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LEGISLATIVE ACTION

Senate

House

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03/09/2012 12:29 PM

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Senator Garcia moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (1), (2), and (3) of section 20.43,  
Florida Statutes, are amended to read:

20.43 Department of Health.—There is created a Department  
of Health.

(1) The purpose of the Department of Health is to protect  
and promote ~~and protect~~ the health of all residents and visitors  
in the state through organized state and community efforts,  
including cooperative agreements with counties. The department  
shall:



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14           (a) Identify, diagnose, and conduct surveillance of  
15 diseases and health conditions in the state and accumulate the  
16 health statistics necessary to establish trends ~~Prevent to the~~  
17 ~~fullest extent possible, the occurrence and progression of~~  
18 ~~communicable and noncommunicable diseases and disabilities.~~

19           (b) Implement interventions that prevent or limit the  
20 impact or spread of diseases and health conditions ~~Maintain a~~  
21 ~~constant surveillance of disease occurrence and accumulate~~  
22 ~~health statistics necessary to establish disease trends and to~~  
23 ~~design health programs.~~

24           (c) Collect, manage, and analyze vital statistics and other  
25 health data to inform the public and formulate public health  
26 policy and planning ~~Conduct special studies of the causes of~~  
27 ~~diseases and formulate preventive strategies.~~

28           (d) Maintain and coordinate preparedness for and responses  
29 to public health emergencies in the state ~~Promote the~~  
30 ~~maintenance and improvement of the environment as it affects~~  
31 ~~public health.~~

32           (e) Provide or ensure the provision of quality health care  
33 and related services to identified populations in the state  
34 ~~Promote the maintenance and improvement of health in the~~  
35 ~~residents of the state.~~

36           (f) Regulate environmental activities that have a direct  
37 impact on public health in the state ~~Provide leadership, in~~  
38 ~~cooperation with the public and private sectors, in establishing~~  
39 ~~statewide and community public health delivery systems.~~

40           (g) Regulate health practitioners for the preservation of  
41 the health, safety, and welfare of the public ~~Provide health~~  
42 ~~care and early intervention services to infants, toddlers,~~



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43 ~~children, adolescents, and high-risk perinatal patients who are~~  
44 ~~at risk for disabling conditions or have chronic illnesses.~~

45 ~~(h) Provide services to abused and neglected children~~  
46 ~~through child protection teams and sexual abuse treatment~~  
47 ~~programs.~~

48 ~~(i) Develop working associations with all agencies and~~  
49 ~~organizations involved and interested in health and health care~~  
50 ~~delivery.~~

51 ~~(j) Analyze trends in the evolution of health systems, and~~  
52 ~~identify and promote the use of innovative, cost-effective~~  
53 ~~health delivery systems.~~

54 ~~(k) Serve as the statewide repository of all aggregate data~~  
55 ~~accumulated by state agencies related to health care; analyze~~  
56 ~~that data and issue periodic reports and policy statements, as~~  
57 ~~appropriate; require that all aggregated data be kept in a~~  
58 ~~manner that promotes easy utilization by the public, state~~  
59 ~~agencies, and all other interested parties; provide technical~~  
60 ~~assistance as required; and work cooperatively with the state's~~  
61 ~~higher education programs to promote further study and analysis~~  
62 ~~of health care systems and health care outcomes.~~

63 ~~(l) Include in the department's strategic plan developed~~  
64 ~~under s. 186.021 an assessment of current health programs,~~  
65 ~~systems, and costs; projections of future problems and~~  
66 ~~opportunities; and recommended changes that are needed in the~~  
67 ~~health care system to improve the public health.~~

68 ~~(m) Regulate health practitioners, to the extent authorized~~  
69 ~~by the Legislature, as necessary for the preservation of the~~  
70 ~~health, safety, and welfare of the public.~~

71 ~~(2)(a) The head of the Department of Health is the State~~



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72 Surgeon General and State Health Officer. The State Surgeon  
73 General must be a physician licensed under chapter 458 or  
74 chapter 459 who has advanced training or extensive experience in  
75 public health administration. The State Surgeon General is  
76 appointed by the Governor subject to confirmation by the Senate.  
77 The State Surgeon General serves at the pleasure of the  
78 Governor. ~~The State Surgeon General shall serve as the leading  
79 voice on wellness and disease prevention efforts, including the  
80 promotion of healthful lifestyles, immunization practices,  
81 health literacy, and the assessment and promotion of the  
82 physician and health care workforce in order to meet the health  
83 care needs of the state. The State Surgeon General shall focus  
84 on advocating healthy lifestyles, developing public health  
85 policy, and building collaborative partnerships with schools,  
86 businesses, health care practitioners, community-based  
87 organizations, and public and private institutions in order to  
88 promote health literacy and optimum quality of life for all  
89 Floridians.~~

90 ~~(b) The Officer of Women's Health Strategy is established  
91 within the Department of Health and shall report directly to the  
92 State Surgeon General.~~

93 (3) The following divisions of the Department of Health are  
94 established:

95 (a) Division of Administration.

96 (b) Division of Emergency Preparedness and Community  
97 Support Environmental Health.

98 (c) Division of Disease Control and Health Protection.

99 (d) Division of Community Health Promotion ~~Family Health~~  
100 ~~Services.~~



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101 (e) Division of Children's Medical Services ~~Network~~.

102 (f) Division of Public Health Statistics and Performance  
103 Management ~~Emergency Medical Operations~~.

104 (g) Division of Medical Quality Assurance, which is  
105 responsible for the following boards and professions established  
106 within the division:

107 1. The Board of Acupuncture, created under chapter 457.

108 2. The Board of Medicine, created under chapter 458.

109 3. The Board of Osteopathic Medicine, created under chapter  
110 459.

111 4. The Board of Chiropractic Medicine, created under  
112 chapter 460.

113 5. The Board of Podiatric Medicine, created under chapter  
114 461.

115 6. Naturopathy, as provided under chapter 462.

116 7. The Board of Optometry, created under chapter 463.

117 8. The Board of Nursing, created under part I of chapter  
118 464.

119 9. Nursing assistants, as provided under part II of chapter  
120 464.

121 10. The Board of Pharmacy, created under chapter 465.

122 11. The Board of Dentistry, created under chapter 466.

123 12. Midwifery, as provided under chapter 467.

124 13. The Board of Speech-Language Pathology and Audiology,  
125 created under part I of chapter 468.

126 14. The Board of Nursing Home Administrators, created under  
127 part II of chapter 468.

128 15. The Board of Occupational Therapy, created under part  
129 III of chapter 468.



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- 130           16. Respiratory therapy, as provided under part V of  
131 chapter 468.
- 132           17. Dietetics and nutrition practice, as provided under  
133 part X of chapter 468.
- 134           18. The Board of Athletic Training, created under part XIII  
135 of chapter 468.
- 136           19. The Board of Orthotists and Prosthetists, created under  
137 part XIV of chapter 468.
- 138           20. Electrolysis, as provided under chapter 478.
- 139           21. The Board of Massage Therapy, created under chapter  
140 480.
- 141           22. The Board of Clinical Laboratory Personnel, created  
142 under part III of chapter 483.
- 143           23. Medical physicists, as provided under part IV of  
144 chapter 483.
- 145           24. The Board of Opticianry, created under part I of  
146 chapter 484.
- 147           25. The Board of Hearing Aid Specialists, created under  
148 part II of chapter 484.
- 149           26. The Board of Physical Therapy Practice, created under  
150 chapter 486.
- 151           27. The Board of Psychology, created under chapter 490.
- 152           28. School psychologists, as provided under chapter 490.
- 153           29. The Board of Clinical Social Work, Marriage and Family  
154 Therapy, and Mental Health Counseling, created under chapter  
155 491.
- 156           30. Emergency medical technicians and paramedics, as  
157 provided under part III of chapter 401.
- 158           ~~(h) Division of Children's Medical Services Prevention and~~



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159 ~~Intervention.~~

160 ~~(i) Division of Information Technology.~~

161 ~~(j) Division of Health Access and Tobacco.~~

162 ~~(h)(k)~~ Division of Disability Determinations.

163 Section 2. Subsections (14) through (22) of section 20.435,  
164 Florida Statutes, are renumbered as subsection (13) through  
165 (21), respectively, and present subsection (13) of that section  
166 is amended to read:

167 20.435 Department of Health; trust funds.—The following  
168 trust funds shall be administered by the Department of Health:

169 ~~(13) Florida Drug, Device, and Cosmetic Trust Fund.~~

170 ~~(a) Funds to be credited to and uses of the trust fund  
171 shall be administered in accordance with the provisions of  
172 chapter 499.~~

173 ~~(b) Notwithstanding the provisions of s. 216.301 and  
174 pursuant to s. 216.351, any balance in the trust fund at the end  
175 of any fiscal year shall remain in the trust fund at the end of  
176 the year and shall be available for carrying out the purposes of  
177 the trust fund.~~

178 Section 3. Section 154.05, Florida Statutes, is amended to  
179 read:

180 154.05 Cooperation and agreements between counties.—  
181 Counties may establish cooperative arrangements for shared  
182 county health departments in the following ways:

183 (1) Two or more counties may combine in the establishment  
184 and maintenance of a single full-time county health department  
185 for the counties which combine for that purpose; and, pursuant  
186 to such combination or agreement, such counties may cooperate  
187 with one another and the Department of Health and contribute to



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188 a joint fund in carrying out the purpose and intent of this  
189 chapter. The duration and nature of such agreement shall be  
190 evidenced by resolutions of the boards of county commissioners  
191 of such counties and shall be submitted to and approved by the  
192 department. In the event of any such agreement, a full-time  
193 county health department shall be established and maintained by  
194 the department in and for the benefit of the counties which have  
195 entered into such an agreement; and, in such case, the funds  
196 raised by taxation pursuant to this chapter by each such county  
197 shall be paid to the Chief Financial Officer for the account of  
198 the department and shall be known as the full-time county health  
199 department trust fund of the counties so cooperating. Such trust  
200 funds shall be used and expended by the department for the  
201 purposes specified in this chapter in each county which has  
202 entered into such agreement. In case such an agreement is  
203 entered into between two or more counties, the work contemplated  
204 by this chapter shall be done by a single full-time county  
205 health department in the counties so cooperating; and the  
206 nature, extent, and location of such work shall be under the  
207 control and direction of the department.

