997 may select the designee. The committee shall recommend rules  
 1998 necessary to resolve the differences. If a rule adopted pursuant  
 1999 to this provision is challenged, the participating boards shall  
 2000 share the costs associated with defending the rule or rules. The  
 2001 department shall provide legal representation for any special  
 2002 committee established pursuant to this section.

2003 Section 63. Subsections (1) and (2) of section 456.012,  
 2004 Florida Statutes, are amended to read:

2005 456.012 Board rules; final agency action; challenges.--

2006 (1) The State Surgeon General ~~secretary of the department~~  
 2007 shall have standing to challenge any rule or proposed rule of a  
 2008 board under its jurisdiction pursuant to s. 120.56. In addition  
 2009 to challenges for any invalid exercise of delegated legislative  
 2010 authority, the administrative law judge, upon such a challenge  
 2011 by the State Surgeon General ~~secretary~~, may declare all or part  
 2012 of a rule or proposed rule invalid if it:

2013 (a) Does not protect the public from any significant and  
 2014 discernible harm or damages;

2015 (b) Unreasonably restricts competition or the availability  
 2016 of professional services in the state or in a significant part  
 2017 of the state; or

2018 (c) Unnecessarily increases the cost of professional  
 2019 services without a corresponding or equivalent public benefit.

2020  
 2021 However, there shall not be created a presumption of the  
 2022 existence of any of the conditions cited in this subsection in  
 2023 the event that the rule or proposed rule is challenged.

2024 (2) In addition, either the State Surgeon General  
 2025 ~~secretary~~ or the board shall be a substantially interested party  
 2026 for purposes of s. 120.54(7). The board may, as an adversely  
 2027 affected party, initiate and maintain an action pursuant to s.  
 2028 120.68 challenging the final agency action.

2029 Section 64. Paragraph (z) of subsection (1) of section  
 2030 456.072, Florida Statutes, is amended to read:

2031 456.072 Grounds for discipline; penalties; enforcement.--

2032 (1) The following acts shall constitute grounds for which  
 2033 the disciplinary actions specified in subsection (2) may be  
 2034 taken:

2035 (z) Being unable to practice with reasonable skill and  
 2036 safety to patients by reason of illness or use of alcohol,  
 2037 drugs, narcotics, chemicals, or any other type of material or as  
 2038 a result of any mental or physical condition. In enforcing this  
 2039 paragraph, the department shall have, upon a finding of the  
 2040 State Surgeon General ~~secretary~~ or the State Surgeon General's  
 2041 ~~secretary's~~ designee that probable cause exists to believe that  
 2042 the licensee is unable to practice because of the reasons stated  
 2043 in this paragraph, the authority to issue an order to compel a  
 2044 licensee to submit to a mental or physical examination by  
 2045 physicians designated by the department. If the licensee refuses  
 2046 to comply with the order, the department's order directing the  
 2047 examination may be enforced by filing a petition for enforcement

2048 | in the circuit court where the licensee resides or does  
 2049 | business. The department shall be entitled to the summary  
 2050 | procedure provided in s. 51.011. A licensee or certificateholder  
 2051 | affected under this paragraph shall at reasonable intervals be  
 2052 | afforded an opportunity to demonstrate that he or she can resume  
 2053 | the competent practice of his or her profession with reasonable  
 2054 | skill and safety to patients.

2055 |       Section 65. Subsections (1), (4), and (8) of section  
 2056 | 456.073, Florida Statutes, are amended to read:

2057 |       456.073 Disciplinary proceedings.--Disciplinary  
 2058 | proceedings for each board shall be within the jurisdiction of  
 2059 | the department.

2060 |       (1) The department, for the boards under its jurisdiction,  
 2061 | shall cause to be investigated any complaint that is filed  
 2062 | before it if the complaint is in writing, signed by the  
 2063 | complainant, and legally sufficient. A complaint filed by a  
 2064 | state prisoner against a health care practitioner employed by or  
 2065 | otherwise providing health care services within a facility of  
 2066 | the Department of Corrections is not legally sufficient unless  
 2067 | there is a showing that the prisoner complainant has exhausted  
 2068 | all available administrative remedies within the state  
 2069 | correctional system before filing the complaint. However, if the  
 2070 | Department of Health determines after a preliminary inquiry of a  
 2071 | state prisoner's complaint that the practitioner may present a  
 2072 | serious threat to the health and safety of any individual who is  
 2073 | not a state prisoner, the Department of Health may determine  
 2074 | legal sufficiency and proceed with discipline. The Department of  
 2075 | Health shall be notified within 15 days after the Department of

HB 7015

2008

2076 Corrections disciplines or allows a health care practitioner to  
2077 resign for an offense related to the practice of his or her  
2078 profession. A complaint is legally sufficient if it contains  
2079 ultimate facts that show that a violation of this chapter, of  
2080 any of the practice acts relating to the professions regulated  
2081 by the department, or of any rule adopted by the department or a  
2082 regulatory board in the department has occurred. In order to  
2083 determine legal sufficiency, the department may require  
2084 supporting information or documentation. The department may  
2085 investigate, and the department or the appropriate board may  
2086 take appropriate final action on, a complaint even though the  
2087 original complainant withdraws it or otherwise indicates a  
2088 desire not to cause the complaint to be investigated or  
2089 prosecuted to completion. The department may investigate an  
2090 anonymous complaint if the complaint is in writing and is  
2091 legally sufficient, if the alleged violation of law or rules is  
2092 substantial, and if the department has reason to believe, after  
2093 preliminary inquiry, that the violations alleged in the  
2094 complaint are true. The department may investigate a complaint  
2095 made by a confidential informant if the complaint is legally  
2096 sufficient, if the alleged violation of law or rule is  
2097 substantial, and if the department has reason to believe, after  
2098 preliminary inquiry, that the allegations of the complainant are  
2099 true. The department may initiate an investigation if it has  
2100 reasonable cause to believe that a licensee or a group of  
2101 licensees has violated a Florida statute, a rule of the  
2102 department, or a rule of a board. Notwithstanding subsection  
2103 (13), the department may investigate information filed pursuant

HB 7015

2008

2104 to s. 456.041(4) relating to liability actions with respect to  
2105 practitioners licensed under chapter 458 or chapter 459 which  
2106 have been reported under s. 456.049 or s. 627.912 within the  
2107 previous 6 years for any paid claim that exceeds \$50,000. Except  
2108 as provided in ss. 458.331(9), 459.015(9), 460.413(5), and  
2109 461.013(6), when an investigation of any subject is undertaken,  
2110 the department shall promptly furnish to the subject or the  
2111 subject's attorney a copy of the complaint or document that  
2112 resulted in the initiation of the investigation. The subject may  
2113 submit a written response to the information contained in such  
2114 complaint or document within 20 days after service to the  
2115 subject of the complaint or document. The subject's written  
2116 response shall be considered by the probable cause panel. The  
2117 right to respond does not prohibit the issuance of a summary  
2118 emergency order if necessary to protect the public. However, if  
2119 the State Surgeon General ~~secretary~~, or the State Surgeon  
2120 General's ~~secretary's~~ designee, and the chair of the respective  
2121 board or the chair of its probable cause panel agree in writing  
2122 that such notification would be detrimental to the  
2123 investigation, the department may withhold notification. The  
2124 department may conduct an investigation without notification to  
2125 any subject if the act under investigation is a criminal  
2126 offense.

2127 (4) The determination as to whether probable cause exists  
2128 shall be made by majority vote of a probable cause panel of the  
2129 board, or by the department, as appropriate. Each regulatory  
2130 board shall provide by rule that the determination of probable  
2131 cause shall be made by a panel of its members or by the

2132 department. Each board may provide by rule for multiple probable  
 2133 cause panels composed of at least two members. Each board may  
 2134 provide by rule that one or more members of the panel or panels  
 2135 may be a former board member. The length of term or repetition  
 2136 of service of any such former board member on a probable cause  
 2137 panel may vary according to the direction of the board when  
 2138 authorized by board rule. Any probable cause panel must include  
 2139 one of the board's former or present consumer members, if one is  
 2140 available, is willing to serve, and is authorized to do so by  
 2141 the board chair. Any probable cause panel must include a present  
 2142 board member. Any probable cause panel must include a former or  
 2143 present professional board member. However, any former  
 2144 professional board member serving on the probable cause panel  
 2145 must hold an active valid license for that profession. All  
 2146 proceedings of the panel are exempt from s. 286.011 until 10  
 2147 days after probable cause has been found to exist by the panel  
 2148 or until the subject of the investigation waives his or her  
 2149 privilege of confidentiality. The probable cause panel may make  
 2150 a reasonable request, and upon such request the department shall  
 2151 provide such additional investigative information as is  
 2152 necessary to the determination of probable cause. A request for  
 2153 additional investigative information shall be made within 15  
 2154 days from the date of receipt by the probable cause panel of the  
 2155 investigative report of the department or the agency. The  
 2156 probable cause panel or the department, as may be appropriate,  
 2157 shall make its determination of probable cause within 30 days  
 2158 after receipt by it of the final investigative report of the  
 2159 department. The State Surgeon General ~~secretary~~ may grant

HB 7015

2008

2160 extensions of the 15-day and the 30-day time limits. In lieu of  
2161 a finding of probable cause, the probable cause panel, or the  
2162 department if there is no board, may issue a letter of guidance  
2163 to the subject. If, within the 30-day time limit, as may be  
2164 extended, the probable cause panel does not make a determination  
2165 regarding the existence of probable cause or does not issue a  
2166 letter of guidance in lieu of a finding of probable cause, the  
2167 department must make a determination regarding the existence of  
2168 probable cause within 10 days after the expiration of the time  
2169 limit. If the probable cause panel finds that probable cause  
2170 exists, it shall direct the department to file a formal  
2171 complaint against the licensee. The department shall follow the  
2172 directions of the probable cause panel regarding the filing of a  
2173 formal complaint. If directed to do so, the department shall  
2174 file a formal complaint against the subject of the investigation  
2175 and prosecute that complaint pursuant to chapter 120. However,  
2176 the department may decide not to prosecute the complaint if it  
2177 finds that probable cause has been improvidently found by the  
2178 panel. In such cases, the department shall refer the matter to  
2179 the board. The board may then file a formal complaint and  
2180 prosecute the complaint pursuant to chapter 120. The department  
2181 shall also refer to the board any investigation or disciplinary  
2182 proceeding not before the Division of Administrative Hearings  
2183 pursuant to chapter 120 or otherwise completed by the department  
2184 within 1 year after the filing of a complaint. The department,  
2185 for disciplinary cases under its jurisdiction, must establish a  
2186 uniform reporting system to quarterly refer to each board the  
2187 status of any investigation or disciplinary proceeding that is

2188 | not before the Division of Administrative Hearings or otherwise  
 2189 | completed by the department within 1 year after the filing of  
 2190 | the complaint. Annually, the department, in consultation with  
 2191 | the applicable probable cause panel, must establish a plan to  
 2192 | expedite or otherwise close any investigation or disciplinary  
 2193 | proceeding that is not before the Division of Administrative  
 2194 | Hearings or otherwise completed by the department within 1 year  
 2195 | after the filing of the complaint. A probable cause panel or a  
 2196 | board may retain independent legal counsel, employ  
 2197 | investigators, and continue the investigation as it deems  
 2198 | necessary; all costs thereof shall be paid from a trust fund  
 2199 | used by the department to implement this chapter. All  
 2200 | proceedings of the probable cause panel are exempt from s.  
 2201 | 120.525.

