

By the Committee on Health Regulation; and Senator Gardiner

588-03195-10

20102138c1

1                   A bill to be entitled  
2           An act relating to health care; repealing s.  
3           112.0455(10) (e), F.S., relating to a prohibition  
4           against applying the Drug-Free Workplace Act  
5           retroactively; repealing s. 383.325, F.S., relating to  
6           the requirement of a licensed facility under s.  
7           383.305, F.S., to maintain inspection reports;  
8           repealing s. 395.1046, F.S., relating to the  
9           investigation of complaints regarding hospitals;  
10          repealing s. 395.3037, F.S.; deleting definitions  
11          relating to obsolete provisions governing primary and  
12          comprehensive stroke centers; amending s. 400.0239,  
13          F.S.; deleting an obsolete provision; repealing s.  
14          400.147(10), F.S., relating to a requirement that a  
15          nursing home facility report any notice of a filing of  
16          a claim for a violation of a resident's rights or a  
17          claim of negligence; repealing s. 400.148, F.S.,  
18          relating to the Medicaid "Up-or-Out" Quality of Care  
19          Contract Management Program; repealing s. 400.195,  
20          F.S., relating to reporting requirements for the  
21          Agency for Health Care Administration; amending s.  
22          400.476, F.S.; providing requirements for an  
23          alternative administrator of a home health agency;  
24          revising the duties of the administrator; revising the  
25          requirements for a director of nursing for a specified  
26          number of home health agencies; prohibiting a home  
27          health agency from using an individual as a home  
28          health aide unless the person has completed training  
29          and an evaluation program; requiring a home health

588-03195-10

20102138c1

30 aide to meet certain standards in order to be  
31 competent in performing certain tasks; requiring a  
32 home health agency and staff to comply with accepted  
33 professional standards; providing certain requirements  
34 for a written contract between certain personnel and  
35 the agency; requiring a home health agency to provide  
36 certain services through its employees; authorizing a  
37 home health agency to provide additional services with  
38 another organization; providing responsibilities of a  
39 home health agency when it provides home health aide  
40 services through another organization; requiring the  
41 home health agency to coordinate personnel who provide  
42 home health services; requiring personnel to  
43 communicate with the home health agency; amending s.  
44 400.487, F.S.; requiring a home health agency to  
45 provide a copy of the agreement between the agency and  
46 a patient which specifies the home health services to  
47 be provided; providing the rights that are protected  
48 by the home health agency; requiring the home health  
49 agency to furnish nursing services by or under the  
50 supervision of a registered nurse; requiring the home  
51 health agency to provide therapy services through a  
52 qualified therapist or therapy assistant; providing  
53 the duties and qualifications of a therapist and  
54 therapy assistant; requiring supervision by a physical  
55 therapist or occupational therapist of a physical  
56 therapist assistant or occupational therapist  
57 assistant; providing duties of a physical therapist  
58 assistant or occupational therapist assistant;

588-03195-10

20102138c1

59 providing for speech therapy services to be provided  
60 by a qualified speech pathologist or audiologist;  
61 providing for a plan of care; providing that only the  
62 staff of a home health agency may administer drugs and  
63 treatments as ordered by certain health professionals;  
64 providing requirements for verbal orders; providing  
65 duties of a registered nurse, licensed practical  
66 nurse, home health aide, and certified nursing  
67 assistant who work for a home health agency; providing  
68 for supervisory visits of services provided by a home  
69 health agency; repealing s. 408.802(11), F.S.,  
70 relating to the applicability of the Health Care  
71 Licensing Procedures Act to private review agents;  
72 repealing s. 409.912(15)(e), (f), and (g), F.S.,  
73 relating to a requirement for the Agency for Health  
74 Care Administration to submit a report to the  
75 Legislature regarding the operations of the CARE  
76 program; repealing s. 429.12(2), F.S., relating to the  
77 sale or transfer of ownership of an assisted living  
78 facility; repealing s. 429.23(5), F.S., relating to  
79 each assisted living facility's requirement to submit  
80 a report to the agency regarding liability claims  
81 filed against it; repealing s. 429.911, F.S., relating  
82 to grounds for which the agency may take action  
83 against the owner of an adult day care center or its  
84 operator or employee; providing an effective date.