208 (2) The operations of two or more county health departments  
209 may be combined when the parties agree to the specific roles and  
210 responsibilities of each county and county health department.  
211 Such an agreement shall specify the roles and responsibilities  
212 of each county and county health department, including the  
213 method of governance and executive direction; the manner by  
214 which each county's public health needs will be addressed; an  
215 inventory of necessary facilities, equipment, and personnel; and  
216 any other needed infrastructure.





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217 Section 4. Subsection (2) of section 212.08, Florida  
218 Statutes, is amended to read:

219 212.08 Sales, rental, use, consumption, distribution, and  
220 storage tax; specified exemptions.—The sale at retail, the  
221 rental, the use, the consumption, the distribution, and the  
222 storage to be used or consumed in this state of the following  
223 are hereby specifically exempt from the tax imposed by this  
224 chapter.

225 (2) EXEMPTIONS; MEDICAL.—

226 (a) There shall be exempt from the tax imposed by this  
227 chapter any medical products and supplies or medicine dispensed  
228 according to an individual prescription or prescriptions written  
229 by a prescriber authorized by law to prescribe medicinal drugs;  
230 hypodermic needles; hypodermic syringes; chemical compounds and  
231 test kits used for the diagnosis or treatment of human disease,  
232 illness, or injury; and common household remedies recommended  
233 and generally sold for internal or external use in the cure,  
234 mitigation, treatment, or prevention of illness or disease in  
235 human beings, but not including cosmetics or toilet articles,  
236 notwithstanding the presence of medicinal ingredients therein,  
237 according to a list prescribed and approved by the Department of  
238 Business and Professional Regulation ~~Health~~, which list shall be  
239 certified to the Department of Revenue from time to time and  
240 included in the rules promulgated by the Department of Revenue.  
241 There shall also be exempt from the tax imposed by this chapter  
242 artificial eyes and limbs; orthopedic shoes; prescription  
243 eyeglasses and items incidental thereto or which become a part  
244 thereof; dentures; hearing aids; crutches; prosthetic and  
245 orthopedic appliances; and funerals. In addition, any items



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246 intended for one-time use which transfer essential optical  
247 characteristics to contact lenses shall be exempt from the tax  
248 imposed by this chapter; however, this exemption shall apply  
249 only after \$100,000 of the tax imposed by this chapter on such  
250 items has been paid in any calendar year by a taxpayer who  
251 claims the exemption in such year. Funeral directors shall pay  
252 tax on all tangible personal property used by them in their  
253 business.

254 (b) For the purposes of this subsection:

255 1. "Prosthetic and orthopedic appliances" means any  
256 apparatus, instrument, device, or equipment used to replace or  
257 substitute for any missing part of the body, to alleviate the  
258 malfunction of any part of the body, or to assist any disabled  
259 person in leading a normal life by facilitating such person's  
260 mobility. Such apparatus, instrument, device, or equipment shall  
261 be exempted according to an individual prescription or  
262 prescriptions written by a physician licensed under chapter 458,  
263 chapter 459, chapter 460, chapter 461, or chapter 466, or  
264 according to a list prescribed and approved by the Department of  
265 Health, which list shall be certified to the Department of  
266 Revenue from time to time and included in the rules promulgated  
267 by the Department of Revenue.

268 2. "Cosmetics" means articles intended to be rubbed,  
269 poured, sprinkled, or sprayed on, introduced into, or otherwise  
270 applied to the human body for cleansing, beautifying, promoting  
271 attractiveness, or altering the appearance and also means  
272 articles intended for use as a compound of any such articles,  
273 including, but not limited to, cold creams, suntan lotions,  
274 makeup, and body lotions.



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275           3. "Toilet articles" means any article advertised or held  
276 out for sale for grooming purposes and those articles that are  
277 customarily used for grooming purposes, regardless of the name  
278 by which they may be known, including, but not limited to, soap,  
279 toothpaste, hair spray, shaving products, colognes, perfumes,  
280 shampoo, deodorant, and mouthwash.

281           4. "Prescription" includes any order for drugs or medicinal  
282 supplies written or transmitted by any means of communication by  
283 a duly licensed practitioner authorized by the laws of the state  
284 to prescribe such drugs or medicinal supplies and intended to be  
285 dispensed by a pharmacist. The term also includes an orally  
286 transmitted order by the lawfully designated agent of such  
287 practitioner. The term also includes an order written or  
288 transmitted by a practitioner licensed to practice in a  
289 jurisdiction other than this state, but only if the pharmacist  
290 called upon to dispense such order determines, in the exercise  
291 of his or her professional judgment, that the order is valid and  
292 necessary for the treatment of a chronic or recurrent illness.  
293 The term also includes a pharmacist's order for a product  
294 selected from the formulary created pursuant to s. 465.186. A  
295 prescription may be retained in written form, or the pharmacist  
296 may cause it to be recorded in a data processing system,  
297 provided that such order can be produced in printed form upon  
298 lawful request.

299           (c) Chlorine shall not be exempt from the tax imposed by  
300 this chapter when used for the treatment of water in swimming  
301 pools.

302           (d) Lithotripters are exempt.

303           (e) Human organs are exempt.



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304 (f) Sales of drugs to or by physicians, dentists,  
305 veterinarians, and hospitals in connection with medical  
306 treatment are exempt.

307 (g) Medical products and supplies used in the cure,  
308 mitigation, alleviation, prevention, or treatment of injury,  
309 disease, or incapacity which are temporarily or permanently  
310 incorporated into a patient or client by a practitioner of the  
311 healing arts licensed in the state are exempt.

312 (h) The purchase by a veterinarian of commonly recognized  
313 substances possessing curative or remedial properties which are  
314 ordered and dispensed as treatment for a diagnosed health  
315 disorder by or on the prescription of a duly licensed  
316 veterinarian, and which are applied to or consumed by animals  
317 for alleviation of pain or the cure or prevention of sickness,  
318 disease, or suffering are exempt. Also exempt are the purchase  
319 by a veterinarian of antiseptics, absorbent cotton, gauze for  
320 bandages, lotions, vitamins, and worm remedies.

321 (i) X-ray opaques, also known as opaque drugs and  
322 radiopaque, such as the various opaque dyes and barium sulphate,  
323 when used in connection with medical X rays for treatment of  
324 bodies of humans and animals, are exempt.

325 (j) Parts, special attachments, special lettering, and  
326 other like items that are added to or attached to tangible  
327 personal property so that a handicapped person can use them are  
328 exempt when such items are purchased by a person pursuant to an  
329 individual prescription.

330 (k) This subsection shall be strictly construed and  
331 enforced.

332 Section 5. Subsections (10) and (12) of section 215.5602,



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333 Florida Statutes, are amended to read:

334 215.5602 James and Esther King Biomedical Research  
335 Program.—

336 (10) The council shall submit an annual progress report on  
337 the state of biomedical research in this state to ~~the Florida~~  
338 ~~Center for Universal Research to Eradicate Disease and to the~~  
339 Governor, the State Surgeon General, the President of the  
340 Senate, and the Speaker of the House of Representatives by  
341 February 1. The report must include:

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

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

345 (c) A list of publications in peer reviewed journals  
346 involving research supported by grants or fellowships awarded  
347 under the program.

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

350 (e) New grants for biomedical research which were funded  
351 based on research supported by grants or fellowships awarded  
352 under the program.

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

356 (12) ~~From funds appropriated to accomplish the goals of~~  
357 ~~this section, up to \$250,000 shall be available for the~~  
358 ~~operating costs of the Florida Center for Universal Research to~~  
359 ~~Eradicate Disease.~~ Beginning in the 2011-2012 fiscal year and  
360 thereafter, \$25 million from the revenue deposited into the  
361 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)



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362 shall be reserved for research of tobacco-related or cancer-  
363 related illnesses. Of the revenue deposited in the Health Care  
364 Trust Fund pursuant to this section, \$25 million shall be  
365 transferred to the Biomedical Research Trust Fund within the  
366 Department of Health. Subject to annual appropriations in the  
367 General Appropriations Act, \$5 million shall be appropriated to  
368 the James and Esther King Biomedical Research Program, \$5  
369 million shall be appropriated to the William G. "Bill" Bankhead,  
370 Jr., and David Coley Cancer Research Program created under s.  
371 381.922, \$5 million shall be appropriated to the H. Lee Moffitt  
372 Cancer Center and Research Institute established under s.  
373 1004.43, \$5 million shall be appropriated to the Sylvester  
374 Comprehensive Cancer Center of the University of Miami, and \$5  
375 million shall be appropriated to the ~~University of Florida~~  
376 Shands Cancer Hospital Center.