2202 |         (8) Any proceeding for the purpose of summary suspension  
 2203 | of a license, or for the restriction of the license, of a  
 2204 | licensee pursuant to s. 120.60(6) shall be conducted by the  
 2205 | State Surgeon General ~~secretary of the Department of Health~~ or  
 2206 | his or her designee, as appropriate, who shall issue the final  
 2207 | summary order.

2208 |         Section 66. Subsection (2) of section 456.074, Florida  
 2209 | Statutes, is amended to read:

2210 |             456.074 Certain health care practitioners; immediate  
 2211 | suspension of license.--

2212 |         (2) If the board has previously found any physician or  
 2213 | osteopathic physician in violation of the provisions of s.  
 2214 | 458.331(1)(t) or s. 459.015(1)(x), in regard to her or his  
 2215 | treatment of three or more patients, and the probable cause



2216 panel of the board finds probable cause of an additional  
 2217 violation of that section, then the State Surgeon General  
 2218 ~~Secretary of Health~~ shall review the matter to determine if an  
 2219 emergency suspension or restriction order is warranted. Nothing  
 2220 in this section shall be construed so as to limit the authority  
 2221 of the State Surgeon General ~~secretary of the department~~ to  
 2222 issue an emergency order.

2223 Section 67. Paragraph (b) of subsection (5) of section  
 2224 456.076, Florida Statutes, is amended to read:

2225 456.076 Treatment programs for impaired practitioners.--

2226 (5)

2227 (b) If in the opinion of the consultant, after  
 2228 consultation with the treatment provider, an impaired licensee  
 2229 has not progressed satisfactorily in a treatment program, all  
 2230 information regarding the issue of a licensee's impairment and  
 2231 participation in a treatment program in the consultant's  
 2232 possession shall be disclosed to the department. Such disclosure  
 2233 shall constitute a complaint pursuant to the general provisions  
 2234 of s. 456.073. Whenever the consultant concludes that impairment  
 2235 affects a licensee's practice and constitutes an immediate,  
 2236 serious danger to the public health, safety, or welfare, that  
 2237 conclusion shall be communicated to the State Surgeon General  
 2238 ~~secretary of the department~~.

2239 Section 68. Paragraph (o) of subsection (1) of section  
 2240 457.109, Florida Statutes, is amended to read:

2241 457.109 Disciplinary actions; grounds; action by the  
 2242 board.--

2243           (1) The following acts constitute grounds for denial of a  
 2244 license or disciplinary action, as specified in s. 456.072(2):  
 2245           (o) Being unable to practice acupuncture with reasonable  
 2246 skill and safety to patients by reason of illness or use of  
 2247 alcohol, drugs, narcotics, chemicals, or any other type of  
 2248 material or as a result of any mental or physical condition. In  
 2249 enforcing this paragraph, upon a finding of the State Surgeon  
 2250 General ~~secretary~~ or the State Surgeon General's ~~secretary's~~  
 2251 designee that probable cause exists to believe that the licensee  
 2252 is unable to serve as an acupuncturist due to the reasons stated  
 2253 in this paragraph, the department shall have the authority to  
 2254 issue an order to compel the licensee to submit to a mental or  
 2255 physical examination by a physician designated by the  
 2256 department. If the licensee refuses to comply with such order,  
 2257 the department's order directing such examination may be  
 2258 enforced by filing a petition for enforcement in the circuit  
 2259 court where the licensee resides or serves as an acupuncturist.  
 2260 The licensee against whom the petition is filed shall not be  
 2261 named or identified by initials in any public court record or  
 2262 document, and the proceedings shall be closed to the public. The  
 2263 department shall be entitled to the summary procedure provided  
 2264 in s. 51.011. An acupuncturist affected under this paragraph  
 2265 shall at reasonable intervals be afforded an opportunity to  
 2266 demonstrate that he or she can resume the competent practice of  
 2267 acupuncture with reasonable skill and safety to patients. In any  
 2268 proceeding under this paragraph, neither the record of  
 2269 proceedings nor the orders entered by the department shall be  
 2270 used against an acupuncturist in any other proceeding.

2271 Section 69. Subsection (4) of section 458.311, Florida  
 2272 Statutes, is amended to read:

2273 458.311 Licensure by examination; requirements; fees.--

2274 (4) The department and the board shall assure that  
 2275 applicants for licensure meet the criteria in subsection (1)  
 2276 through an investigative process. When the investigative process  
 2277 is not completed within the time set out in s. 120.60(1) and the  
 2278 department or board has reason to believe that the applicant  
 2279 does not meet the criteria, the State Surgeon General ~~secretary~~  
 2280 or the State Surgeon General's ~~secretary's~~ designee may issue a  
 2281 90-day licensure delay which shall be in writing and sufficient  
 2282 to notify the applicant of the reason for the delay. The  
 2283 provisions of this subsection shall control over any conflicting  
 2284 provisions of s. 120.60(1).

2285 Section 70. Subsection (3) of section 458.313, Florida  
 2286 Statutes, is amended to read:

2287 458.313 Licensure by endorsement; requirements; fees.--

2288 (3) The department and the board shall ensure that  
 2289 applicants for licensure by endorsement meet applicable criteria  
 2290 in this chapter through an investigative process. When the  
 2291 investigative process is not completed within the time set out  
 2292 in s. 120.60(1) and the department or board has reason to  
 2293 believe that the applicant does not meet the criteria, the State  
 2294 Surgeon General ~~secretary~~ or the State Surgeon General's  
 2295 ~~secretary's~~ designee may issue a 90-day licensure delay which  
 2296 shall be in writing and sufficient to notify the applicant of  
 2297 the reason for the delay. The provisions of this subsection  
 2298 shall control over any conflicting provisions of s. 120.60(1).

HB 7015

2008

2299 Section 71. Paragraph (b) of subsection (2) of section  
 2300 458.316, Florida Statutes, is amended to read:

2301 458.316 Public health certificate.--

2302 (2) Such certificate shall be issued pursuant to the  
 2303 following conditions:

2304 (b) The certificate is subject to biennial renewal and  
 2305 shall be renewable only if the State Surgeon General ~~secretary~~  
 2306 ~~of the Department of Health~~ recommends in writing that the  
 2307 certificate be renewed.

2308 Section 72. Paragraph (b) of subsection (1) of section  
 2309 458.3165, Florida Statutes, is amended to read:

2310 458.3165 Public psychiatry certificate.--The board shall  
 2311 issue a public psychiatry certificate to an individual who  
 2312 remits an application fee not to exceed \$300, as set by the  
 2313 board, who is a board-certified psychiatrist, who is licensed to  
 2314 practice medicine without restriction in another state, and who  
 2315 meets the requirements in s. 458.311(1)(a)-(g) and (5). A  
 2316 recipient of a public psychiatry certificate may use the  
 2317 certificate to work at any public mental health facility or  
 2318 program funded in part or entirely by state funds.

2319 (1) Such certificate shall:

2320 (b) Be issued and renewable biennially if the State  
 2321 Surgeon General ~~secretary of the Department of Health~~ and the  
 2322 chair of the department of psychiatry at one of the public  
 2323 medical schools or the chair of the department of psychiatry at  
 2324 the accredited medical school at the University of Miami  
 2325 recommend in writing that the certificate be issued or renewed.

2326 Section 73. Paragraph (s) of subsection (1) of section  
 2327 458.331, Florida Statutes, is amended to read:

2328 458.331 Grounds for disciplinary action; action by the  
 2329 board and department.--

2330 (1) The following acts constitute grounds for denial of a  
 2331 license or disciplinary action, as specified in s. 456.072(2):

2332 (s) Being unable to practice medicine with reasonable  
 2333 skill and safety to patients by reason of illness or use of  
 2334 alcohol, drugs, narcotics, chemicals, or any other type of  
 2335 material or as a result of any mental or physical condition. In  
 2336 enforcing this paragraph, the department shall have, upon a  
 2337 finding of the State Surgeon General ~~secretary~~ or the State  
 2338 Surgeon General's ~~secretary's~~ designee that probable cause  
 2339 exists to believe that the licensee is unable to practice  
 2340 medicine because of the reasons stated in this paragraph, the  
 2341 authority to issue an order to compel a licensee to submit to a  
 2342 mental or physical examination by physicians designated by the  
 2343 department. If the licensee refuses to comply with such order,  
 2344 the department's order directing such examination may be  
 2345 enforced by filing a petition for enforcement in the circuit  
 2346 court where the licensee resides or does business. The licensee  
 2347 against whom the petition is filed may not be named or  
 2348 identified by initials in any public court records or documents,  
 2349 and the proceedings shall be closed to the public. The  
 2350 department shall be entitled to the summary procedure provided  
 2351 in s. 51.011. A licensee or certificateholder affected under  
 2352 this paragraph shall at reasonable intervals be afforded an  
 2353 opportunity to demonstrate that he or she can resume the

HB 7015

2008

2354 competent practice of medicine with reasonable skill and safety  
 2355 to patients.

2356 Section 74. Subsection (2) of section 458.346, Florida  
 2357 Statutes, is amended to read:

2358 458.346 Public Sector Physician Advisory Committee.--

2359 (2) PUBLIC SECTOR PHYSICIAN ADVISORY COMMITTEE.--There is  
 2360 hereby created a Public Sector Physician Advisory Committee  
 2361 which shall be comprised of three physicians. One physician  
 2362 shall be appointed by the chair of the Board of Medicine. The  
 2363 two remaining physicians shall be appointed by the State Surgeon  
 2364 General ~~secretary of the department~~ from recommendations of the  
 2365 appropriate organization, if any, representing such physicians  
 2366 for the purpose of collective bargaining. The chair of the  
 2367 committee shall be one of the two public sector physicians who  
 2368 shall be elected by majority vote of the committee members.  
 2369 Members of the committee shall serve 3-year terms and shall meet  
 2370 at least once each year or upon the call of the committee chair.  
 2371 The initial term for one public sector physician shall be for 2  
 2372 years, and the other for 3 years. Members of the committee are  
 2373 subject to reappointment. Committee members shall receive  
 2374 reimbursement for per diem and travel expenses.