85  
86 Be It Enacted by the Legislature of the State of Florida:  
87

588-03195-10

20102138c1

88           Section 1. Paragraph (e) of subsection (10) of section  
89 112.0455, Florida Statutes, is repealed.

90           Section 2. Section 383.325, Florida Statutes, is repealed.

91           Section 3. Section 395.1046, Florida Statutes, is repealed.

92           Section 4. Section 395.3037, Florida Statutes, is repealed.

93           Section 5. Paragraph (g) of subsection (2) of section  
94 400.0239, Florida Statutes, is amended to read:

95           400.0239 Quality of Long-Term Care Facility Improvement  
96 Trust Fund.—

97           (2) Expenditures from the trust fund shall be allowable for  
98 direct support of the following:

99           (g) Other initiatives authorized by the Centers for  
100 Medicare and Medicaid Services for the use of federal civil  
101 monetary penalties, ~~including projects recommended through the~~  
102 ~~Medicaid "Up-or-Out" Quality of Care Contract Management Program~~  
103 ~~pursuant to s. 400.148.~~

104           Section 6. Subsection (10) of section 400.147, Florida  
105 Statutes, is repealed.

106           Section 7. Section 400.148, Florida Statutes, is repealed.

107           Section 8. Section 400.195, Florida Statutes, is repealed.

108           Section 9. Section 400.476, Florida Statutes, is amended to  
109 read:

110           400.476 Staffing requirements; notifications; limitations  
111 on staffing services.—

112           (1) ADMINISTRATOR.—

113           (a) An administrator may manage only one home health  
114 agency, except that an administrator may manage up to five home  
115 health agencies if all five home health agencies have identical  
116 controlling interests as defined in s. 408.803 and are located

588-03195-10

20102138c1

117 within one agency geographic service area or within an  
118 immediately contiguous county. If the home health agency is  
119 licensed under this chapter and is part of a retirement  
120 community that provides multiple levels of care, an employee of  
121 the retirement community may administer the home health agency  
122 and up to a maximum of four entities licensed under this chapter  
123 or chapter 429 which all have identical controlling interests as  
124 defined in s. 408.803. An administrator shall designate, in  
125 writing, for each licensed entity, a qualified alternate  
126 administrator to serve during the administrator's absence. An  
127 alternate administrator must meet the requirements in this  
128 paragraph and s. 400.462(1).

129 (b) An administrator of a home health agency who is a  
130 licensed physician, physician assistant, or registered nurse  
131 licensed to practice in this state may also be the director of  
132 nursing for a home health agency. An administrator may serve as  
133 a director of nursing for up to the number of entities  
134 authorized in subsection (2) only if there are 10 or fewer full-  
135 time equivalent employees and contracted personnel in each home  
136 health agency.

137 (c) The administrator shall organize and direct the  
138 agency's ongoing functions, maintain an ongoing liaison with the  
139 board members and the staff, employ qualified personnel and  
140 ensure adequate staff education and evaluations, ensure the  
141 accuracy of public informational materials and activities,  
142 implement an effective budgeting and accounting system, and  
143 ensure that the home health agency operates in compliance with  
144 this part and part II of chapter 408 and rules adopted for these  
145 laws.

588-03195-10

20102138c1

146       (d) The administrator shall clearly set forth in writing  
147 the organizational chart, services furnished, administrative  
148 control, and lines of authority for the delegation of  
149 responsibilities for patient care. These responsibilities must  
150 be readily identifiable. Administrative and supervisory  
151 functions may not be delegated to another agency or  
152 organization, and the primary home health agency shall monitor  
153 and control all services that are not furnished directly,  
154 including services provided through contracts.

155       (2) DIRECTOR OF NURSING.—

156       (a) A director of nursing may be the director of nursing  
157 for:

158       1. Up to two licensed home health agencies if the agencies  
159 have identical controlling interests as defined in s. 408.803  
160 and are located within one agency geographic service area or  
161 within an immediately contiguous county; or

162       2. Up to five licensed home health agencies if:

163       a. All of the home health agencies have identical  
164 controlling interests as defined in s. 408.803;

165       b. All of the home health agencies are located within one  
166 agency geographic service area or within an immediately  
167 contiguous county; ~~and~~

168       c. Each home health agency has a registered nurse who meets  
169 the qualifications of a director of nursing and who has a  
170 written delegation from the director of nursing to serve as the  
171 director of nursing for that home health agency when the  
172 director of nursing is not present; ~~and-~~

173       d. This person, or similarly qualified alternate, is  
174 available at all times during operating hours and participates

588-03195-10

20102138c1

175 in all activities relevant to the professional services  
176 furnished, including, but not limited to, the oversight of  
177 nursing services, home health aides, and certified nursing  
178 assistants, and assignment of personnel.