377 Section 6. Section 381.001, Florida Statutes, is amended to  
378 read:

379 381.001 ~~Legislative intent;~~ Public health system.—

380 ~~(1) It is the intent of the Legislature that~~ The Department  
381 of Health is ~~be~~ responsible for the state's public health system  
382 which shall be designed to promote, protect, and improve the  
383 health of all people in the state. ~~The mission of the state's~~  
384 ~~public health system is to foster the conditions in which people~~  
385 ~~can be healthy, by assessing state and community health needs~~  
386 ~~and priorities through data collection, epidemiologic studies,~~  
387 ~~and community participation; by developing comprehensive public~~  
388 ~~health policies and objectives aimed at improving the health~~  
389 ~~status of people in the state; and by ensuring essential health~~  
390 ~~care and an environment which enhances the health of the~~



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391 ~~individual and the community. The~~ department shall provide  
392 leadership for ~~Legislature recognizes that the state's public~~  
393 ~~health system must be founded on an active partnership~~ working  
394 toward shared public health goals and involving ~~between federal,~~  
395 ~~state, and local governments and the private sector~~ government  
396 ~~and between the public and private sectors, and, therefore,~~  
397 ~~assessment, policy development, and service provision must be~~  
398 ~~shared by all of these entities to achieve its mission.~~

399 ~~(2) It is the intent of the Legislature that the~~  
400 ~~department, in carrying out the mission of public health, focus~~  
401 ~~attention on identifying, assessing, and controlling the~~  
402 ~~presence and spread of communicable diseases; on monitoring and~~  
403 ~~regulating factors in the environment which may impair the~~  
404 ~~public's health, with particular attention to preventing~~  
405 ~~contamination of drinking water, the air people breathe, and the~~  
406 ~~food people consume; and ensuring availability of and access to~~  
407 ~~preventive and primary health care, including, but not limited~~  
408 ~~to, acute and episodic care, prenatal and postpartum care, child~~  
409 ~~health, family planning, school health, chronic disease~~  
410 ~~prevention, child and adult immunization, dental health,~~  
411 ~~nutrition, and health education and promotion services.~~

412 ~~(3) It is, furthermore, the intent of the Legislature that~~  
413 ~~the public health system include comprehensive planning, data~~  
414 ~~collection, technical support, and health resource development~~  
415 ~~functions. These functions include, but are not limited to,~~  
416 ~~state laboratory and pharmacy services, the state vital~~  
417 ~~statistics system, the Florida Center for Health Information and~~  
418 ~~Policy Analysis, emergency medical services coordination and~~  
419 ~~support, and recruitment, retention, and development of~~



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420 ~~preventive and primary health care professionals and managers.~~

421 ~~(4) It is, furthermore,~~ the intent of the Legislature that  
422 the department provide public health services through the 67  
423 county health departments in partnership with county  
424 governments, as specified in part I of chapter 154, and in so  
425 doing make every attempt possible to solicit the support and  
426 involvement of private and not-for-profit health care agencies  
427 in fulfilling the public health mission.

428 Section 7. Section 381.0011, Florida Statutes, is amended  
429 to read:

430 381.0011 Duties and powers of the Department of Health.—It  
431 is the duty of the Department of Health to:

432 (1) Assess the public health status and needs of the state  
433 ~~through statewide data collection and other appropriate means,~~  
434 ~~with special attention to future needs that may result from~~  
435 ~~population growth, technological advancements, new societal~~  
436 ~~priorities, or other changes.~~

437 ~~(2) Formulate general policies affecting the public health~~  
438 ~~of the state.~~

439 (2)~~(3)~~ Administer and enforce laws and rules relating to  
440 sanitation, control of communicable diseases, illnesses and  
441 hazards to health among humans and from animals to humans, and  
442 the general health of the people of the state.

443 (3)~~(4)~~ Coordinate with ~~Cooperate with and accept assistance~~  
444 ~~from~~ federal, state, and local officials for the prevention and  
445 suppression of communicable and other diseases, illnesses,  
446 injuries, and hazards to human health.

447 ~~(5) Declare, enforce, modify, and abolish quarantine of~~  
448 ~~persons, animals, and premises as the circumstances indicate for~~





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449 ~~controlling communicable diseases or providing protection from~~  
450 ~~unsafe conditions that pose a threat to public health, except as~~  
451 ~~provided in ss. 384.28 and 392.545-392.60.~~

452 ~~(a) The department shall adopt rules to specify the~~  
453 ~~conditions and procedures for imposing and releasing a~~  
454 ~~quarantine. The rules must include provisions related to:~~

455 ~~1. The closure of premises.~~

456 ~~2. The movement of persons or animals exposed to or~~  
457 ~~infected with a communicable disease.~~

458 ~~3. The tests or treatment, including vaccination, for~~  
459 ~~communicable disease required prior to employment or admission~~  
460 ~~to the premises or to comply with a quarantine.~~

461 ~~4. Testing or destruction of animals with or suspected of~~  
462 ~~having a disease transmissible to humans.~~

463 ~~5. Access by the department to quarantined premises.~~

464 ~~6. The disinfection of quarantined animals, persons, or~~  
465 ~~premises.~~

466 ~~7. Methods of quarantine.~~

467 ~~(b) Any health regulation that restricts travel or trade~~  
468 ~~within the state may not be adopted or enforced in this state~~  
469 ~~except by authority of the department.~~

470 ~~(4)(6) Provide for a thorough investigation and study of~~  
471 ~~the incidence, causes, modes of propagation and transmission,~~  
472 ~~and means of prevention, control, and cure of diseases,~~  
473 ~~illnesses, and hazards to human health.~~

474 ~~(5)(7) Provide for the dissemination of information to the~~  
475 ~~public relative to the prevention, control, and cure of~~  
476 ~~diseases, illnesses, and hazards to human health. The department~~  
477 ~~shall conduct a workshop before issuing any health alert or~~



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478 ~~advisory relating to food-borne illness or communicable disease~~  
479 ~~in public lodging or food service establishments in order to~~  
480 ~~inform persons, trade associations, and businesses of the risk~~  
481 ~~to public health and to seek the input of affected persons,~~  
482 ~~trade associations, and businesses on the best methods of~~  
483 ~~informing and protecting the public, except in an emergency, in~~  
484 ~~which case the workshop must be held within 14 days after the~~  
485 ~~issuance of the emergency alert or advisory.~~

486 ~~(6)-(8) Act as registrar of vital statistics.~~

487 ~~(9) Cooperate with and assist federal health officials in~~  
488 ~~enforcing public health laws and regulations.~~

489 ~~(10) Cooperate with other departments, local officials, and~~  
490 ~~private boards and organizations for the improvement and~~  
491 ~~preservation of the public health.~~

492 ~~(11) Maintain a statewide injury-prevention program.~~

493 ~~(12) Adopt rules pursuant to ss. 120.536(1) and 120.54 to~~  
494 ~~implement the provisions of law conferring duties upon it. This~~  
495 ~~subsection does not authorize the department to require a permit~~  
496 ~~or license unless such requirement is specifically provided by~~  
497 ~~law.~~

498 ~~(7)-(13) Manage and coordinate emergency preparedness and~~  
499 ~~disaster response functions to: investigate and control the~~  
500 ~~spread of disease; coordinate the availability and staffing of~~  
501 ~~special needs shelters; support patient evacuation; ensure the~~  
502 ~~safety of food and drugs; provide critical incident stress~~  
503 ~~debriefing; and provide surveillance and control of~~  
504 ~~radiological, chemical, biological, and other environmental~~  
505 ~~hazards.~~

506 ~~(14) Perform any other duties prescribed by law.~~



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507 Section 8. Section 381.0013, Florida Statutes, is repealed.

508 Section 9. Section 381.0014, Florida Statutes, is repealed.

509 Section 10. Section 381.0015, Florida Statutes, is  
510 repealed.

511 Section 11. Section 381.0016, Florida Statutes, is amended  
512 to read:

513 381.0016 County and municipal regulations and ordinances.-  
514 Any county or municipality may enact, in a manner prescribed by  
515 law, health regulations and ordinances not inconsistent with  
516 state public health laws and rules adopted by the department.

517 Section 12. Section 381.0017, Florida Statutes, is  
518 repealed.

519 Section 13. Section 381.0025, Florida Statutes, is  
520 repealed.

521 Section 14. Paragraph (d) of subsection (1) of section  
522 381.003, Florida Statutes, is amended to read:

523 381.003 Communicable disease and AIDS prevention and  
524 control.-

525 (1) The department shall conduct a communicable disease  
526 prevention and control program as part of fulfilling its public  
527 health mission. A communicable disease is any disease caused by  
528 transmission of a specific infectious agent, or its toxic  
529 products, from an infected person, an infected animal, or the  
530 environment to a susceptible host, either directly or  
531 indirectly. The communicable disease program must include, but  
532 need not be limited to:

533 (d) Programs for the prevention, control, and reporting of  
534 communicable diseases of public health significance as provided  
535 for in this chapter.



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536 Section 15. Section 381.0031, Florida Statutes, is amended  
537 to read:

538 381.0031 Epidemiological research; report of diseases of  
539 public health significance to department.-

540 (1) The department may conduct studies concerning the  
541 epidemiology of diseases of public health significance affecting  
542 people in Florida.

543 (2) Any practitioner licensed in this state to practice  
544 medicine, osteopathic medicine, chiropractic medicine,  
545 naturopathy, or veterinary medicine; any hospital licensed under  
546 part I of chapter 395; or any laboratory licensed under chapter  
547 483 that diagnoses or suspects the existence of a disease of  
548 public health significance shall immediately report the fact to  
549 the Department of Health.

550 (3)~~(2)~~ Periodically the department shall issue a list of  
551 infectious or noninfectious diseases determined by it to be a  
552 threat to public health and therefore of significance to public  
553 health and shall furnish a copy of the list to the practitioners  
554 listed in subsection (2) ~~(1)~~. The list shall be based on the  
555 diseases recommended to be nationally notifiable by the Council  
556 of State and Territorial Epidemiologists and the Centers for  
557 Disease Control and Prevention. The department may expand upon  
558 the list if a disease emerges for which regular, frequent, and  
559 timely information regarding individual cases is considered  
560 necessary for the prevention and control of a disease specific  
561 to Florida.