2375 Section 75. Paragraph (f) of subsection (4) and paragraph  
 2376 (a) of subsection (9) of section 458.347, Florida Statutes, are  
 2377 amended to read:

2378 458.347 Physician assistants.--

2379 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.--

2380 (f)1. The council shall establish a formulary of medicinal  
 2381 drugs that a fully licensed physician assistant, licensed under

2382 | this section or s. 459.022, may not prescribe. The formulary  
 2383 | must include controlled substances as defined in chapter 893,  
 2384 | antipsychotics, general anesthetics and radiographic contrast  
 2385 | materials, and all parenteral preparations except insulin and  
 2386 | epinephrine.

2387 |         2. In establishing the formulary, the council shall  
 2388 | consult with a pharmacist licensed under chapter 465, but not  
 2389 | licensed under this chapter or chapter 459, who shall be  
 2390 | selected by the State Surgeon General ~~Secretary of Health~~.

2391 |         3. Only the council shall add to, delete from, or modify  
 2392 | the formulary. Any person who requests an addition, deletion, or  
 2393 | modification of a medicinal drug listed on such formulary has  
 2394 | the burden of proof to show cause why such addition, deletion,  
 2395 | or modification should be made.

2396 |         4. The boards shall adopt the formulary required by this  
 2397 | paragraph, and each addition, deletion, or modification to the  
 2398 | formulary, by rule. Notwithstanding any provision of chapter 120  
 2399 | to the contrary, the formulary rule shall be effective 60 days  
 2400 | after the date it is filed with the Secretary of State. Upon  
 2401 | adoption of the formulary, the department shall mail a copy of  
 2402 | such formulary to each fully licensed physician assistant,  
 2403 | licensed under this section or s. 459.022, and to each pharmacy  
 2404 | licensed by the state. The boards shall establish, by rule, a  
 2405 | fee not to exceed \$200 to fund the provisions of this paragraph  
 2406 | and paragraph (e).

2407 |         (9) COUNCIL ON PHYSICIAN ASSISTANTS.--The Council on  
 2408 | Physician Assistants is created within the department.

2409 (a) The council shall consist of five members appointed as  
 2410 follows:

2411 1. The chairperson of the Board of Medicine shall appoint  
 2412 three members who are physicians and members of the Board of  
 2413 Medicine. One of the physicians must supervise a physician  
 2414 assistant in the physician's practice.

2415 2. The chairperson of the Board of Osteopathic Medicine  
 2416 shall appoint one member who is a physician and a member of the  
 2417 Board of Osteopathic Medicine.

2418 3. The State Surgeon General ~~secretary of the department~~  
 2419 or his or her designee shall appoint a fully licensed physician  
 2420 assistant licensed under this chapter or chapter 459.

2421 Section 76. Subsection (6) of section 459.0055, Florida  
 2422 Statutes, is amended to read:

2423 459.0055 General licensure requirements.--

2424 (6) When the investigative process is not completed within  
 2425 the time set out in s. 120.60(1) and the department or board has  
 2426 reason to believe that the applicant does not meet the criteria,  
 2427 the State Surgeon General ~~secretary~~ or the State Surgeon  
 2428 General's ~~secretary's~~ designee may issue a 90-day licensure  
 2429 delay which shall be in writing and sufficient to notify the  
 2430 applicant of the reason for the delay. The provisions of this  
 2431 subsection shall control over any conflicting provisions of s.  
 2432 120.60(1).

2433 Section 77. Paragraph (w) of subsection (1) of section  
 2434 459.015, Florida Statutes, is amended to read:

2435 459.015 Grounds for disciplinary action; action by the  
 2436 board and department.--



HB 7015

2008

2437 (1) The following acts constitute grounds for denial of a  
2438 license or disciplinary action, as specified in s. 456.072(2):  
2439 (w) Being unable to practice osteopathic medicine with  
2440 reasonable skill and safety to patients by reason of illness or  
2441 use of alcohol, drugs, narcotics, chemicals, or any other type  
2442 of material or as a result of any mental or physical condition.  
2443 In enforcing this paragraph, the department shall, upon a  
2444 finding of the State Surgeon General ~~secretary~~ or the State  
2445 Surgeon General's ~~secretary's~~ designee that probable cause  
2446 exists to believe that the licensee is unable to practice  
2447 medicine because of the reasons stated in this paragraph, have  
2448 the authority to issue an order to compel a licensee to submit  
2449 to a mental or physical examination by physicians designated by  
2450 the department. If the licensee refuses to comply with such  
2451 order, the department's order directing such examination may be  
2452 enforced by filing a petition for enforcement in the circuit  
2453 court where the licensee resides or does business. The licensee  
2454 against whom the petition is filed shall not be named or  
2455 identified by initials in any public court records or documents,  
2456 and the proceedings shall be closed to the public. The  
2457 department shall be entitled to the summary procedure provided  
2458 in s. 51.011. A licensee or certificateholder affected under  
2459 this paragraph shall at reasonable intervals be afforded an  
2460 opportunity to demonstrate that he or she can resume the  
2461 competent practice of medicine with reasonable skill and safety  
2462 to patients.

2463 Section 78. Paragraph (a) of subsection (9) of section  
2464 459.022, Florida Statutes, is amended to read:

2465 459.022 Physician assistants.--

2466 (9) COUNCIL ON PHYSICIAN ASSISTANTS.--The Council on  
2467 Physician Assistants is created within the department.

2468 (a) The council shall consist of five members appointed as  
2469 follows:

2470 1. The chairperson of the Board of Medicine shall appoint  
2471 three members who are physicians and members of the Board of  
2472 Medicine. One of the physicians must supervise a physician  
2473 assistant in the physician's practice.

2474 2. The chairperson of the Board of Osteopathic Medicine  
2475 shall appoint one member who is a physician and a member of the  
2476 Board of Osteopathic Medicine.

2477 3. The State Surgeon General ~~secretary of the department~~  
2478 or her or his designee shall appoint a fully licensed physician  
2479 assistant licensed under chapter 458 or this chapter.

2480 Section 79. Paragraph (q) of subsection (1) of section  
2481 460.413, Florida Statutes, is amended to read:

2482 460.413 Grounds for disciplinary action; action by board  
2483 or department.--

2484 (1) The following acts constitute grounds for denial of a  
2485 license or disciplinary action, as specified in s. 456.072(2):

2486 (q) Being unable to practice chiropractic medicine with  
2487 reasonable skill and safety to patients by reason of illness or  
2488 use of alcohol, drugs, narcotics, chemicals, or any other type  
2489 of material or as a result of any mental or physical condition.  
2490 In enforcing this paragraph, upon a finding by the State Surgeon  
2491 General ~~secretary of the department~~, or his or her designee, or  
2492 the probable cause panel of the board that probable cause exists

2493 to believe that the licensee is unable to practice the  
 2494 profession because of reasons stated in this paragraph, the  
 2495 department shall have the authority to compel a licensee to  
 2496 submit to a mental or physical examination by a physician  
 2497 designated by the department. If the licensee refuses to comply  
 2498 with the department's order, the department may file a petition  
 2499 for enforcement in the circuit court of the circuit in which the  
 2500 licensee resides or does business. The department shall be  
 2501 entitled to the summary procedure provided in s. 51.011. The  
 2502 record of proceedings to obtain a compelled mental or physical  
 2503 examination shall not be used against a licensee in any other  
 2504 proceedings. A chiropractic physician affected under this  
 2505 paragraph shall at reasonable intervals be afforded an  
 2506 opportunity to demonstrate that she or he can resume the  
 2507 competent practice of chiropractic medicine with reasonable  
 2508 skill and safety to patients.

2509 Section 80. Subsection (4) of section 461.004, Florida  
 2510 Statutes, is amended to read:

2511 461.004 Board of Podiatric Medicine; membership;  
 2512 appointment; terms.--

2513 (4) All provisions of chapter 456 relating to the board  
 2514 shall apply. However, notwithstanding the requirement of s.  
 2515 456.073(4) that the board provide by rule for the determination  
 2516 of probable cause by a panel composed of its members or by the  
 2517 department, the board may provide by rule that its probable  
 2518 cause panel may be composed of one current member of the board  
 2519 and one past member of the board, as long as the past member is  
 2520 a licensed podiatric physician in good standing. The past board

2521 member must be appointed to the panel by the chair of the board  
 2522 with the approval of the State Surgeon General ~~secretary~~ for a  
 2523 maximum of 2 years.

2524 Section 81. Paragraphs (a) and (c) of subsection (2) of  
 2525 section 463.0055, Florida Statutes, are amended to read:

2526 463.0055 Administration and prescription of topical ocular  
 2527 pharmaceutical agents; committee.--

2528 (2) (a) There is hereby created a committee composed of two  
 2529 optometrists licensed pursuant to this chapter, appointed by the  
 2530 Board of Optometry, two board-certified ophthalmologists  
 2531 licensed pursuant to chapter 458 or chapter 459, appointed by  
 2532 the Board of Medicine, and one additional person with a  
 2533 doctorate degree in pharmacology who is not licensed pursuant to  
 2534 chapter 458, chapter 459, or this chapter, appointed by the  
 2535 State Surgeon General ~~secretary~~. The committee shall review  
 2536 requests for additions to, deletions from, or modifications of a  
 2537 formulary of topical ocular pharmaceutical agents for  
 2538 administration and prescription by certified optometrists and  
 2539 shall provide to the board advisory opinions and recommendations  
 2540 on such requests. The formulary shall consist of those topical  
 2541 ocular pharmaceutical agents which the certified optometrist is  
 2542 qualified to use in the practice of optometry. The board shall  
 2543 establish, add to, delete from, or modify the formulary by rule.  
 2544 Notwithstanding any provision of chapter 120 to the contrary,  
 2545 the formulary rule shall become effective 60 days from the date  
 2546 it is filed with the Secretary of State.