179  
180 If a home health agency licensed under this chapter is part of a  
181 retirement community that provides multiple levels of care, an  
182 employee of the retirement community may serve as the director  
183 of nursing of the home health agency and up to a maximum of four  
184 entities, other than home health agencies, licensed under this  
185 chapter or chapter 429 which all have identical controlling  
186 interests as defined in s. 408.803.

187 (b) A home health agency that provides skilled nursing care  
188 may not operate for more than 30 calendar days without a  
189 director of nursing. A home health agency that provides skilled  
190 nursing care and the director of nursing of a home health agency  
191 must notify the agency within 10 business days after termination  
192 of the services of the director of nursing for the home health  
193 agency. A home health agency that provides skilled nursing care  
194 must notify the agency of the identity and qualifications of the  
195 new director of nursing within 10 days after the new director is  
196 hired. If a home health agency that provides skilled nursing  
197 care operates for more than 30 calendar days without a director  
198 of nursing, the home health agency commits a class II  
199 deficiency. In addition to the fine for a class II deficiency,  
200 the agency may issue a moratorium in accordance with s. 408.814  
201 or revoke the license. The agency shall fine a home health  
202 agency that fails to notify the agency as required in this  
203 paragraph \$1,000 for the first violation and \$2,000 for a repeat

588-03195-10

20102138c1

204 violation. The agency may not take administrative action against  
205 a home health agency if the director of nursing fails to notify  
206 the department upon termination of services as the director of  
207 nursing for the home health agency.

208 (c) A home health agency that is not Medicare or Medicaid  
209 certified and does not provide skilled care or provides only  
210 physical, occupational, or speech therapy is not required to  
211 have a director of nursing and is exempt from paragraph (b).

212 (3) TRAINING.—A home health agency shall ensure that each  
213 certified nursing assistant employed by or under contract with  
214 the home health agency and each home health aide employed by or  
215 under contract with the home health agency is adequately trained  
216 to perform the tasks of a home health aide in the home setting.

217 (a) The home health agency may not use as a home health  
218 aide on a full-time, temporary, per diem, or other basis, any  
219 individual to provide services unless the individual has  
220 completed a training and competency evaluation program, or a  
221 competency evaluation program, as permitted in s. 400.497, which  
222 meets the minimum standards established by the agency in state  
223 rules.

224 (b) A home health aide is not competent in any task for  
225 which he or she is evaluated as "unsatisfactory." The aide must  
226 perform any such task only under direct supervision by a  
227 licensed nurse until he or she receives training in the task and  
228 satisfactorily passes a subsequent evaluation in performing the  
229 task. A home health aide has not successfully passed a  
230 competency evaluation if the aide does not have a passing score  
231 on the test as specified by agency rule.

232 (4) STAFFING.—Staffing services may be provided anywhere

588-03195-10

20102138c1

233 within the state.

234 (5) PERSONNEL.—

235 (a) The home health agency and its staff must comply with  
236 accepted professional standards and principles that apply to  
237 professionals, including, but not limited to, the state practice  
238 acts and the home health agency's policies and procedures.

239 (b) If personnel under hourly or per-visit contracts are  
240 used by the home health agency, there must be a written contract  
241 between those personnel and the agency which specifies the  
242 following requirements:

243 1. Acceptance for care only of patients by the primary home  
244 health agency.

245 2. The services to be furnished.

246 3. The necessity to conform to all applicable agency  
247 policies, including personnel qualifications.

248 4. The responsibility for participating in developing plans  
249 of care.

250 5. The manner in which services are controlled,  
251 coordinated, and evaluated by the primary home health agency.

252 6. The procedures for submitting clinical and progress  
253 notes, scheduling of visits, and periodic patient evaluation.

254 7. The procedures for payment for services furnished under  
255 the contract.

256 (c) A home health agency shall directly provide at least  
257 one of the types of services through home health agency  
258 employees, but may provide additional services under  
259 arrangements with another agency or organization. Services  
260 furnished under such arrangements must have a written contract  
261 conforming to the requirements specified in paragraph (b).