562 (4)~~(3)~~ Reports required by this section must be in  
563 accordance with methods specified by rule of the department.

564 (5)~~(4)~~ Information submitted in reports required by this



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565 section is confidential, exempt from the provisions of s.  
566 119.07(1), and is to be made public only when necessary to  
567 public health. A report so submitted is not a violation of the  
568 confidential relationship between practitioner and patient.

569 (6)~~(5)~~ The department may obtain and inspect copies of  
570 medical records, records of laboratory tests, and other medical-  
571 related information for reported cases of diseases of public  
572 health significance described in subsection (2). The department  
573 shall examine the records of a person who has a disease of  
574 public health significance only for purposes of preventing and  
575 eliminating outbreaks of disease and making epidemiological  
576 investigations of reported cases of diseases of public health  
577 significance, notwithstanding any other law to the contrary.  
578 Health care practitioners, licensed health care facilities, and  
579 laboratories shall allow the department to inspect and obtain  
580 copies of such medical records and medical-related information,  
581 notwithstanding any other law to the contrary. Release of  
582 medical records and medical-related information to the  
583 department by a health care practitioner, licensed health care  
584 facility, or laboratory, or by an authorized employee or agent  
585 thereof, does not constitute a violation of the confidentiality  
586 of patient records. A health care practitioner, health care  
587 facility, or laboratory, or any employee or agent thereof, may  
588 not be held liable in any manner for damages and is not subject  
589 to criminal penalties for providing patient records to the  
590 department as authorized by this section.

591 (7)~~(6)~~ The department may adopt rules related to reporting  
592 diseases of significance to public health, which must specify  
593 the information to be included in the report, who is required to



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594 report, the method and time period for reporting, requirements  
595 for enforcement, and required followup activities by the  
596 department which are necessary to protect public health.

597 (8) This section does not affect s. 384.25.

598 Section 16. Subsections (4), (5), and (6) are added to  
599 section 381.00315, Florida Statutes, to read:

600 381.00315 Public health advisories; public health  
601 emergencies; quarantines.—The State Health Officer is  
602 responsible for declaring public health emergencies and  
603 quarantines and issuing public health advisories.

604 (4) The department has the duty and the authority to  
605 declare, enforce, modify, and abolish quarantines of persons,  
606 animals, and premises as the circumstances indicate for  
607 controlling communicable diseases or providing protection from  
608 unsafe conditions that pose a threat to public health, except as  
609 provided in ss. 384.28 and 392.545-392.60.

610 (5) The department shall adopt rules to specify the  
611 conditions and procedures for imposing and releasing a  
612 quarantine. The rules must include provisions related to:

613 (a) The closure of premises.

614 (b) The movement of persons or animals exposed to or  
615 infected with a communicable disease.

616 (c) The tests or treatment, including vaccination, for  
617 communicable disease required prior to employment or admission  
618 to the premises or to comply with a quarantine.

619 (d) Testing or destruction of animals with or suspected of  
620 having a disease transmissible to humans.

621 (e) Access by the department to quarantined premises.

622 (f) The disinfection of quarantined animals, persons, or



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623 premises.

624 (g) Methods of quarantine.

625 (6) The rules adopted under this section and actions taken  
626 by the department pursuant to a declared public health emergency  
627 or quarantine shall supersede all rules enacted by other state  
628 departments, boards or commissions, and ordinances and  
629 regulations enacted by political subdivisions of the state. Any  
630 person who violates any rule adopted under this section, any  
631 quarantine, or any requirement adopted by the department  
632 pursuant to a declared public health emergency, commits a  
633 misdemeanor of the second degree, punishable as provided in s.  
634 775.082 or s. 775.083.

635 Section 17. Section 381.0032, Florida Statutes, is  
636 repealed.

637 Section 18. Section 381.00325, Florida Statutes, is  
638 repealed.

639 Section 19. Subsection (1) of section 381.0034, Florida  
640 Statutes, is amended to read:

641 381.0034 Requirement for instruction on HIV and AIDS.—

642 (1) ~~As of July 1, 1991,~~ The Department of Health shall  
643 require each person licensed or certified under chapter 401,  
644 chapter 467, part IV of chapter 468, or chapter 483, as a  
645 condition of biennial relicensure, to complete an educational  
646 course approved by the department on the modes of transmission,  
647 infection control procedures, clinical management, and  
648 prevention of human immunodeficiency virus and acquired immune  
649 deficiency syndrome. Such course shall include information on  
650 current Florida law on acquired immune deficiency syndrome and  
651 its impact on testing, confidentiality of test results, and



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652 treatment of patients. Each such licensee or certificateholder  
653 shall submit confirmation of having completed said course, on a  
654 form provided by the department, when submitting fees or  
655 application for each biennial renewal.

656 Section 20. Section 381.0037, Florida Statutes, is  
657 repealed.

658 Section 21. Subsections (2) through (11) of section 381.004,  
659 Florida Statutes, are renumbered as subsections (1) through  
660 (10), respectively, and present subsection (1), paragraph (a) of  
661 present subsection (3), paragraph (d) of present subsection (5),  
662 present subsection (7), and paragraph (c) of present subsection  
663 (11) of that section are amended to read:

664 381.004 HIV testing.—

665 ~~(1) LEGISLATIVE INTENT.—The Legislature finds that the use~~  
666 ~~of tests designed to reveal a condition indicative of human~~  
667 ~~immunodeficiency virus infection can be a valuable tool in~~  
668 ~~protecting the public health. The Legislature finds that despite~~  
669 ~~existing laws, regulations, and professional standards which~~  
670 ~~require or promote the informed, voluntary, and confidential use~~  
671 ~~of tests designed to reveal human immunodeficiency virus~~  
672 ~~infection, many members of the public are deterred from seeking~~  
673 ~~such testing because they misunderstand the nature of the test~~  
674 ~~or fear that test results will be disclosed without their~~  
675 ~~consent. The Legislature finds that the public health will be~~  
676 ~~served by facilitating informed, voluntary, and confidential use~~  
677 ~~of tests designed to detect human immunodeficiency virus~~  
678 ~~infection.~~

679 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT;  
680 RESULTS; COUNSELING; CONFIDENTIALITY.—





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681 (a) No person in this state shall order a test designed to  
682 identify the human immunodeficiency virus, or its antigen or  
683 antibody, without first obtaining the informed consent of the  
684 person upon whom the test is being performed, except as  
685 specified in paragraph (h). Informed consent shall be preceded  
686 by an explanation of the right to confidential treatment of  
687 information identifying the subject of the test and the results  
688 of the test to the extent provided by law. Information shall  
689 also be provided on the fact that a positive HIV test result  
690 will be reported to the county health department with sufficient  
691 information to identify the test subject and on the availability  
692 and location of sites at which anonymous testing is performed.  
693 As required in paragraph (3) (c) ~~(4) (e)~~, each county health  
694 department shall maintain a list of sites at which anonymous  
695 testing is performed, including the locations, phone numbers,  
696 and hours of operation of the sites. Consent need not be in  
697 writing provided there is documentation in the medical record  
698 that the test has been explained and the consent has been  
699 obtained.

700 (4) ~~(5)~~ HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS;  
701 REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM  
702 REGISTRATION.—No county health department and no other person in  
703 this state shall conduct or hold themselves out to the public as  
704 conducting a testing program for acquired immune deficiency  
705 syndrome or human immunodeficiency virus status without first  
706 registering with the Department of Health, reregistering each  
707 year, complying with all other applicable provisions of state  
708 law, and meeting the following requirements:

709 (d) The program must meet all the informed consent criteria



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710 contained in subsection (2) ~~(3)~~.

711 (7) EXEMPTIONS.—Except as provided in paragraph (3) (d)  
712 ~~(4) (d)~~ and ss. 627.429 and 641.3007, insurers and others  
713 participating in activities related to the insurance application  
714 and underwriting process shall be exempt from this section.

715 (10) ~~(11)~~ TESTING AS A CONDITION OF TREATMENT OR ADMISSION.—

716 (c) Any violation of this subsection or the rules  
717 implementing it shall be punishable as provided in subsection  
718 (5) ~~(6)~~.