2547 (c) The State Surgeon General ~~secretary of the department~~  
 2548 shall have standing to challenge any rule or proposed rule of

2549 | the board pursuant to s. 120.56. In addition to challenges for  
 2550 | any invalid exercise of delegated legislative authority, the  
 2551 | administrative law judge, upon such a challenge by the State  
 2552 | Surgeon General ~~secretary~~, may declare all or part of a rule or  
 2553 | proposed rule invalid if it:

- 2554 |       1. Does not protect the public from any significant and
- 2555 |       discernible harm or damages;
- 2556 |       2. Unreasonably restricts competition or the availability
- 2557 |       of professional services in the state or in a significant part
- 2558 |       of the state; or
- 2559 |       3. Unnecessarily increases the cost of professional
- 2560 |       services without a corresponding or equivalent public benefit.

2561 |  
 2562 | However, there shall not be created a presumption of the  
 2563 | existence of any of the conditions cited in this subsection in  
 2564 | the event that the rule or proposed rule is challenged.

2565 |       Section 82. Paragraph (d) of subsection (3) of section  
 2566 | 464.003, Florida Statutes, is amended to read:

2567 |       464.003 Definitions.--As used in this part, the term:

2568 |       (3)

2569 |       (d) "Advanced or specialized nursing practice" means, in  
 2570 | addition to the practice of professional nursing, the  
 2571 | performance of advanced-level nursing acts approved by the board  
 2572 | which, by virtue of postbasic specialized education, training,  
 2573 | and experience, are appropriately performed by an advanced  
 2574 | registered nurse practitioner. Within the context of advanced or  
 2575 | specialized nursing practice, the advanced registered nurse  
 2576 | practitioner may perform acts of nursing diagnosis and nursing

HB 7015

2008

2577 treatment of alterations of the health status. The advanced  
2578 registered nurse practitioner may also perform acts of medical  
2579 diagnosis and treatment, prescription, and operation which are  
2580 identified and approved by a joint committee composed of three  
2581 members appointed by the Board of Nursing, two of whom must be  
2582 advanced registered nurse practitioners; three members appointed  
2583 by the Board of Medicine, two of whom must have had work  
2584 experience with advanced registered nurse practitioners; and the  
2585 State Surgeon General ~~secretary of the department~~ or the State  
2586 Surgeon General's ~~secretary's~~ designee. Each committee member  
2587 appointed by a board shall be appointed to a term of 4 years  
2588 unless a shorter term is required to establish or maintain  
2589 staggered terms. The Board of Nursing shall adopt rules  
2590 authorizing the performance of any such acts approved by the  
2591 joint committee. Unless otherwise specified by the joint  
2592 committee, such acts must be performed under the general  
2593 supervision of a practitioner licensed under chapter 458,  
2594 chapter 459, or chapter 466 within the framework of standing  
2595 protocols which identify the medical acts to be performed and  
2596 the conditions for their performance. The department may, by  
2597 rule, require that a copy of the protocol be filed with the  
2598 department along with the notice required by s. 458.348.

2599 Section 83. Paragraph (j) of subsection (1) of section  
2600 464.018, Florida Statutes, is amended to read:

2601 464.018 Disciplinary actions.--

2602 (1) The following acts constitute grounds for denial of a  
2603 license or disciplinary action, as specified in s. 456.072(2):

HB 7015

2008

2604 (j) Being unable to practice nursing with reasonable skill  
2605 and safety to patients by reason of illness or use of alcohol,  
2606 drugs, narcotics, or chemicals or any other type of material or  
2607 as a result of any mental or physical condition. In enforcing  
2608 this paragraph, the department shall have, upon a finding of the  
2609 State Surgeon General ~~secretary~~ or the State Surgeon General's  
2610 ~~secretary's~~ designee that probable cause exists to believe that  
2611 the licensee is unable to practice nursing because of the  
2612 reasons stated in this paragraph, the authority to issue an  
2613 order to compel a licensee to submit to a mental or physical  
2614 examination by physicians designated by the department. If the  
2615 licensee refuses to comply with such order, the department's  
2616 order directing such examination may be enforced by filing a  
2617 petition for enforcement in the circuit court where the licensee  
2618 resides or does business. The licensee against whom the petition  
2619 is filed shall not be named or identified by initials in any  
2620 public court records or documents, and the proceedings shall be  
2621 closed to the public. The department shall be entitled to the  
2622 summary procedure provided in s. 51.011. A nurse affected by the  
2623 provisions of this paragraph shall at reasonable intervals be  
2624 afforded an opportunity to demonstrate that she or he can resume  
2625 the competent practice of nursing with reasonable skill and  
2626 safety to patients.

2627 Section 84. Paragraph (c) of subsection (1) of section  
2628 464.2085, Florida Statutes, is amended to read:

2629 464.2085 Council on Certified Nursing Assistants.--The  
2630 Council on Certified Nursing Assistants is created within the  
2631 department, under the Board of Nursing.

2632 (1) The council shall consist of five members appointed as  
 2633 follows:

2634 (c) The State Surgeon General ~~secretary of the department~~  
 2635 or his or her designee shall appoint two certified nursing  
 2636 assistants currently certified under this chapter, at least one  
 2637 of whom is currently working in a licensed nursing home.

2638 Section 85. Paragraph (c) of subsection (2) of section  
 2639 466.004, Florida Statutes, is amended to read:

2640 466.004 Board of Dentistry.--

2641 (2) To advise the board, it is the intent of the  
 2642 Legislature that councils be appointed as specified in  
 2643 paragraphs (a), (b), and (c). The department shall provide  
 2644 administrative support to the councils and shall provide public  
 2645 notice of meetings and agenda of the councils. Councils shall  
 2646 include at least one board member who shall chair the council  
 2647 and shall include nonboard members. All council members shall be  
 2648 appointed by the board chair. Council members shall be appointed  
 2649 for 4-year terms, and all members shall be eligible for  
 2650 reimbursement of expenses in the manner of board members.

2651 (c) With the concurrence of the State Surgeon General  
 2652 ~~secretary~~, the board chair may create and abolish other advisory  
 2653 councils relating to dental subjects, including, but not limited  
 2654 to: examinations, access to dental care, indigent care, nursing  
 2655 home and institutional care, public health, disciplinary  
 2656 guidelines, and other subjects as appropriate. Such councils  
 2657 shall be appointed by the board chair and shall include at least  
 2658 one board member who shall serve as chair.



2659 Section 86. Paragraph (s) of subsection (1) of section  
 2660 466.028, Florida Statutes, is amended to read:

2661 466.028 Grounds for disciplinary action; action by the  
 2662 board.--

2663 (1) The following acts constitute grounds for denial of a  
 2664 license or disciplinary action, as specified in s. 456.072(2):

2665 (s) Being unable to practice her or his profession with  
 2666 reasonable skill and safety to patients by reason of illness or  
 2667 use of alcohol, drugs, narcotics, chemicals, or any other type  
 2668 of material or as a result of any mental or physical condition.  
 2669 In enforcing this paragraph, the department shall have, upon a  
 2670 finding of the State Surgeon General ~~secretary~~ or her or his  
 2671 designee that probable cause exists to believe that the licensee  
 2672 is unable to practice dentistry or dental hygiene because of the  
 2673 reasons stated in this paragraph, the authority to issue an  
 2674 order to compel a licensee to submit to a mental or physical  
 2675 examination by physicians designated by the department. If the  
 2676 licensee refuses to comply with such order, the department's  
 2677 order directing such examination may be enforced by filing a  
 2678 petition for enforcement in the circuit court where the licensee  
 2679 resides or does business. The licensee against whom the petition  
 2680 is filed shall not be named or identified by initials in any  
 2681 public court records or documents, and the proceedings shall be  
 2682 closed to the public. The department shall be entitled to the  
 2683 summary procedure provided in s. 51.011. A licensee affected  
 2684 under this paragraph shall at reasonable intervals be afforded  
 2685 an opportunity to demonstrate that she or he can resume the

HB 7015

2008

2686 competent practice of her or his profession with reasonable  
 2687 skill and safety to patients.

2688 Section 87. Subsection (14) of section 467.003, Florida  
 2689 Statutes, is repealed.

2690 Section 88. Subsection (1) of section 467.004, Florida  
 2691 Statutes, is amended to read:

2692 467.004 Council of Licensed Midwifery.--

2693 (1) The Council of Licensed Midwifery is created within  
 2694 the department and shall consist of nine members to be appointed  
 2695 by the State Surgeon General ~~secretary~~.

2696 Section 89. Paragraph (aa) of subsection (1) of section  
 2697 468.1295, Florida Statutes, is amended to read:

2698 468.1295 Disciplinary proceedings.--

2699 (1) The following acts constitute grounds for denial of a  
 2700 license or disciplinary action, as specified in s. 456.072(2):

2701 (aa) Being unable to practice the profession for which he  
 2702 or she is licensed or certified under this chapter with  
 2703 reasonable skill or competence as a result of any mental or  
 2704 physical condition or by reason of illness, drunkenness, or use  
 2705 of drugs, narcotics, chemicals, or any other substance. In  
 2706 enforcing this paragraph, upon a finding by the State Surgeon  
 2707 General ~~secretary~~, his or her designee, or the board that  
 2708 probable cause exists to believe that the licensee or  
 2709 certificateholder is unable to practice the profession because  
 2710 of the reasons stated in this paragraph, the department shall  
 2711 have the authority to compel a licensee or certificateholder to  
 2712 submit to a mental or physical examination by a physician,  
 2713 psychologist, clinical social worker, marriage and family

2714 therapist, or mental health counselor designated by the  
 2715 department or board. If the licensee or certificateholder  
 2716 refuses to comply with the department's order directing the  
 2717 examination, such order may be enforced by filing a petition for  
 2718 enforcement in the circuit court in the circuit in which the  
 2719 licensee or certificateholder resides or does business. The  
 2720 department shall be entitled to the summary procedure provided  
 2721 in s. 51.011. A licensee or certificateholder affected under  
 2722 this paragraph shall at reasonable intervals be afforded an  
 2723 opportunity to demonstrate that he or she can resume the  
 2724 competent practice for which he or she is licensed or certified  
 2725 with reasonable skill and safety to patients.