588-03195-10

20102138c1

262 (d) If home health aide services are provided by an  
263 individual who is not employed directly by the home health  
264 agency, the services of the home health aide must be provided  
265 under arrangements as stated in paragraphs (b) and (c). If the  
266 home health agency chooses to provide home health aide services  
267 under arrangements with another organization, the  
268 responsibilities of the home health agency include, but are not  
269 limited to:

270 1. Ensuring the overall quality of the care provided by the  
271 aide;

272 2. Supervising the aide's services as described in s.  
273 400.487; and

274 3. Ensuring that each home health aide providing services  
275 under arrangements with another organization has met the  
276 training requirements or competency evaluation requirements of  
277 s. 400.497.

278 (e) The home health agency shall coordinate the efforts of  
279 all personnel furnishing services, and the personnel shall  
280 maintain communication with the home health agency to ensure  
281 that personnel efforts support the objectives outlined in the  
282 plan of care. The clinical record or minutes of case conferences  
283 shall ensure that effective interchange, reporting, and  
284 coordination of patient care occurs.

285 Section 10. Section 400.487, Florida Statutes, is amended  
286 to read:

287 400.487 Home health service agreements; physician's,  
288 physician assistant's, and advanced registered nurse  
289 practitioner's treatment orders; patient assessment;  
290 establishment and review of plan of care; provision of services;

588-03195-10

20102138c1

291 orders not to resuscitate.—

292 (1) Services provided by a home health agency must be  
293 covered by an agreement between the home health agency and the  
294 patient or the patient's legal representative specifying the  
295 home health services to be provided, the rates or charges for  
296 services paid with private funds, and the sources of payment,  
297 which may include Medicare, Medicaid, private insurance,  
298 personal funds, or a combination thereof. The home health agency  
299 shall provide a copy of the agreement to the patient or the  
300 patient's legal representative. A home health agency providing  
301 skilled care must make an assessment of the patient's needs  
302 within 48 hours after the start of services.

303 (2) When required by the provisions of chapter 464; part I,  
304 part III, or part V of chapter 468; or chapter 486, the  
305 attending physician, physician assistant, or advanced registered  
306 nurse practitioner, acting within his or her respective scope of  
307 practice, shall establish treatment orders for a patient who is  
308 to receive skilled care. The treatment orders must be signed by  
309 the physician, physician assistant, or advanced registered nurse  
310 practitioner before a claim for payment for the skilled services  
311 is submitted by the home health agency. If the claim is  
312 submitted to a managed care organization, the treatment orders  
313 must be signed within the time allowed under the provider  
314 agreement. The treatment orders shall be reviewed, as frequently  
315 as the patient's illness requires, by the physician, physician  
316 assistant, or advanced registered nurse practitioner in  
317 consultation with the home health agency.

318 (3) A home health agency shall arrange for supervisory  
319 visits by a registered nurse to the home of a patient receiving

588-03195-10

20102138c1

320 home health aide services as specified in subsection (9) ~~in~~  
321 ~~accordance with the patient's direction, approval, and agreement~~  
322 ~~to pay the charge for the visits.~~

323 (4) The home health agency shall protect and promote the  
324 rights of each individual under its care, including each of the  
325 following rights:

326 (a) Notice of rights.—The home health agency shall provide  
327 the patient with a written notice of the patient's rights in  
328 advance of furnishing care to the patient or during the initial  
329 evaluation visit before the initiation of treatment. The home  
330 health agency must maintain documentation showing that it has  
331 complied with the requirements of this section.

332 (b) Exercise of rights and respect for property and  
333 person.—

334 1. The patient has the right to exercise his or her rights  
335 as a patient of the home health agency.

336 2. The patient has the right to have his or her property  
337 treated with respect.

338 3. The patient has the right to voice grievances regarding  
339 treatment or care that is or fails to be furnished, or regarding  
340 the lack of respect for property by anyone who is furnishing  
341 services on behalf of the home health agency, and not be  
342 subjected to discrimination or reprisal for doing so.

343 4. The home health agency must investigate complaints made  
344 by a patient or the patient's family or guardian regarding  
345 treatment or care that is or fails to be furnished, or regarding  
346 the lack of respect for the patient's property by anyone  
347 furnishing services on behalf of the home health agency. The  
348 home health agency shall document the existence of the complaint

588-03195-10

20102138c1

349 and its resolution.

350 5. The patient and his or her immediate family or  
351 representative must be informed of the right to report  
352 complaints via the statewide toll-free telephone number to the  
353 agency as required in s. 408.810.