719 Section 22. Subsection (2) of section 381.0046, Florida  
720 Statutes, is amended to read:

721 381.0046 Statewide HIV and AIDS prevention campaign.—

722 (2) The Department of Health shall establish dedicated ~~four~~  
723 positions within the department for HIV and AIDS regional  
724 minority coordinators and ~~one position for~~ a statewide HIV and  
725 AIDS minority coordinator. The coordinators shall facilitate  
726 statewide efforts to implement and coordinate HIV and AIDS  
727 prevention and treatment programs. ~~The statewide coordinator~~  
728 ~~shall report directly to the chief of the Bureau of HIV and AIDS~~  
729 ~~within the Department of Health.~~

730 Section 23. Subsection (3) of section 381.005, Florida  
731 Statutes, is renumbered as subsection (2), and present  
732 subsection (2) of that section is amended to read:

733 381.005 Primary and preventive health services.—

734 ~~(2) Between October 1, or earlier if the vaccination is~~  
735 ~~available, and February 1 of each year, subject to the~~  
736 ~~availability of an adequate supply of the necessary vaccine,~~  
737 ~~each hospital licensed pursuant to chapter 395 shall implement a~~  
738 ~~program to offer immunizations against the influenza virus and~~



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739 ~~pneumococcal bacteria to all patients age 65 or older, in~~  
740 ~~accordance with the recommendations of the Advisory Committee on~~  
741 ~~Immunization Practices of the United States Centers for Disease~~  
742 ~~Control and Prevention and subject to the clinical judgment of~~  
743 ~~the responsible practitioner.~~

744 Section 24. Subsections (3) through (7) of section  
745 381.0051, Florida Statutes, are renumbered as subsections (2)  
746 through (6), respectively, and present subsection (2) of that  
747 section is amended to read:

748 381.0051 Family planning.—

749 ~~(2) LEGISLATIVE INTENT.—It is the intent of the Legislature~~  
750 ~~to make available to citizens of the state of childbearing age~~  
751 ~~comprehensive medical knowledge, assistance, and services~~  
752 ~~relating to the planning of families and maternal health care.~~

753 Section 25. Subsection (5) of section 381.0052, Florida  
754 Statutes, is amended to read:

755 381.0052 Dental health.—

756 ~~(5) The department may adopt rules to implement this~~  
757 ~~section.~~

758 Section 26. Subsection (4) of section 381.0053, Florida  
759 Statutes, is amended to read:

760 381.0053 Comprehensive nutrition program.—

761 ~~(4) The department may promulgate rules to implement the~~  
762 ~~provisions of this section.~~

763 Section 27. Section 381.0054, Florida Statutes, is  
764 repealed.

765 Section 28. Subsections (3) through (11) of section  
766 381.0056, Florida Statutes are renumbered as subsections (2)  
767 through (9), respectively, and present subsections (2), (3), and



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768 (11) of that section are amended to read:  
769 381.0056 School health services program.—  
770 ~~(2) The Legislature finds that health services conducted as~~  
771 ~~a part of the total school health program should be carried out~~  
772 ~~to appraise, protect, and promote the health of students. School~~  
773 ~~health services supplement, rather than replace, parental~~  
774 ~~responsibility and are designed to encourage parents to devote~~  
775 ~~attention to child health, to discover health problems, and to~~  
776 ~~encourage use of the services of their physicians, dentists, and~~  
777 ~~community health agencies.~~  
778 (2)~~(3)~~ As ~~When~~ used in ~~or for~~ purposes of this section:  
779 (a) "Emergency health needs" means onsite management and  
780 aid for illness or injury pending the student's return to the  
781 classroom or release to a parent, guardian, designated friend,  
782 or designated health care provider.  
783 (b) "Entity" or "health care entity" means a unit of local  
784 government or a political subdivision of the state; a hospital  
785 licensed under chapter 395; a health maintenance organization  
786 certified under chapter 641; a health insurer authorized under  
787 the Florida Insurance Code; a community health center; a migrant  
788 health center; a federally qualified health center; an  
789 organization that meets the requirements for nonprofit status  
790 under s. 501(c)(3) of the Internal Revenue Code; a private  
791 industry or business; or a philanthropic foundation that agrees  
792 to participate in a public-private partnership with a county  
793 health department, local school district, or school in the  
794 delivery of school health services, and agrees to the terms and  
795 conditions for the delivery of such services as required by this  
796 section and as documented in the local school health services



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797 plan.

798 (c) "Invasive screening" means any screening procedure in  
799 which the skin or any body orifice is penetrated.

800 (d) "Physical examination" means a thorough evaluation of  
801 the health status of an individual.

802 (e) "School health services plan" means the document that  
803 describes the services to be provided, the responsibility for  
804 provision of the services, the anticipated expenditures to  
805 provide the services, and evidence of cooperative planning by  
806 local school districts and county health departments.

807 (f) "Screening" means presumptive identification of unknown  
808 or unrecognized diseases or defects by the application of tests  
809 that can be given with ease and rapidity to apparently healthy  
810 persons.

811 ~~(11) School health programs funded by health care districts~~  
812 ~~or entities defined in subsection (3) must be supplementary to~~  
813 ~~and consistent with the requirements of this section and ss.~~  
814 ~~381.0057 and 381.0059.~~

815 Section 29. Subsections (2) through (7) of section  
816 381.0057, Florida Statutes, are renumbered as subsections (1)  
817 through (6), respectively, and present subsections (1), (4), and  
818 (6) of that section are amended to read:

819 381.0057 Funding for school health services.-

820 ~~(1) It is the intent of the Legislature that funds in~~  
821 ~~addition to those provided under the School Health Services Act~~  
822 ~~be provided to those school districts and schools where there is~~  
823 ~~a high incidence of medically underserved high-risk children,~~  
824 ~~low birthweight babies, infant mortality, or teenage pregnancy.~~  
825 ~~The purpose of this funding is to phase in those programs which~~



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826 ~~offer the greatest potential for promoting the health of~~  
827 ~~students and reducing teenage pregnancy.~~

828       (3)~~(4)~~ Any school district, school, or laboratory school  
829 which desires to receive state funding under the provisions of  
830 this section shall submit a proposal to the joint committee  
831 established in subsection (2) ~~(3)~~. The proposal shall state the  
832 goals of the program, provide specific plans for reducing  
833 teenage pregnancy, and describe all of the health services to be  
834 available to students with funds provided pursuant to this  
835 section, including a combination of initiatives such as health  
836 education, counseling, extracurricular, and self-esteem  
837 components. School health services shall not promote elective  
838 termination of pregnancy as a part of counseling services. Only  
839 those program proposals which have been developed jointly by  
840 county health departments and local school districts or schools,  
841 and which have community and parental support, shall be eligible  
842 for funding. Funding shall be available specifically for  
843 implementation of one of the following programs:

844       (a) *School health improvement pilot project.*—The program  
845 shall include basic health care to an elementary school, middle  
846 school, and high school feeder system. Program services shall  
847 include, but not be limited to:

848       1. Planning, implementing, and evaluating school health  
849 services. Staffing shall include a full-time, trained school  
850 health aide in each elementary, middle, and high school; one  
851 full-time nurse to supervise the aides in the elementary and  
852 middle schools; and one full-time nurse in each high school.

853       2. Providing student health appraisals and identification  
854 of actual or potential health problems by screenings, nursing



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855 assessments, and record reviews.

856 3. Expanding screening activities.

857 4. Improving the student utilization of school health  
858 services.

859 5. Coordinating health services for students with parents  
860 or guardians and other agencies in the community.

861 (b) *Student support services team program.*—The program  
862 shall include a multidisciplinary team composed of a  
863 psychologist, social worker, and nurse whose responsibilities  
864 are to provide basic support services and to assist, in the  
865 school setting, children who exhibit mild to severely complex  
866 health, behavioral, or learning problems affecting their school  
867 performance. Support services shall include, but not be limited  
868 to: evaluation and treatment for minor illnesses and injuries,  
869 referral and followup for serious illnesses and emergencies,  
870 onsite care and consultation, referral to a physician, and  
871 followup care for pregnancy or chronic diseases and disorders as  
872 well as emotional or mental problems. Services also shall  
873 include referral care for drug and alcohol abuse and sexually  
874 transmitted diseases, sports and employment physicals,  
875 immunizations, and in addition, effective preventive services  
876 aimed at delaying early sexual involvement and aimed at  
877 pregnancy, acquired immune deficiency syndrome, sexually  
878 transmitted diseases, and destructive lifestyle conditions, such  
879 as alcohol and drug abuse. Moneys for this program shall be used  
880 to fund three teams, each consisting of one half-time  
881 psychologist, one full-time nurse, and one full-time social  
882 worker. Each team shall provide student support services to an  
883 elementary school, middle school, and high school that are a



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884 part of one feeder school system and shall coordinate all  
885 activities with the school administrator and guidance counselor  
886 at each school. A program which places all three teams in middle  
887 schools or high schools may also be proposed.

888 (c) *Full service schools.*—The full-service schools shall  
889 integrate the services of the Department of Health that are  
890 critical to the continuity-of-care process. The department shall  
891 provide services to students on the school grounds. Department  
892 personnel shall provide their specialized services as an  
893 extension of the educational environment. Such services may  
894 include nutritional services, medical services, aid to dependent  
895 children, parenting skills, counseling for abused children, and  
896 education for the students' parents or guardians.

897  
898 Funding may also be available for any other program that is  
899 comparable to a program described in this subsection but is  
900 designed to meet the particular needs of the community.

901 (5) ~~(6)~~ Each school district or school program that is  
902 funded through the provisions of this section shall provide a  
903 mechanism through which a parent may, by written request, exempt  
904 a child from all or certain services provided by a school health  
905 services program described in subsection (3) ~~(4)~~.