2726 Section 90. Paragraph (1) of subsection (1) of section  
 2727 468.1755, Florida Statutes, is amended to read:

2728 468.1755 Disciplinary proceedings.--

2729 (1) The following acts constitute grounds for denial of a  
 2730 license or disciplinary action, as specified in s. 456.072(2):

2731 (1) Being unable to practice nursing home administration  
 2732 with reasonable skill and safety to patients by reason of  
 2733 illness, drunkenness, use of drugs, narcotics, chemicals, or any  
 2734 other material or substance or as a result of any mental or  
 2735 physical condition. In enforcing this paragraph, upon a finding  
 2736 of the State Surgeon General ~~secretary~~ or his or her designee  
 2737 that probable cause exists to believe that the licensee is  
 2738 unable to serve as a nursing home administrator due to the  
 2739 reasons stated in this paragraph, the department shall have the  
 2740 authority to issue an order to compel the licensee to submit to  
 2741 a mental or physical examination by a physician designated by

2742 the department. If the licensee refuses to comply with such  
 2743 order, the department's order directing such examination may be  
 2744 enforced by filing a petition for enforcement in the circuit  
 2745 court where the licensee resides or serves as a nursing home  
 2746 administrator. The licensee against whom the petition is filed  
 2747 shall not be named or identified by initials in any public court  
 2748 records or documents, and the proceedings shall be closed to the  
 2749 public. The department shall be entitled to the summary  
 2750 procedure provided in s. 51.011. A licensee affected under this  
 2751 paragraph shall have the opportunity, at reasonable intervals,  
 2752 to demonstrate that he or she can resume the competent practice  
 2753 of nursing home administration with reasonable skill and safety  
 2754 to patients.

2755 Section 91. Subsection (18) of section 468.301, Florida  
 2756 Statutes, is repealed.

2757 Section 92. Subsections (1) and (3) of section 468.314,  
 2758 Florida Statutes, are amended to read:

2759 468.314 Advisory Council on Radiation Protection;  
 2760 appointment; terms; powers; duties.--

2761 (1) The Advisory Council on Radiation Protection is  
 2762 created within the Department of Health and shall consist of 16  
 2763 persons to be appointed by the State Surgeon General ~~secretary~~  
 2764 for 3-year terms.

2765 (3) The council shall meet at least twice a year, but no  
 2766 more than four times per year unless authorized by the State  
 2767 Surgeon General ~~secretary~~.

2768 Section 93. Paragraph (c) of subsection (4) of section  
 2769 468.354, Florida Statutes, is amended to read:

2770 468.354 Board of Respiratory Care; organization;  
 2771 function.--

2772 (4)

2773 (c) Unless otherwise provided by law, a board member shall  
 2774 be compensated \$50 for each day he or she attends an official  
 2775 board meeting and for each day he or she participates in any  
 2776 other board business. A board member shall also be entitled to  
 2777 reimbursement for expenses pursuant to s. 112.061. Travel out of  
 2778 the state shall require the prior approval of the State Surgeon  
 2779 General ~~secretary of the department.~~

2780 Section 94. Section 468.506, Florida Statutes, is amended  
 2781 to read:

2782 468.506 Dietetics and Nutrition Practice Council.--There  
 2783 is created the Dietetics and Nutrition Practice Council under  
 2784 the supervision of the board. The council shall consist of four  
 2785 persons licensed under this part and one consumer who is 60  
 2786 years of age or older. Council members shall be appointed by the  
 2787 board. Licensed members shall be appointed based on the  
 2788 proportion of licensees within each of the respective  
 2789 disciplines. Members shall be appointed for 4-year staggered  
 2790 terms. In order to be eligible for appointment, each licensed  
 2791 member must have been a licensee under this part for at least 3  
 2792 years prior to his or her appointment. No council member shall  
 2793 serve more than two successive terms. The board may delegate  
 2794 such powers and duties to the council as it may deem proper to  
 2795 carry out the operations and procedures necessary to effectuate  
 2796 the provisions of this part. However, the powers and duties  
 2797 delegated to the council by the board must encompass both

HB 7015

2008

2798 dietetics and nutrition practice and nutrition counseling. Any  
 2799 time there is a vacancy on the council, any professional  
 2800 association composed of persons licensed under this part may  
 2801 recommend licensees to fill the vacancy to the board in a number  
 2802 at least twice the number of vacancies to be filled, and the  
 2803 board may appoint from the submitted list, in its discretion,  
 2804 any of those persons so recommended. Any professional  
 2805 association composed of persons licensed under this part may  
 2806 file an appeal regarding a council appointment with the State  
 2807 Surgeon General ~~secretary of the department~~, whose decision  
 2808 shall be final. The board shall fix council members'  
 2809 compensation and pay their expenses in the same manner as  
 2810 provided in s. 456.011.

2811 Section 95. Paragraph (c) of subsection (4) of section  
 2812 478.44, Florida Statutes, is amended to read:

2813 478.44 Electrolysis Council; creation; function; powers  
 2814 and duties.--

2815 (4)

2816 (c) Unless otherwise provided by law, a council member  
 2817 shall be compensated \$50 for each day the member attends an  
 2818 official meeting of the council or participates in official  
 2819 council business. A council member is also entitled to  
 2820 reimbursement for expenses pursuant to s. 112.061. Travel out of  
 2821 state requires the prior approval of the State Surgeon General  
 2822 ~~Secretary of Health~~.

2823 Section 96. Subsection (5) of section 480.042, Florida  
 2824 Statutes, is amended to read:

2825 480.042 Examinations.--

2826 (5) All licensing examinations shall be conducted in such  
2827 manner that the applicant shall be known to the department by  
2828 number until her or his examination is completed and the proper  
2829 grade determined. An accurate record of each examination shall  
2830 be made; and that record, together with all examination papers,  
2831 shall be filed with the State Surgeon General ~~secretary of the~~  
2832 ~~department~~ and shall be kept for reference and inspection for a  
2833 period of not less than 2 years immediately following the  
2834 examination.

2835 Section 97. Paragraph (1) of subsection (1) of section  
2836 483.825, Florida Statutes, is amended to read:

2837 483.825 Grounds for disciplinary action.--

2838 (1) The following acts constitute grounds for denial of a  
2839 license or disciplinary action, as specified in s. 456.072(2):

2840 (1) Being unable to perform or report clinical laboratory  
2841 examinations with reasonable skill and safety to patients by  
2842 reason of illness or use of alcohol, drugs, narcotics,  
2843 chemicals, or any other type of material or as a result of any  
2844 mental or physical condition. In enforcing this paragraph, the  
2845 department shall have, upon a finding of the State Surgeon  
2846 General ~~secretary~~ or his or her designee that probable cause  
2847 exists to believe that the licensee is unable to practice  
2848 because of the reasons stated in this paragraph, the authority  
2849 to issue an order to compel a licensee to submit to a mental or  
2850 physical examination by physicians designated by the department.  
2851 If the licensee refuses to comply with such order, the  
2852 department's order directing such examination may be enforced by  
2853 filing a petition for enforcement in the circuit court where the

2854 licensee resides or does business. The department shall be  
 2855 entitled to the summary procedure provided in s. 51.011. A  
 2856 licensee affected under this paragraph shall at reasonable  
 2857 intervals be afforded an opportunity to demonstrate that he or  
 2858 she can resume competent practice with reasonable skill and  
 2859 safety to patients.

2860 Section 98. Paragraphs (a), (b), (c), (d), (e), and (g) of  
 2861 subsection (4) of section 483.901, Florida Statutes, are amended  
 2862 to read:

2863 483.901 Medical physicists; definitions; licensure.--

2864 (4) COUNCIL.--The Advisory Council of Medical Physicists  
 2865 is created in the Department of Health to advise the department  
 2866 in regulating the practice of medical physics in this state.

2867 (a) The council shall be composed of nine members  
 2868 appointed by the State Surgeon General ~~secretary of the~~  
 2869 ~~department~~ as follows:

2870 1. A licensed medical physicist who specializes in  
 2871 diagnostic radiological physics.

2872 2. A licensed medical physicist who specializes in  
 2873 therapeutic radiological physics.

2874 3. A licensed medical physicist who specializes in medical  
 2875 nuclear radiological physics.

2876 4. A physician who is board certified by the American  
 2877 Board of Radiology or its equivalent.

2878 5. A physician who is board certified by the American  
 2879 Osteopathic Board of Radiology or its equivalent.

2880 6. A chiropractic physician who practices radiology.



2881           7. Three consumer members who are not, and have never  
 2882 been, licensed as a medical physicist or licensed in any closely  
 2883 related profession.

2884           (b) The State Surgeon General ~~secretary of the department~~  
 2885 shall appoint the medical physicist members of the council from  
 2886 a list of candidates who are licensed to practice medical  
 2887 physics.

2888           (c) The State Surgeon General ~~secretary of the department~~  
 2889 shall appoint the physician members of the council from a list  
 2890 of candidates who are licensed to practice medicine in this  
 2891 state and are board certified in diagnostic radiology,  
 2892 therapeutic radiology, or radiation oncology.

2893           (d) The State Surgeon General ~~secretary of the department~~  
 2894 shall appoint the public members of the council.

2895           (e) As the term of each member expires, the State Surgeon  
 2896 General ~~secretary of the department~~ shall appoint the successor  
 2897 for a term of 4 years. A member shall serve until the member's  
 2898 successor is appointed, unless physically unable to do so.

2899           (g) If a vacancy on the council occurs, the State Surgeon  
 2900 General ~~secretary~~ shall appoint a member to serve for a 4-year  
 2901 term.

2902           Section 99. Subsection (4) of section 484.042, Florida  
 2903 Statutes, is amended to read:

2904           484.042 Board of Hearing Aid Specialists; membership,  
 2905 appointment, terms.--

2906           (4) All provisions of chapter 456 relating to activities  
 2907 of regulatory boards apply to the board. However,  
 2908 notwithstanding the requirement of s. 456.073(4) that the board

2909 provide by rule for the determination of probable cause by a  
 2910 panel composed of its members or by the department, the board  
 2911 may provide by rule that its probable cause panel may be  
 2912 composed of one current member of the board and one past member  
 2913 of the board, as long as the past member is a licensed hearing  
 2914 aid specialist in good standing. The past board member shall be  
 2915 appointed to the panel for a maximum of 2 years by the chair of  
 2916 the board with the approval of the State Surgeon General  
 2917 ~~secretary~~.

2918 Section 100. Paragraph (a) of subsection (1) of section  
 2919 486.125, Florida Statutes, is amended to read:

2920 486.125 Refusal, revocation, or suspension of license;  
 2921 administrative fines and other disciplinary measures.--

2922 (1) The following acts constitute grounds for denial of a  
 2923 license or disciplinary action, as specified in s. 456.072(2):

2924 (a) Being unable to practice physical therapy with  
 2925 reasonable skill and safety to patients by reason of illness or  
 2926 use of alcohol, drugs, narcotics, chemicals, or any other type  
 2927 of material or as a result of any mental or physical condition.