354 (c) Right to be informed and to participate in planning  
355 care and treatment.-

356 1. The patient has the right to be informed, in advance,  
357 about the care to be furnished and of any changes in the care to  
358 be furnished. The home health agency shall advise the patient in  
359 advance of which disciplines will furnish care and the frequency  
360 of visits proposed to be furnished. The home health agency must  
361 advise the patient in advance of any change in the plan of care  
362 before the change is made.

363 2. The patient has the right to participate in the planning  
364 of the care. The home health agency must advise the patient in  
365 advance of the right to participate in planning the care or  
366 treatment and in planning changes in the care or treatment. Each  
367 ~~patient has the right to be informed of and to participate in~~  
368 ~~the planning of his or her care.~~ Each patient must be provided,  
369 upon request, a copy of the plan of care established and  
370 maintained for that patient by the home health agency.

371 (5) When nursing services are ordered, the home health  
372 agency to which a patient has been admitted for care must  
373 provide the initial admission visit, all service evaluation  
374 visits, and the discharge visit by a direct employee. Services  
375 provided by others under contractual arrangements to a home  
376 health agency must be monitored and managed by the admitting  
377 home health agency. The admitting home health agency is fully

588-03195-10

20102138c1

378 responsible for ensuring that all care provided through its  
379 employees or contract staff is delivered in accordance with this  
380 part and applicable rules.

381 (6) The skilled care services provided by a home health  
382 agency, directly or under contract, must be supervised and  
383 coordinated in accordance with the plan of care. The home health  
384 agency shall furnish skilled nursing services by or under the  
385 supervision of a registered nurse and in accordance with the  
386 plan of care. Any therapy services offered directly or under  
387 arrangement by the home health agency must be provided by a  
388 qualified therapist or by a qualified therapy assistant under  
389 the supervision of a qualified therapist and in accordance with  
390 the plan of care.

391 (a) Duties and qualifications.—A qualified therapist shall  
392 assist the physician in evaluating the level of function, help  
393 develop or revise the plan of care, prepare clinical and  
394 progress notes, advise and consult with the family and other  
395 agency personnel, and participate in in-service programs. The  
396 therapist or therapy assistant must meet the qualifications in  
397 the state practice acts and related applicable rules.

398 (b) Physical therapy assistants and occupational therapy  
399 assistants.—Services provided by a physical therapy assistant or  
400 occupational therapy assistant must be under the supervision of  
401 a qualified physical therapist or occupational therapist as  
402 required in chapter 486 and part III of chapter 468,  
403 respectively, and related applicable rules. A physical therapy  
404 assistant or occupational therapy assistant shall perform  
405 services planned, delegated, and supervised by the therapist,  
406 assist in preparing clinical notes and progress reports,

588-03195-10

20102138c1

407 participate in educating the patient and his or her family, and  
408 participate in in-service programs.

409 (c) *Speech therapy services.*—Speech therapy services shall  
410 be furnished only by or under supervision of a qualified speech  
411 pathologist or audiologist as required in part I of chapter 468  
412 and related applicable rules.

413 (d) *Care follows a written plan of care.*—The plan of care  
414 shall be reviewed by the physician or health professional who  
415 provided the treatment orders pursuant to subsection (2) and  
416 home health agency personnel as often as the severity of the  
417 patient's condition requires, but at least once every 60 days or  
418 more when there is a patient-elected transfer, a significant  
419 change in condition, or a discharge and return to the same home  
420 health agency during the 60-day episode. Professional staff of a  
421 home health agency shall promptly alert the physician or other  
422 health professional who provided the treatment orders of any  
423 change that suggests a need to alter the plan of care.

424 (e) *Administration of drugs and treatment.*—Only  
425 professional staff of a home health agency may administer drugs  
426 and treatments as ordered by the physician or health  
427 professional pursuant to subsection (2), with the exception of  
428 influenza and pneumococcal polysaccharide vaccines, which may be  
429 administered according to the policy of the home health agency  
430 developed in consultation with a physician and after an  
431 assessment for contraindications. Verbal orders shall be in  
432 writing and signed and dated with the date of receipt by the  
433 registered nurse or qualified therapist who is responsible for  
434 furnishing or supervising the ordered service. A verbal order  
435 may be accepted only by personnel who are authorized to do so by

588-03195-10

20102138c1

436 applicable state laws, rules, and internal policies of the home  
437 health agency.