906 Section 30. Section 381.00591, Florida Statutes, is amended  
907 to read:

908 381.00591 Department of Health; National Environmental  
909 Laboratory accreditation; application; ~~rules.~~—The Department of  
910 Health may apply for and become a National Environmental  
911 Laboratory Accreditation Program accreditation body ~~accrediting~~  
912 ~~authority. The department, as an accrediting entity, may adopt~~





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913 ~~rules pursuant to ss. 120.536(1) and 120.54, to implement~~  
914 ~~standards of the National Environmental Laboratory Accreditation~~  
915 ~~Program, including requirements for proficiency testing~~  
916 ~~providers and other rules that are not inconsistent with this~~  
917 ~~section, including rules pertaining to fees, application~~  
918 ~~procedures, standards applicable to environmental or public~~  
919 ~~water supply laboratories, and compliance.~~

920 Section 31. Subsection (9) of section 381.00593, Florida  
921 Statutes, is renumbered as subsection (8), and present  
922 subsection (8) of that section is amended to read:

923 381.00593 Public school volunteer health care practitioner  
924 program.—

925 ~~(8) The Department of Health, in cooperation with the~~  
926 ~~Department of Education, may adopt rules necessary to implement~~  
927 ~~this section. The rules shall include the forms to be completed~~  
928 ~~and procedures to be followed by applicants and school personnel~~  
929 ~~under the program.~~

930 Section 32. Subsections (2) through (6) of section  
931 381.0062, Florida Statutes, are renumbered as subsections (1)  
932 through (5), respectively, and present subsections (1) and (4)  
933 of that section are amended to read:

934 381.0062 Supervision; private and certain public water  
935 systems.—

936 ~~(1) LEGISLATIVE INTENT.—It is the intent of the Legislature~~  
937 ~~to protect the public's health by establishing standards for the~~  
938 ~~construction, modification, and operation of public and private~~  
939 ~~water systems to assure consumers that the water provided by~~  
940 ~~those systems is potable.~~

941 (3)~~(4)~~ RIGHT OF ENTRY.—For purposes of this section,



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942 department personnel may enter, at any reasonable time and if  
943 they have reasonable cause to believe a violation of this  
944 section is occurring or about to occur, upon any and all parts  
945 of the premises of such limited use public and multifamily  
946 drinking water systems, to make an examination and investigation  
947 to determine the sanitary and safety conditions of such systems.  
948 ~~Any person who interferes with, hinders, or opposes any employee~~  
949 ~~of the department in the discharge of his or her duties pursuant~~  
950 ~~to the provisions of this section is subject to the penalties~~  
951 ~~provided in s. 381.0025.~~

952 Section 33. Subsection (1), (3), and (4) of section  
953 381.0065, Florida Statutes, are amended to read:

954 381.0065 Onsite sewage treatment and disposal systems;  
955 regulation.—

956 (1) LEGISLATIVE INTENT.—

957 ~~(a) It is the intent of the Legislature that proper~~  
958 ~~management of onsite sewage treatment and disposal systems is~~  
959 ~~paramount to the health, safety, and welfare of the public. It~~  
960 ~~is further the intent of the Legislature that the department~~  
961 ~~shall administer an evaluation program to ensure the operational~~  
962 ~~condition of the system and identify any failure with the~~  
963 ~~system.~~

964 ~~(b)~~ It is the intent of the Legislature that where a  
965 publicly owned or investor-owned sewerage system is not  
966 available, the department shall issue permits for the  
967 construction, installation, modification, abandonment, or repair  
968 of onsite sewage treatment and disposal systems under conditions  
969 as described in this section and rules adopted under this  
970 section. It is further the intent of the Legislature that the



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971 installation and use of onsite sewage treatment and disposal  
972 systems not adversely affect the public health or significantly  
973 degrade the groundwater or surface water.

974 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The  
975 department shall:

976 (a) Adopt rules to administer ss. 381.0065-381.0067,  
977 including definitions that are consistent with the definitions  
978 in this section, decreases to setback requirements where no  
979 health hazard exists, increases for the lot-flow allowance for  
980 performance-based systems, requirements for separation from  
981 water table elevation during the wettest season, requirements  
982 for the design and construction of any component part of an  
983 onsite sewage treatment and disposal system, application and  
984 permit requirements for persons who maintain an onsite sewage  
985 treatment and disposal system, requirements for maintenance and  
986 service agreements for aerobic treatment units and performance-  
987 based treatment systems, and recommended standards, including  
988 disclosure requirements, for voluntary system inspections to be  
989 performed by individuals who are authorized by law to perform  
990 such inspections and who shall inform a person having ownership,  
991 control, or use of an onsite sewage treatment and disposal  
992 system of the inspection standards and of that person's  
993 authority to request an inspection based on all or part of the  
994 standards.

995 (b) Perform application reviews and site evaluations, issue  
996 permits, and conduct inspections and complaint investigations  
997 associated with the construction, installation, maintenance,  
998 modification, abandonment, operation, use, or repair of an  
999 onsite sewage treatment and disposal system for a residence or



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1000 establishment with an estimated domestic sewage flow of 10,000  
1001 gallons or less per day, or an estimated commercial sewage flow  
1002 of 5,000 gallons or less per day, which is not currently  
1003 regulated under chapter 403.

1004 (c) Develop a comprehensive program to ensure that onsite  
1005 sewage treatment and disposal systems regulated by the  
1006 department are sized, designed, constructed, installed,  
1007 repaired, modified, abandoned, used, operated, and maintained in  
1008 compliance with this section and rules adopted under this  
1009 section to prevent groundwater contamination and surface water  
1010 contamination and to preserve the public health. The department  
1011 is the final administrative interpretive authority regarding  
1012 rule interpretation. In the event of a conflict regarding rule  
1013 interpretation, the State Surgeon General ~~Division Director for~~  
1014 ~~Environmental Health of the department~~, or his or her designee,  
1015 shall timely assign a staff person to resolve the dispute.

1016 (d) Grant variances in hardship cases under the conditions  
1017 prescribed in this section and rules adopted under this section.

1018 (e) Permit the use of a limited number of innovative  
1019 systems for a specific period of time, when there is compelling  
1020 evidence that the system will function properly and reliably to  
1021 meet the requirements of this section and rules adopted under  
1022 this section.

1023 (f) Issue annual operating permits under this section.

1024 (g) Establish and collect fees as established under s.  
1025 381.0066 for services provided with respect to onsite sewage  
1026 treatment and disposal systems.

1027 (h) Conduct enforcement activities, including imposing  
1028 fines, issuing citations, suspensions, revocations, injunctions,



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1029 and emergency orders for violations of this section, part I of  
1030 chapter 386, or part III of chapter 489 or for a violation of  
1031 any rule adopted under this section, part I of chapter 386, or  
1032 part III of chapter 489.

1033 (i) Provide or conduct education and training of department  
1034 personnel, service providers, and the public regarding onsite  
1035 sewage treatment and disposal systems.

1036 (j) Supervise research on, demonstration of, and training  
1037 on the performance, environmental impact, and public health  
1038 impact of onsite sewage treatment and disposal systems within  
1039 this state. Research fees collected under s. 381.0066(2)(1) must  
1040 be used to develop and fund hands-on training centers designed  
1041 to provide practical information about onsite sewage treatment  
1042 and disposal systems to septic tank contractors, master septic  
1043 tank contractors, contractors, inspectors, engineers, and the  
1044 public and must also be used to fund research projects which  
1045 focus on improvements of onsite sewage treatment and disposal  
1046 systems, including use of performance-based standards and  
1047 reduction of environmental impact. Research projects shall be  
1048 initially approved by the technical review and advisory panel  
1049 and shall be applicable to and reflect the soil conditions  
1050 specific to Florida. Such projects shall be awarded through  
1051 competitive negotiation, using the procedures provided in s.  
1052 287.055, to public or private entities that have experience in  
1053 onsite sewage treatment and disposal systems in Florida and that  
1054 are principally located in Florida. Research projects shall not  
1055 be awarded to firms or entities that employ or are associated  
1056 with persons who serve on either the technical review and  
1057 advisory panel or the research review and advisory committee.



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1058           (k) Approve the installation of individual graywater  
1059 disposal systems in which blackwater is treated by a central  
1060 sewerage system.

1061           (l) Regulate and permit the sanitation, handling,  
1062 treatment, storage, reuse, and disposal of byproducts from any  
1063 system regulated under this chapter and not regulated by the  
1064 Department of Environmental Protection.

1065           (m) Permit and inspect portable or temporary toilet  
1066 services and holding tanks. The department shall review  
1067 applications, perform site evaluations, and issue permits for  
1068 the temporary use of holding tanks, privies, portable toilet  
1069 services, or any other toilet facility that is intended for use  
1070 on a permanent or nonpermanent basis, including facilities  
1071 placed on construction sites when workers are present. The  
1072 department may specify standards for the construction,  
1073 maintenance, use, and operation of any such facility for  
1074 temporary use.

1075           (n) Regulate and permit maintenance entities for  
1076 performance-based treatment systems and aerobic treatment unit  
1077 systems. To ensure systems are maintained and operated according  
1078 to manufacturer's specifications and designs, the department  
1079 shall establish by rule minimum qualifying criteria for  
1080 maintenance entities. The criteria shall include: training,  
1081 access to approved spare parts and components, access to  
1082 manufacturer's maintenance and operation manuals, and service  
1083 response time. The maintenance entity shall employ a contractor  
1084 licensed under s. 489.105(3)(m), or part III of chapter 489, or  
1085 a state-licensed wastewater plant operator, who is responsible  
1086 for maintenance and repair of all systems under contract.