2928 1. In enforcing this paragraph, upon a finding of the  
 2929 State Surgeon General ~~secretary~~ or the State Surgeon General's  
 2930 ~~secretary's~~ designee that probable cause exists to believe that  
 2931 the licensee is unable to practice physical therapy due to the  
 2932 reasons stated in this paragraph, the department shall have the  
 2933 authority to compel a physical therapist or physical therapist  
 2934 assistant to submit to a mental or physical examination by a  
 2935 physician designated by the department. If the licensee refuses  
 2936 to comply with such order, the department's order directing such

HB 7015

2008

2937 examination may be enforced by filing a petition for enforcement  
2938 in the circuit court where the licensee resides or serves as a  
2939 physical therapy practitioner. The licensee against whom the  
2940 petition is filed shall not be named or identified by initials  
2941 in any public court records or documents, and the proceedings  
2942 shall be closed to the public. The department shall be entitled  
2943 to the summary procedure provided in s. 51.011.

2944 2. A physical therapist or physical therapist assistant  
2945 whose license is suspended or revoked pursuant to this  
2946 subsection shall, at reasonable intervals, be given an  
2947 opportunity to demonstrate that she or he can resume the  
2948 competent practice of physical therapy with reasonable skill and  
2949 safety to patients.

2950 3. Neither the record of proceeding nor the orders entered  
2951 by the board in any proceeding under this subsection may be used  
2952 against a physical therapist or physical therapist assistant in  
2953 any other proceeding.

2954 Section 101. Subsection (3) of section 487.041, Florida  
2955 Statutes, is amended to read:

2956 487.041 Registration.--

2957 (3) The department shall adopt rules governing the  
2958 procedures for the registration of a brand of pesticide and for  
2959 the review of data submitted by an applicant for registration of  
2960 the brand of pesticide. The department shall determine whether  
2961 the brand of pesticide should be registered, registered with  
2962 conditions, or tested under field conditions in this state. The  
2963 department shall determine whether each request for registration  
2964 of a brand of pesticide meets the requirements of current state

HB 7015

2008

2965 and federal law. The department, whenever it deems it necessary  
2966 in the administration of this part, may require the manufacturer  
2967 or registrant to submit the complete formula, quantities shipped  
2968 into or manufactured in the state for distribution and sale,  
2969 evidence of the efficacy and the safety of any pesticide, and  
2970 other relevant data. The department may review and evaluate a  
2971 registered pesticide if new information is made available that  
2972 indicates that use of the pesticide has caused an unreasonable  
2973 adverse effect on public health or the environment. Such review  
2974 shall be conducted upon the request of the State Surgeon General  
2975 ~~Secretary of Health~~ in the event of an unreasonable adverse  
2976 effect on public health or the Secretary of Environmental  
2977 Protection in the event of an unreasonable adverse effect on the  
2978 environment. Such review may result in modifications,  
2979 revocation, cancellation, or suspension of the registration of a  
2980 brand of pesticide. The department, for reasons of adulteration,  
2981 misbranding, or other good cause, may refuse or revoke the  
2982 registration of the brand of any pesticide after notice to the  
2983 applicant or registrant giving the reason for the decision. The  
2984 applicant may then request a hearing, pursuant to chapter 120,  
2985 on the intention of the department to refuse or revoke  
2986 registration, and, upon his or her failure to do so, the refusal  
2987 or revocation shall become final without further procedure. The  
2988 registration of a brand of pesticide may not be construed as a  
2989 defense for the commission of any offense prohibited under this  
2990 part.

2991 Section 102. Paragraph (p) of subsection (1) of section  
2992 490.009, Florida Statutes, is amended to read:

2993 490.009 Discipline.--

2994 (1) The following acts constitute grounds for denial of a

2995 license or disciplinary action, as specified in s. 456.072(2):

2996 (p) Being unable to practice the profession for which he

2997 or she is licensed under this chapter with reasonable skill or

2998 competence as a result of any mental or physical condition or by

2999 reason of illness; drunkenness; or excessive use of drugs,

3000 narcotics, chemicals, or any other substance. In enforcing this

3001 paragraph, upon a finding by the State Surgeon General

3002 ~~secretary~~, the State Surgeon General's ~~secretary's~~ designee, or

3003 the board that probable cause exists to believe that the

3004 licensee is unable to practice the profession because of the

3005 reasons stated in this paragraph, the department shall have the

3006 authority to compel a licensee to submit to a mental or physical

3007 examination by psychologists or physicians designated by the

3008 department or board. If the licensee refuses to comply with the

3009 department's order, the department may file a petition for

3010 enforcement in the circuit court of the circuit in which the

3011 licensee resides or does business. The licensee shall not be

3012 named or identified by initials in the petition or in any other

3013 public court records or documents, and the enforcement

3014 proceedings shall be closed to the public. The department shall

3015 be entitled to the summary procedure provided in s. 51.011. A

3016 licensee affected under this paragraph shall be afforded an

3017 opportunity at reasonable intervals to demonstrate that he or

3018 she can resume the competent practice for which he or she is

3019 licensed with reasonable skill and safety to patients.

HB 7015

2008

3020 Section 103. Paragraph (p) of subsection (1) of section  
3021 491.009, Florida Statutes, is amended to read:

3022 491.009 Discipline.--

3023 (1) The following acts constitute grounds for denial of a  
3024 license or disciplinary action, as specified in s. 456.072(2):

3025 (p) Being unable to practice the profession for which he  
3026 or she is licensed, registered, or certified under this chapter  
3027 with reasonable skill or competence as a result of any mental or  
3028 physical condition or by reason of illness; drunkenness; or  
3029 excessive use of drugs, narcotics, chemicals, or any other  
3030 substance. In enforcing this paragraph, upon a finding by the  
3031 State Surgeon General ~~secretary~~, the State Surgeon General's  
3032 ~~secretary's~~ designee, or the board that probable cause exists to  
3033 believe that the licensee, registered intern, or  
3034 certificateholder is unable to practice the profession because  
3035 of the reasons stated in this paragraph, the department shall  
3036 have the authority to compel a licensee, registered intern, or  
3037 certificateholder to submit to a mental or physical examination  
3038 by psychologists, physicians, or other licensees under this  
3039 chapter, designated by the department or board. If the licensee,  
3040 registered intern, or certificateholder refuses to comply with  
3041 such order, the department's order directing the examination may  
3042 be enforced by filing a petition for enforcement in the circuit  
3043 court in the circuit in which the licensee, registered intern,  
3044 or certificateholder resides or does business. The licensee,  
3045 registered intern, or certificateholder against whom the  
3046 petition is filed shall not be named or identified by initials  
3047 in any public court records or documents, and the proceedings

3048 shall be closed to the public. The department shall be entitled  
 3049 to the summary procedure provided in s. 51.011. A licensee,  
 3050 registered intern, or certificateholder affected under this  
 3051 paragraph shall at reasonable intervals be afforded an  
 3052 opportunity to demonstrate that he or she can resume the  
 3053 competent practice for which he or she is licensed, registered,  
 3054 or certified with reasonable skill and safety to patients.

3055 Section 104. Paragraph (a) of subsection (1) of section  
 3056 499.012, Florida Statutes, is amended to read:

3057 499.012 Wholesale distribution; definitions; permits;  
 3058 applications; general requirements.--

3059 (1) As used in this section, the term:

3060 (a) "Wholesale distribution" means distribution of  
 3061 prescription drugs to persons other than a consumer or patient,  
 3062 but does not include:

3063 1. Any of the following activities, which is not a  
 3064 violation of s. 499.005(21) if such activity is conducted in  
 3065 accordance with s. 499.014:

3066 a. The purchase or other acquisition by a hospital or  
 3067 other health care entity that is a member of a group purchasing  
 3068 organization of a prescription drug for its own use from the  
 3069 group purchasing organization or from other hospitals or health  
 3070 care entities that are members of that organization.

3071 b. The sale, purchase, or trade of a prescription drug or  
 3072 an offer to sell, purchase, or trade a prescription drug by a  
 3073 charitable organization described in s. 501(c)(3) of the  
 3074 Internal Revenue Code of 1986, as amended and revised, to a

3075 nonprofit affiliate of the organization to the extent otherwise  
 3076 permitted by law.

3077 c. The sale, purchase, or trade of a prescription drug or  
 3078 an offer to sell, purchase, or trade a prescription drug among  
 3079 hospitals or other health care entities that are under common  
 3080 control. For purposes of this section, "common control" means  
 3081 the power to direct or cause the direction of the management and  
 3082 policies of a person or an organization, whether by ownership of  
 3083 stock, by voting rights, by contract, or otherwise.

3084 d. The sale, purchase, trade, or other transfer of a  
 3085 prescription drug from or for any federal, state, or local  
 3086 government agency or any entity eligible to purchase  
 3087 prescription drugs at public health services prices pursuant to  
 3088 Pub. L. No. 102-585, s. 602 to a contract provider or its  
 3089 subcontractor for eligible patients of the agency or entity  
 3090 under the following conditions:

3091 (I) The agency or entity must obtain written authorization  
 3092 for the sale, purchase, trade, or other transfer of a  
 3093 prescription drug under this sub-subparagraph from the State  
 3094 Surgeon General ~~Secretary of Health~~ or his or her designee.

3095 (II) The contract provider or subcontractor must be  
 3096 authorized by law to administer or dispense prescription drugs.

3097 (III) In the case of a subcontractor, the agency or entity  
 3098 must be a party to and execute the subcontract.

3099 (IV) A contract provider or subcontractor must maintain  
 3100 separate and apart from other prescription drug inventory any  
 3101 prescription drugs of the agency or entity in its possession.



HB 7015

2008

3102 (V) The contract provider and subcontractor must maintain  
3103 and produce immediately for inspection all records of movement  
3104 or transfer of all the prescription drugs belonging to the  
3105 agency or entity, including, but not limited to, the records of  
3106 receipt and disposition of prescription drugs. Each contractor  
3107 and subcontractor dispensing or administering these drugs must  
3108 maintain and produce records documenting the dispensing or  
3109 administration. Records that are required to be maintained  
3110 include, but are not limited to, a perpetual inventory itemizing  
3111 drugs received and drugs dispensed by prescription number or  
3112 administered by patient identifier, which must be submitted to  
3113 the agency or entity quarterly.

3114 (VI) The contract provider or subcontractor may administer  
3115 or dispense the prescription drugs only to the eligible patients  
3116 of the agency or entity or must return the prescription drugs  
3117 for or to the agency or entity. The contract provider or  
3118 subcontractor must require proof from each person seeking to  
3119 fill a prescription or obtain treatment that the person is an  
3120 eligible patient of the agency or entity and must, at a minimum,  
3121 maintain a copy of this proof as part of the records of the  
3122 contractor or subcontractor required under sub-sub-subparagraph  
3123 (V).