438 (7) A registered nurse shall conduct the initial evaluation  
439 visit, regularly reevaluate the patient's nursing needs,  
440 initiate the plan of care and necessary revisions, furnish those  
441 services requiring substantial and specialized nursing skill,  
442 initiate appropriate preventive and rehabilitative nursing  
443 procedures, prepare clinical and progress notes, coordinate  
444 services, inform the physician and other personnel of changes in  
445 the patient's condition and needs, counsel the patient and his  
446 or her family in meeting nursing and related needs, participate  
447 in in-service programs, and supervise and teach other nursing  
448 personnel.

449 (8) A licensed practical nurse shall furnish services in  
450 accordance with agency policies, prepare clinical and progress  
451 notes, assist the physician and registered nurse in performing  
452 specialized procedures, prepare equipment and materials for  
453 treatments observing aseptic technique as required, and assist  
454 the patient in learning appropriate self-care techniques.

455 (9) A home health aide and certified nursing assistant  
456 shall provide services that are ordered by the physician in the  
457 plan of care and that the aide or assistant is permitted to  
458 perform under state law. The duties of a home health aide or  
459 certified nursing assistant include the provision of hands-on  
460 personal care, performance of simple procedures as an extension  
461 of therapy or nursing services, assistance in ambulation or  
462 exercises, and assistance in administering medications that are  
463 ordinarily self-administered and are specified in agency rules.  
464 Any services by a home health aide which are offered by a home

588-03195-10

20102138c1

465 health agency must be provided by a qualified home health aide  
466 or certified nursing assistant.

467 (a) Assignment and duties.—A home health aide or certified  
468 nursing assistant shall be assigned to a specific patient by a  
469 registered nurse. Written patient care instructions for the home  
470 health aide and certified nursing assistant must be prepared by  
471 the registered nurse or other appropriate professional who is  
472 responsible for the supervision of the home health aide and  
473 certified nursing assistant as stated in this section.

474 (b) Supervision.—If a patient receives skilled nursing  
475 care, the registered nurse shall perform the supervisory visit.  
476 If the patient is not receiving skilled nursing care but is  
477 receiving physical therapy, occupational therapy, or speech-  
478 language pathology services, the appropriate therapist may  
479 provide the supervision. A registered nurse or other  
480 professional must make an onsite visit to the patient's home at  
481 least once every 2 weeks. The visit is not required while the  
482 aide is providing care.

483 (c) Supervising visits.—If home health aide services are  
484 provided to a patient who is not receiving skilled nursing care,  
485 physical or occupational therapy, or speech-language pathology  
486 services, a registered nurse must make a supervisory visit to  
487 the patient's home at least once every 60 days, unless the home  
488 health agency providing the home health aide services is not  
489 Medicare or Medicaid certified and does not provide skilled  
490 care, either directly or through contracts. The registered nurse  
491 shall ensure that the aide is properly caring for the patient  
492 and each supervisory visit must occur while the home health aide  
493 is providing patient care. In addition to the requirements in

588-03195-10

20102138c1

494 this subsection, a home health agency shall arrange for  
495 additional supervisory visits by a registered nurse to the home  
496 of a patient receiving home health aide services in accordance  
497 with the patient's direction, approval, and agreement to pay the  
498 charge for the visits.

499 (10)~~(7)~~ Home health agency personnel may withhold or  
500 withdraw cardiopulmonary resuscitation if presented with an  
501 order not to resuscitate executed pursuant to s. 401.45. The  
502 agency shall adopt rules providing for the implementation of  
503 such orders. Home health personnel and agencies shall not be  
504 subject to criminal prosecution or civil liability, nor be  
505 considered to have engaged in negligent or unprofessional  
506 conduct, for withholding or withdrawing cardiopulmonary  
507 resuscitation pursuant to such an order and rules adopted by the  
508 agency.

509 Section 11. Subsection (11) of section 408.802, Florida  
510 Statutes, is repealed.

511 Section 12. Paragraphs (e), (f), and (g) of subsection (15)  
512 of section 409.912, Florida Statutes, are repealed.

513 Section 13. Subsection (2) of section 429.12, Florida  
514 Statutes, is repealed.

515 Section 14. Subsection (5) of section 429.23, Florida  
516 Statutes, is repealed.

517 Section 15. Section 429.911(2)(b), Florida Statutes, is  
518 repealed.

519 Section 16. This act shall take effect July 1, 2010.