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1087 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
1088 construct, repair, modify, abandon, or operate an onsite sewage  
1089 treatment and disposal system without first obtaining a permit  
1090 approved by the department. The department may issue permits to  
1091 carry out this section, but shall not make the issuance of such  
1092 permits contingent upon prior approval by the Department of  
1093 Environmental Protection, except that the issuance of a permit  
1094 for work seaward of the coastal construction control line  
1095 established under s. 161.053 shall be contingent upon receipt of  
1096 any required coastal construction control line permit from the  
1097 Department of Environmental Protection. A construction permit is  
1098 valid for 18 months from the issuance date and may be extended  
1099 by the department for one 90-day period under rules adopted by  
1100 the department. A repair permit is valid for 90 days from the  
1101 date of issuance. An operating permit must be obtained prior to  
1102 the use of any aerobic treatment unit or if the establishment  
1103 generates commercial waste. Buildings or establishments that use  
1104 an aerobic treatment unit or generate commercial waste shall be  
1105 inspected by the department at least annually to assure  
1106 compliance with the terms of the operating permit. The operating  
1107 permit for a commercial wastewater system is valid for 1 year  
1108 from the date of issuance and must be renewed annually. The  
1109 operating permit for an aerobic treatment unit is valid for 2  
1110 years from the date of issuance and must be renewed every 2  
1111 years. If all information pertaining to the siting, location,  
1112 and installation conditions or repair of an onsite sewage  
1113 treatment and disposal system remains the same, a construction  
1114 or repair permit for the onsite sewage treatment and disposal  
1115 system may be transferred to another person, if the transferee



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1116 files, within 60 days after the transfer of ownership, an  
1117 amended application providing all corrected information and  
1118 proof of ownership of the property. There is no fee associated  
1119 with the processing of this supplemental information. A person  
1120 may not contract to construct, modify, alter, repair, service,  
1121 abandon, or maintain any portion of an onsite sewage treatment  
1122 and disposal system without being registered under part III of  
1123 chapter 489. A property owner who personally performs  
1124 construction, maintenance, or repairs to a system serving his or  
1125 her own owner-occupied single-family residence is exempt from  
1126 registration requirements for performing such construction,  
1127 maintenance, or repairs on that residence, but is subject to all  
1128 permitting requirements. A municipality or political subdivision  
1129 of the state may not issue a building or plumbing permit for any  
1130 building that requires the use of an onsite sewage treatment and  
1131 disposal system unless the owner or builder has received a  
1132 construction permit for such system from the department. A  
1133 building or structure may not be occupied and a municipality,  
1134 political subdivision, or any state or federal agency may not  
1135 authorize occupancy until the department approves the final  
1136 installation of the onsite sewage treatment and disposal system.  
1137 A municipality or political subdivision of the state may not  
1138 approve any change in occupancy or tenancy of a building that  
1139 uses an onsite sewage treatment and disposal system until the  
1140 department has reviewed the use of the system with the proposed  
1141 change, approved the change, and amended the operating permit.

1142 (a) Subdivisions and lots in which each lot has a minimum  
1143 area of at least one-half acre and either a minimum dimension of  
1144 100 feet or a mean of at least 100 feet of the side bordering





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1145 the street and the distance formed by a line parallel to the  
1146 side bordering the street drawn between the two most distant  
1147 points of the remainder of the lot may be developed with a water  
1148 system regulated under s. 381.0062 and onsite sewage treatment  
1149 and disposal systems, provided the projected daily sewage flow  
1150 does not exceed an average of 1,500 gallons per acre per day,  
1151 and provided satisfactory drinking water can be obtained and all  
1152 distance and setback, soil condition, water table elevation, and  
1153 other related requirements of this section and rules adopted  
1154 under this section can be met.

1155 (b) Subdivisions and lots using a public water system as  
1156 defined in s. 403.852 may use onsite sewage treatment and  
1157 disposal systems, provided there are no more than four lots per  
1158 acre, provided the projected daily sewage flow does not exceed  
1159 an average of 2,500 gallons per acre per day, and provided that  
1160 all distance and setback, soil condition, water table elevation,  
1161 and other related requirements that are generally applicable to  
1162 the use of onsite sewage treatment and disposal systems are met.

1163 (c) Notwithstanding paragraphs (a) and (b), for  
1164 subdivisions platted of record on or before October 1, 1991,  
1165 when a developer or other appropriate entity has previously made  
1166 or makes provisions, including financial assurances or other  
1167 commitments, acceptable to the Department of Health, that a  
1168 central water system will be installed by a regulated public  
1169 utility based on a density formula, private potable wells may be  
1170 used with onsite sewage treatment and disposal systems until the  
1171 agreed-upon densities are reached. In a subdivision regulated by  
1172 this paragraph, the average daily sewage flow may not exceed  
1173 2,500 gallons per acre per day. This section does not affect the



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1174 validity of existing prior agreements. After October 1, 1991,  
1175 the exception provided under this paragraph is not available to  
1176 a developer or other appropriate entity.

1177 (d) Paragraphs (a) and (b) do not apply to any proposed  
1178 residential subdivision with more than 50 lots or to any  
1179 proposed commercial subdivision with more than 5 lots where a  
1180 publicly owned or investor-owned sewerage system is available.  
1181 It is the intent of this paragraph not to allow development of  
1182 additional proposed subdivisions in order to evade the  
1183 requirements of this paragraph.

1184 (e) Onsite sewage treatment and disposal systems must not  
1185 be placed closer than:

- 1186 1. Seventy-five feet from a private potable well.
- 1187 2. Two hundred feet from a public potable well serving a  
1188 residential or nonresidential establishment having a total  
1189 sewage flow of greater than 2,000 gallons per day.
- 1190 3. One hundred feet from a public potable well serving a  
1191 residential or nonresidential establishment having a total  
1192 sewage flow of less than or equal to 2,000 gallons per day.
- 1193 4. Fifty feet from any nonpotable well.
- 1194 5. Ten feet from any storm sewer pipe, to the maximum  
1195 extent possible, but in no instance shall the setback be less  
1196 than 5 feet.
- 1197 6. Seventy-five feet from the mean high-water line of a  
1198 tidally influenced surface water body.
- 1199 7. Seventy-five feet from the mean annual flood line of a  
1200 permanent nontidal surface water body.
- 1201 8. Fifteen feet from the design high-water line of  
1202 retention areas, detention areas, or swales designed to contain



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1203 standing or flowing water for less than 72 hours after a  
1204 rainfall or the design high-water level of normally dry drainage  
1205 ditches or normally dry individual lot stormwater retention  
1206 areas.

1207 (f) Except as provided under paragraphs (e) and (t), no  
1208 limitations shall be imposed by rule, relating to the distance  
1209 between an onsite disposal system and any area that either  
1210 permanently or temporarily has visible surface water.

1211 (g) All provisions of this section and rules adopted under  
1212 this section relating to soil condition, water table elevation,  
1213 distance, and other setback requirements must be equally applied  
1214 to all lots, with the following exceptions:

1215 1. Any residential lot that was platted and recorded on or  
1216 after January 1, 1972, or that is part of a residential  
1217 subdivision that was approved by the appropriate permitting  
1218 agency on or after January 1, 1972, and that was eligible for an  
1219 onsite sewage treatment and disposal system construction permit  
1220 on the date of such platting and recording or approval shall be  
1221 eligible for an onsite sewage treatment and disposal system  
1222 construction permit, regardless of when the application for a  
1223 permit is made. If rules in effect at the time the permit  
1224 application is filed cannot be met, residential lots platted and  
1225 recorded or approved on or after January 1, 1972, shall, to the  
1226 maximum extent possible, comply with the rules in effect at the  
1227 time the permit application is filed. At a minimum, however,  
1228 those residential lots platted and recorded or approved on or  
1229 after January 1, 1972, but before January 1, 1983, shall comply  
1230 with those rules in effect on January 1, 1983, and those  
1231 residential lots platted and recorded or approved on or after



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1232 January 1, 1983, shall comply with those rules in effect at the  
1233 time of such platting and recording or approval. In determining  
1234 the maximum extent of compliance with current rules that is  
1235 possible, the department shall allow structures and  
1236 appurtenances thereto which were authorized at the time such  
1237 lots were platted and recorded or approved.

1238 2. Lots platted before 1972 are subject to a 50-foot  
1239 minimum surface water setback and are not subject to lot size  
1240 requirements. The projected daily flow for onsite sewage  
1241 treatment and disposal systems for lots platted before 1972 may  
1242 not exceed:

1243 a. Two thousand five hundred gallons per acre per day for  
1244 lots served by public water systems as defined in s. 403.852.

1245 b. One thousand five hundred gallons per acre per day for  
1246 lots served by water systems regulated under s. 381.0062.

1247 (h) 1. The department may grant variances in hardship cases  
1248 which may be less restrictive than the provisions specified in  
1249 this section. If a variance is granted and the onsite sewage  
1250 treatment and disposal system construction permit has been  
1251 issued, the variance may be transferred with the system  
1252 construction permit, if the transferee files, within 60 days  
1253 after the transfer of ownership, an amended construction permit  
1254 application providing all corrected information and proof of  
1255 ownership of the property and if the same variance would have  
1256 been required for the new owner of the property as was  
1257 originally granted to the original applicant for the variance.  
1258 There is no fee associated with the processing of this  
1259 supplemental information. A variance may not be granted under  
1260 this section until the department is satisfied that:



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- 1261           a. The hardship was not caused intentionally by the action  
1262 of the applicant;
- 1263           b. No reasonable alternative, taking into consideration  
1264 factors such as cost, exists for the treatment of the sewage;  
1265 and
- 1266           c. The discharge from the onsite sewage treatment and  
1267 disposal system will not adversely affect the health of the  
1268 applicant or the public or significantly degrade the groundwater  
1269 or surface waters.
- 1270
- 1271 Where soil conditions, water table elevation, and setback  
1272 provisions are determined by the department to be satisfactory,  
1273 special consideration must be given to those lots platted before  
1274 1972.
- 1275           2. The department shall appoint and staff a variance review  
1276 and advisory committee, which shall meet monthly to recommend  
1277 agency action on variance requests. The committee shall make its  
1278 recommendations on variance requests at the meeting in which the  
1279 application is scheduled for consideration, except for an  
1280 extraordinary change in circumstances, the receipt of new  
1281 information that raises new issues, or when the applicant  
1282 requests an extension. The committee shall consider the criteria  
1283 in subparagraph 1. in its recommended agency action on variance  
1284 requests and shall also strive to allow property owners the full  
1285 use of their land where possible. The committee consists of the  
1286 following:
- 1287           a. The State Surgeon General, ~~Division Director for~~  
1288 ~~Environmental Health of the department~~ or his or her designee.
- 1289           b. A representative from the county health departments.