3124 (VII) In addition to the departmental inspection authority  
3125 set forth in s. 499.051, the establishment of the contract  
3126 provider and subcontractor and all records pertaining to  
3127 prescription drugs subject to this sub-subparagraph shall be  
3128 subject to inspection by the agency or entity. All records  
3129 relating to prescription drugs of a manufacturer under this sub-

3130 subparagraph shall be subject to audit by the manufacturer of  
 3131 those drugs, without identifying individual patient information.

3132 2. Any of the following activities, which is not a  
 3133 violation of s. 499.005(21) if such activity is conducted in  
 3134 accordance with rules established by the department:

3135 a. The sale, purchase, or trade of a prescription drug  
 3136 among federal, state, or local government health care entities  
 3137 that are under common control and are authorized to purchase  
 3138 such prescription drug.

3139 b. The sale, purchase, or trade of a prescription drug or  
 3140 an offer to sell, purchase, or trade a prescription drug for  
 3141 emergency medical reasons. For purposes of this sub-  
 3142 subparagraph, the term "emergency medical reasons" includes  
 3143 transfers of prescription drugs by a retail pharmacy to another  
 3144 retail pharmacy to alleviate a temporary shortage.

3145 c. The transfer of a prescription drug acquired by a  
 3146 medical director on behalf of a licensed emergency medical  
 3147 services provider to that emergency medical services provider  
 3148 and its transport vehicles for use in accordance with the  
 3149 provider's license under chapter 401.

3150 d. The revocation of a sale or the return of a  
 3151 prescription drug to the person's prescription drug wholesale  
 3152 supplier.

3153 e. The donation of a prescription drug by a health care  
 3154 entity to a charitable organization that has been granted an  
 3155 exemption under s. 501(c)(3) of the Internal Revenue Code of  
 3156 1986, as amended, and that is authorized to possess prescription  
 3157 drugs.

3158 f. The transfer of a prescription drug by a person  
 3159 authorized to purchase or receive prescription drugs to a person  
 3160 licensed or permitted to handle reverse distributions or  
 3161 destruction under the laws of the jurisdiction in which the  
 3162 person handling the reverse distribution or destruction receives  
 3163 the drug.

3164 g. The transfer of a prescription drug by a hospital or  
 3165 other health care entity to a person licensed under this chapter  
 3166 to repackage prescription drugs for the purpose of repackaging  
 3167 the prescription drug for use by that hospital, or other health  
 3168 care entity and other health care entities that are under common  
 3169 control, if ownership of the prescription drugs remains with the  
 3170 hospital or other health care entity at all times. In addition  
 3171 to the recordkeeping requirements of s. 499.0121(6), the  
 3172 hospital or health care entity that transfers prescription drugs  
 3173 pursuant to this sub-subparagraph must reconcile all drugs  
 3174 transferred and returned and resolve any discrepancies in a  
 3175 timely manner.

3176 3. The distribution of prescription drug samples by  
 3177 manufacturers' representatives or distributors' representatives  
 3178 conducted in accordance with s. 499.028.

3179 4. The sale, purchase, or trade of blood and blood  
 3180 components intended for transfusion. As used in this  
 3181 subparagraph, the term "blood" means whole blood collected from  
 3182 a single donor and processed either for transfusion or further  
 3183 manufacturing, and the term "blood components" means that part  
 3184 of the blood separated by physical or mechanical means.

3185 5. The lawful dispensing of a prescription drug in  
 3186 accordance with chapter 465.

3187 6. The sale, purchase, or trade of a prescription drug  
 3188 between pharmacies as a result of a sale, transfer, merger, or  
 3189 consolidation of all or part of the business of the pharmacies  
 3190 from or with another pharmacy, whether accomplished as a  
 3191 purchase and sale of stock or of business assets.

3192 Section 105. Subsection (2) of section 499.01211, Florida  
 3193 Statutes, is amended to read:

3194 499.01211 Drug Wholesaler Advisory Council.--

3195 (2) The State Surgeon General ~~secretary of the department,~~  
 3196 or his or her designee, and the Secretary of Health Care  
 3197 Administration, or her or his designee, shall be members of the  
 3198 council. The State Surgeon General ~~Secretary of Health~~ shall  
 3199 appoint nine additional members to the council who shall be  
 3200 appointed to a term of 4 years each, as follows:

3201 (a) Three different persons each of whom is employed by a  
 3202 different prescription drug wholesaler licensed under this  
 3203 chapter which operates nationally and is a primary wholesaler,  
 3204 as defined in s. 499.012(1)(d).

3205 (b) One person employed by a prescription drug wholesaler  
 3206 licensed under this chapter which is a secondary wholesaler, as  
 3207 defined in s. 499.012(1)(f).

3208 (c) One person employed by a retail pharmacy chain located  
 3209 in this state.

3210 (d) One person who is a member of the Board of Pharmacy  
 3211 and is a pharmacist licensed under chapter 465.

3212 (e) One person who is a physician licensed pursuant to  
 3213 chapter 458 or chapter 459.

3214 (f) One person who is an employee of a hospital licensed  
 3215 pursuant to chapter 395 and is a pharmacist licensed pursuant to  
 3216 chapter 465.

3217 (g) One person who is an employee of a pharmaceutical  
 3218 manufacturer.

3219 Section 106. Section 499.024, Florida Statutes, is amended  
 3220 to read:

3221 499.024 Drug product classification.--The State Surgeon  
 3222 General ~~secretary~~ shall adopt rules to classify drug products  
 3223 intended for use by humans which the United States Food and Drug  
 3224 Administration has not classified in the federal act or the Code  
 3225 of Federal Regulations.

3226 (1) Drug products must be classified as proprietary,  
 3227 prescription, or investigational drugs.

3228 (2) If a product is distributed without required labeling,  
 3229 it is misbranded while held for sale.

3230 (3) Any product that falls under the drug definition, s.  
 3231 499.003(17), may be classified under the authority of this  
 3232 section. This section does not subject portable emergency oxygen  
 3233 inhalators to classification; however, this section does not  
 3234 exempt any person from ss. 499.01 and 499.015.

3235 (4) Any product classified under the authority of this  
 3236 section reverts to the federal classification, if different,  
 3237 upon the federal regulation or act becoming effective.

3238 (5) The department may by rule reclassify drugs subject to  
 3239 ss. 499.001-499.081 when such classification action is necessary  
 3240 to protect the public health.

3241 (6) The department may adopt rules that exempt from any  
 3242 labeling or packaging requirements of ss. 499.001-499.081 drugs  
 3243 classified under this section if those requirements are not  
 3244 necessary to protect the public health.

3245 Section 107. Subsection (2) of section 499.065, Florida  
 3246 Statutes, is amended to read:

3247 499.065 Imminent danger.--

3248 (2) To protect the public from prescription drugs that are  
 3249 adulterated or otherwise unfit for human or animal consumption,  
 3250 the department may examine, sample, seize, and stop the sale or  
 3251 use of prescription drugs to determine the condition of those  
 3252 drugs. The department may immediately seize and remove any  
 3253 prescription drugs if the State Surgeon General ~~Secretary of~~  
 3254 ~~Health~~ or his or her designee determines that the prescription  
 3255 drugs represent a threat to the public health. The owner of any  
 3256 property seized under this section may, within 10 days after the  
 3257 seizure, apply to a court of competent jurisdiction for whatever  
 3258 relief is appropriate. At any time after 10 days, the department  
 3259 may destroy the drugs as contraband.

3260  
 3261 For purposes of this section, a refusal to allow entry to the  
 3262 department for inspection at reasonable times, or a failure or  
 3263 refusal to provide the department with required documentation  
 3264 for purposes of inspection, constitutes an imminent danger to  
 3265 the public health.

3266 Section 108. Subsection (1) of section 500.033, Florida  
 3267 Statutes, is amended to read:

3268 500.033 Florida Food Safety and Food Defense Advisory  
 3269 Council.--

3270 (1) There is created the Florida Food Safety and Food  
 3271 Defense Advisory Council for the purpose of serving as a forum  
 3272 for presenting, investigating, and evaluating issues of current  
 3273 importance to the assurance of a safe and secure food supply to  
 3274 the citizens of Florida. The Florida Food Safety and Food  
 3275 Defense Advisory Council shall consist of, but not be limited  
 3276 to: the Commissioner of Agriculture or his or her designee; the  
 3277 State Surgeon General ~~Secretary of Health~~ or his or her  
 3278 designee; the Secretary of Business and Professional Regulation  
 3279 or his or her designee; the person responsible for domestic  
 3280 security with the Department of Law Enforcement; members  
 3281 representing the production, processing, distribution, and sale  
 3282 of foods; consumers or members of citizens groups;  
 3283 representatives of food industry groups; scientists or other  
 3284 experts in aspects of food safety from state universities;  
 3285 representatives from local, state, and federal agencies that are  
 3286 charged with responsibilities for food safety or food defense;  
 3287 the chairs of the Agriculture Committees of the Senate and the  
 3288 House of Representatives or their designees; and the chairs of  
 3289 the committees of the Senate and the House of Representatives  
 3290 with jurisdictional oversight of home defense issues or their  
 3291 designees. The Commissioner of Agriculture shall appoint the  
 3292 remaining members. The council shall make periodic reports to  
 3293 the Department of Agriculture and Consumer Services concerning

HB 7015

2008

3294 findings and recommendations in the area of food safety and food  
 3295 defense.

3296 Section 109. Section 514.0231, Florida Statutes, is  
 3297 amended to read:

3298 514.0231 Advisory committee to oversee sampling of beach  
 3299 waters.--The Department of Health shall form an interagency  
 3300 technical advisory committee to oversee the performance of the  
 3301 study required in s. 514.023 and to advise it in rulemaking  
 3302 pertaining to standards for public bathing places along the  
 3303 coastal and intracoastal beaches and shores of the state.  
 3304 Membership on the committee shall consist of equal numbers of  
 3305 staff of the Department of Health and the Department of  
 3306 Environmental Protection with expertise in the subject matter of  
 3307 the study. Members shall be appointed by the State Surgeon  
 3308 General and the Secretary of Environmental Protection ~~respective~~  
 3309 ~~secretaries of these departments~~. The committee shall be chaired  
 3310 by a representative from the Department of Health.

3311 Section 110. Section 768.1326, Florida Statutes, is  
 3312 amended to read:

3313 768.1326 Placement of automated external defibrillators in  
 3314 state buildings; rulemaking authority.--No later than January 1,  
 3315 2003, the State Surgeon General ~~Secretary of the Department of~~  
 3316 ~~Health~~ shall adopt rules to establish guidelines on the  
 3317 appropriate placement of automated external defibrillator  
 3318 devices in buildings or portions of buildings owned or leased by  
 3319 the state, and shall establish, by rule, recommendations on  
 3320 procedures for the deployment of automated external  
 3321 defibrillator devices in such buildings in accordance with the



3322 guidelines. The Secretary of Management Services shall assist  
 3323 the State Surgeon General ~~Secretary of the Department of Health~~  
 3324 in the development of the guidelines. The guidelines for the  
 3325 placement of the automated external defibrillators shall take  
 3326 into account the typical number of employees and visitors in the  
 3327 buildings, the extent of the need for security measures  
 3328 regarding the buildings, special circumstances in buildings or  
 3329 portions of buildings such as high electrical voltages or  
 3330 extreme heat or cold, and such other factors as the State  
 3331 Surgeon General and Secretary of Management Services ~~Secretaries~~  
 3332 determine to be appropriate. The State Surgeon General's  
 3333 ~~Secretary of the Department of Health's~~ recommendations for  
 3334 deployment of automated external defibrillators in buildings or  
 3335 portions of buildings owned or leased by the state shall  
 3336 include:

- 3337 (1) A reference list of appropriate training courses in
- 3338 the use of such devices, including the role of cardiopulmonary
- 3339 resuscitation;
- 3340 (2) The extent to which such devices may be used by
- 3341 laypersons;
- 3342 (3) Manufacturer recommended maintenance and testing of
- 3343 the devices; and
- 3344 (4) Coordination with local emergency medical services
- 3345 systems regarding the incidents of use of the devices.

3346  
 3347 In formulating these guidelines and recommendations, the State  
 3348 Surgeon General ~~Secretary~~ may consult with all appropriate  
 3349 public and private entities, including national and local public

HB 7015

2008

3350 health organizations that seek to improve the survival rates of  
3351 individuals who experience cardiac arrest.

3352 Section 111. Paragraph (a) of subsection (1) and paragraph  
3353 (a) of subsection (4) of section 943.0313, Florida Statutes, are  
3354 amended to read:

3355 943.0313 Domestic Security Oversight Council.--The  
3356 Legislature finds that there exists a need to provide executive  
3357 direction and leadership with respect to terrorism prevention,  
3358 preparation, protection, response, and recovery efforts by state  
3359 and local agencies in this state. In recognition of this need,  
3360 the Domestic Security Oversight Council is hereby created. The  
3361 council shall serve as an advisory council pursuant to s.  
3362 20.03(7) to provide guidance to the state's regional domestic  
3363 security task forces and other domestic security working groups  
3364 and to make recommendations to the Governor and the Legislature  
3365 regarding the expenditure of funds and allocation of resources  
3366 related to counter-terrorism and domestic security efforts.

3367 (1) MEMBERSHIP.--

3368 (a) The Domestic Security Oversight Council shall consist  
3369 of the following voting members:

3370 1. The executive director of the Department of Law  
3371 Enforcement.

3372 2. The director of the Division of Emergency Management  
3373 within the Department of Community Affairs.

3374 3. The Attorney General.

3375 4. The Commissioner of Agriculture.

3376 5. The State Surgeon General ~~Secretary of Health~~.

3377 6. The Commissioner of Education.

- 3378 7. The State Fire Marshal.
- 3379 8. The adjutant general of the Florida National Guard.
- 3380 9. The state chief information officer.
- 3381 10. Each sheriff or chief of police who serves as a co-
- 3382 chair of a regional domestic security task force pursuant to s.
- 3383 943.0312(1)(b).
- 3384 11. Each of the department's special agents in charge who
- 3385 serve as a co-chair of a regional domestic security task force.
- 3386 12. Two representatives of the Florida Fire Chiefs
- 3387 Association.
- 3388 13. One representative of the Florida Police Chiefs
- 3389 Association.
- 3390 14. One representative of the Florida Prosecuting
- 3391 Attorneys Association.
- 3392 15. The chair of the Statewide Domestic Security
- 3393 Intelligence Committee.
- 3394 16. One representative of the Florida Hospital
- 3395 Association.
- 3396 17. One representative of the Emergency Medical Services
- 3397 Advisory Council.
- 3398 18. One representative of the Florida Emergency
- 3399 Preparedness Association.
- 3400 19. One representative of the Florida Seaport
- 3401 Transportation and Economic Development Council.
- 3402 (4) EXECUTIVE COMMITTEE.--
- 3403 (a) The council shall establish an executive committee
- 3404 consisting of the following members:

3405 1. The executive director of the Department of Law  
 3406 Enforcement.

3407 2. The director of the Division of Emergency Management  
 3408 within the Department of Community Affairs.

3409 3. The Attorney General.

3410 4. The Commissioner of Agriculture.

3411 5. The State Surgeon General ~~Secretary of Health~~.

3412 6. The Commissioner of Education.

3413 7. The State Fire Marshal.

3414 Section 112. Paragraph (f) of subsection (3) of section  
 3415 1004.435, Florida Statutes, is repealed, and paragraph (b) of  
 3416 subsection (3), paragraphs (d), (h), (j), (l), (n), and (o) of  
 3417 subsection (4), subsection (5), and paragraph (b) of subsection  
 3418 (6) of that section are amended to read:

3419 1004.435 Cancer control and research.--

3420 (3) DEFINITIONS.--The following words and phrases when  
 3421 used in this section have, unless the context clearly indicates  
 3422 otherwise, the meanings given to them in this subsection:

3423 (b) "Council" means the Florida Cancer Control and  
 3424 Research Advisory Council, which is an advisory body appointed  
 3425 to function on a continuing basis for the study of cancer and  
 3426 which recommends solutions and policy alternatives to the Board  
 3427 of Governors and the State Surgeon General ~~secretary~~ and which  
 3428 is established by this section.

3429 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;  
 3430 CREATION; COMPOSITION.--

3431 (d) The council shall meet no less than semiannually at  
 3432 the call of the chairperson or, in his or her absence or

HB 7015

2008

3433 incapacity, at the call of the State Surgeon General ~~secretary~~.  
3434 Sixteen members constitute a quorum for the purpose of  
3435 exercising all of the powers of the council. A vote of the  
3436 majority of the members present is sufficient for all actions of  
3437 the council.

3438 (h) The council shall advise the Board of Governors, the  
3439 State Surgeon General ~~secretary~~, and the Legislature with  
3440 respect to cancer control and research in this state.

3441 (j) The council shall formulate and recommend to the State  
3442 Surgeon General ~~secretary~~ a plan for the care and treatment of  
3443 persons suffering from cancer and recommend the establishment of  
3444 standard requirements for the organization, equipment, and  
3445 conduct of cancer units or departments in hospitals and clinics  
3446 in this state. The council may recommend to the State Surgeon  
3447 General ~~secretary~~ the designation of cancer units following a  
3448 survey of the needs and facilities for treatment of cancer in  
3449 the various localities throughout the state. The State Surgeon  
3450 General ~~secretary~~ shall consider the plan in developing  
3451 departmental priorities and funding priorities and standards  
3452 under chapter 395.

3453 (l) In order to implement in whole or in part the Florida  
3454 Cancer Plan, the council shall recommend to the Board of  
3455 Governors or the State Surgeon General ~~secretary~~ the awarding of  
3456 grants and contracts to qualified profit or nonprofit  
3457 associations or governmental agencies in order to plan,  
3458 establish, or conduct programs in cancer control or prevention,  
3459 cancer education and training, and cancer research.

3460 (n) The council shall have the responsibility to advise  
 3461 the Board of Governors and the State Surgeon General ~~secretary~~  
 3462 on methods of enforcing and implementing laws already enacted  
 3463 and concerned with cancer control, research, and education.

3464 (o) The council may recommend to the Board of Governors or  
 3465 the State Surgeon General ~~secretary~~ rules not inconsistent with  
 3466 law as it may deem necessary for the performance of its duties  
 3467 and the proper administration of this section.

3468 (5) RESPONSIBILITIES OF THE BOARD OF GOVERNORS, THE H. LEE  
 3469 MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., AND THE  
 3470 STATE SURGEON GENERAL ~~SECRETARY~~.--

3471 (a) The Board of Governors or the State Surgeon General  
 3472 ~~secretary~~, after consultation with the council, shall award  
 3473 grants and contracts to qualified nonprofit associations and  
 3474 governmental agencies in order to plan, establish, or conduct  
 3475 programs in cancer control and prevention, cancer education and  
 3476 training, and cancer research.

3477 (b) The H. Lee Moffitt Cancer Center and Research  
 3478 Institute, Inc., shall provide such staff, information, and  
 3479 other assistance as reasonably necessary for the completion of  
 3480 the responsibilities of the council.

3481 (c) The Board of Governors or the State Surgeon General  
 3482 ~~secretary~~, after consultation with the council, may adopt rules  
 3483 necessary for the implementation of this section.

3484 (d) The State Surgeon General ~~secretary~~, after  
 3485 consultation with the council, shall make rules specifying to  
 3486 what extent and on what terms and conditions cancer patients of  
 3487 the state may receive financial aid for the diagnosis and

3488 treatment of cancer in any hospital or clinic selected. The  
 3489 department may furnish to citizens of this state who are  
 3490 afflicted with cancer financial aid to the extent of the  
 3491 appropriation provided for that purpose in a manner which in its  
 3492 opinion will afford the greatest benefit to those afflicted and  
 3493 may make arrangements with hospitals, laboratories, or clinics  
 3494 to afford proper care and treatment for cancer patients in this  
 3495 state.

3496 (6) FLORIDA CANCER CONTROL AND RESEARCH FUND.--

3497 (b) The fund shall be used exclusively for grants and  
 3498 contracts to qualified nonprofit associations or governmental  
 3499 agencies for the purpose of cancer control and prevention,  
 3500 cancer education and training, cancer research, and all expenses  
 3501 incurred in connection with the administration of this section  
 3502 and the programs funded through the grants and contracts  
 3503 authorized by the State Board of Education or the State Surgeon  
 3504 General secretary.

3505 Reviser's note.--Amended pursuant to the directive of the  
 3506 Legislature in s. 3, ch. 2007-40, Laws of Florida, to  
 3507 conform the statutes to the redesignation of the Secretary  
 3508 of Health as the State Surgeon General by s. 1, ch. 2007-  
 3509 40.

3510 Section 113. This act shall take effect on the 60th day  
 3511 after adjournment sine die of the session of the Legislature in  
 3512 which enacted.