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1290 c. A representative from the home building industry  
1291 recommended by the Florida Home Builders Association.  
1292 d. A representative from the septic tank industry  
1293 recommended by the Florida Onsite Wastewater Association.  
1294 e. A representative from the Department of Environmental  
1295 Protection.  
1296 f. A representative from the real estate industry who is  
1297 also a developer in this state who develops lots using onsite  
1298 sewage treatment and disposal systems, recommended by the  
1299 Florida Association of Realtors.  
1300 g. A representative from the engineering profession  
1301 recommended by the Florida Engineering Society.  
1302  
1303 Members shall be appointed for a term of 3 years, with such  
1304 appointments being staggered so that the terms of no more than  
1305 two members expire in any one year. Members shall serve without  
1306 remuneration, but if requested, shall be reimbursed for per diem  
1307 and travel expenses as provided in s. 112.061.  
1308 (i) A construction permit may not be issued for an onsite  
1309 sewage treatment and disposal system in any area zoned or used  
1310 for industrial or manufacturing purposes, or its equivalent,  
1311 where a publicly owned or investor-owned sewage treatment system  
1312 is available, or where a likelihood exists that the system will  
1313 receive toxic, hazardous, or industrial waste. An existing  
1314 onsite sewage treatment and disposal system may be repaired if a  
1315 publicly owned or investor-owned sewerage system is not  
1316 available within 500 feet of the building sewer stub-out and if  
1317 system construction and operation standards can be met. This  
1318 paragraph does not require publicly owned or investor-owned



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1319 sewerage treatment systems to accept anything other than  
1320 domestic wastewater.

1321         1. A building located in an area zoned or used for  
1322 industrial or manufacturing purposes, or its equivalent, when  
1323 such building is served by an onsite sewage treatment and  
1324 disposal system, must not be occupied until the owner or tenant  
1325 has obtained written approval from the department. The  
1326 department shall not grant approval when the proposed use of the  
1327 system is to dispose of toxic, hazardous, or industrial  
1328 wastewater or toxic or hazardous chemicals.

1329         2. Each person who owns or operates a business or facility  
1330 in an area zoned or used for industrial or manufacturing  
1331 purposes, or its equivalent, or who owns or operates a business  
1332 that has the potential to generate toxic, hazardous, or  
1333 industrial wastewater or toxic or hazardous chemicals, and uses  
1334 an onsite sewage treatment and disposal system that is installed  
1335 on or after July 5, 1989, must obtain an annual system operating  
1336 permit from the department. A person who owns or operates a  
1337 business that uses an onsite sewage treatment and disposal  
1338 system that was installed and approved before July 5, 1989, need  
1339 not obtain a system operating permit. However, upon change of  
1340 ownership or tenancy, the new owner or operator must notify the  
1341 department of the change, and the new owner or operator must  
1342 obtain an annual system operating permit, regardless of the date  
1343 that the system was installed or approved.

1344         3. The department shall periodically review and evaluate  
1345 the continued use of onsite sewage treatment and disposal  
1346 systems in areas zoned or used for industrial or manufacturing  
1347 purposes, or its equivalent, and may require the collection and



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1348 analyses of samples from within and around such systems. If the  
1349 department finds that toxic or hazardous chemicals or toxic,  
1350 hazardous, or industrial wastewater have been or are being  
1351 disposed of through an onsite sewage treatment and disposal  
1352 system, the department shall initiate enforcement actions  
1353 against the owner or tenant to ensure adequate cleanup,  
1354 treatment, and disposal.

1355 (j) An onsite sewage treatment and disposal system for a  
1356 single-family residence that is designed by a professional  
1357 engineer registered in the state and certified by such engineer  
1358 as complying with performance criteria adopted by the department  
1359 must be approved by the department subject to the following:

1360 1. The performance criteria applicable to engineer-designed  
1361 systems must be limited to those necessary to ensure that such  
1362 systems do not adversely affect the public health or  
1363 significantly degrade the groundwater or surface water. Such  
1364 performance criteria shall include consideration of the quality  
1365 of system effluent, the proposed total sewage flow per acre,  
1366 wastewater treatment capabilities of the natural or replaced  
1367 soil, water quality classification of the potential surface-  
1368 water-receiving body, and the structural and maintenance  
1369 viability of the system for the treatment of domestic  
1370 wastewater. However, performance criteria shall address only the  
1371 performance of a system and not a system's design.

1372 2. The technical review and advisory panel shall assist the  
1373 department in the development of performance criteria applicable  
1374 to engineer-designed systems.

1375 3. A person electing to utilize an engineer-designed system  
1376 shall, upon completion of the system design, submit such design,





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1377 certified by a registered professional engineer, to the county  
1378 health department. The county health department may utilize an  
1379 outside consultant to review the engineer-designed system, with  
1380 the actual cost of such review to be borne by the applicant.  
1381 Within 5 working days after receiving an engineer-designed  
1382 system permit application, the county health department shall  
1383 request additional information if the application is not  
1384 complete. Within 15 working days after receiving a complete  
1385 application for an engineer-designed system, the county health  
1386 department either shall issue the permit or, if it determines  
1387 that the system does not comply with the performance criteria,  
1388 shall notify the applicant of that determination and refer the  
1389 application to the department for a determination as to whether  
1390 the system should be approved, disapproved, or approved with  
1391 modification. The department engineer's determination shall  
1392 prevail over the action of the county health department. The  
1393 applicant shall be notified in writing of the department's  
1394 determination and of the applicant's rights to pursue a variance  
1395 or seek review under the provisions of chapter 120.

1396 4. The owner of an engineer-designed performance-based  
1397 system must maintain a current maintenance service agreement  
1398 with a maintenance entity permitted by the department. The  
1399 maintenance entity shall obtain a biennial system operating  
1400 permit from the department for each system under service  
1401 contract. The department shall inspect the system at least  
1402 annually, or on such periodic basis as the fee collected  
1403 permits, and may collect system-effluent samples if appropriate  
1404 to determine compliance with the performance criteria. The fee  
1405 for the biennial operating permit shall be collected beginning



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1406 with the second year of system operation. The maintenance entity  
1407 shall inspect each system at least twice each year and shall  
1408 report quarterly to the department on the number of systems  
1409 inspected and serviced.

1410 5. If an engineer-designed system fails to properly  
1411 function or fails to meet performance standards, the system  
1412 shall be re-engineered, if necessary, to bring the system into  
1413 compliance with the provisions of this section.

1414 (k) An innovative system may be approved in conjunction  
1415 with an engineer-designed site-specific system which is  
1416 certified by the engineer to meet the performance-based criteria  
1417 adopted by the department.

1418 (l) For the Florida Keys, the department shall adopt a  
1419 special rule for the construction, installation, modification,  
1420 operation, repair, maintenance, and performance of onsite sewage  
1421 treatment and disposal systems which considers the unique soil  
1422 conditions and water table elevations, densities, and setback  
1423 requirements. On lots where a setback distance of 75 feet from  
1424 surface waters, saltmarsh, and buttonwood association habitat  
1425 areas cannot be met, an injection well, approved and permitted  
1426 by the department, may be used for disposal of effluent from  
1427 onsite sewage treatment and disposal systems. The following  
1428 additional requirements apply to onsite sewage treatment and  
1429 disposal systems in Monroe County:

1430 1. The county, each municipality, and those special  
1431 districts established for the purpose of the collection,  
1432 transmission, treatment, or disposal of sewage shall ensure, in  
1433 accordance with the specific schedules adopted by the  
1434 Administration Commission under s. 380.0552, the completion of



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1435 onsite sewage treatment and disposal system upgrades to meet the  
1436 requirements of this paragraph.

1437         2. Onsite sewage treatment and disposal systems must cease  
1438 discharge by December 31, 2015, or must comply with department  
1439 rules and provide the level of treatment which, on a permitted  
1440 annual average basis, produces an effluent that contains no more  
1441 than the following concentrations:

- 1442             a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- 1443             b. Suspended Solids of 10 mg/l.
- 1444             c. Total Nitrogen, expressed as N, of 10 mg/l.
- 1445             d. Total Phosphorus, expressed as P, of 1 mg/l.

1446

1447 In addition, onsite sewage treatment and disposal systems  
1448 discharging to an injection well must provide basic disinfection  
1449 as defined by department rule.

1450         3. On or after July 1, 2010, all new, modified, and  
1451 repaired onsite sewage treatment and disposal systems must  
1452 provide the level of treatment described in subparagraph 2.  
1453 However, in areas scheduled to be served by central sewer by  
1454 December 31, 2015, if the property owner has paid a connection  
1455 fee or assessment for connection to the central sewer system, an  
1456 onsite sewage treatment and disposal system may be repaired to  
1457 the following minimum standards:

1458             a. The existing tanks must be pumped and inspected and  
1459 certified as being watertight and free of defects in accordance  
1460 with department rule; and

1461             b. A sand-lined drainfield or injection well in accordance  
1462 with department rule must be installed.

1463         4. Onsite sewage treatment and disposal systems must be



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1464 monitored for total nitrogen and total phosphorus concentrations  
1465 as required by department rule.

1466         5. The department shall enforce proper installation,  
1467 operation, and maintenance of onsite sewage treatment and  
1468 disposal systems pursuant to this chapter, including ensuring  
1469 that the appropriate level of treatment described in  
1470 subparagraph 2. is met.

1471         6. The authority of a local government, including a special  
1472 district, to mandate connection of an onsite sewage treatment  
1473 and disposal system is governed by s. 4, chapter 99-395, Laws of  
1474 Florida.

1475         (m) No product sold in the state for use in onsite sewage  
1476 treatment and disposal systems may contain any substance in  
1477 concentrations or amounts that would interfere with or prevent  
1478 the successful operation of such system, or that would cause  
1479 discharges from such systems to violate applicable water quality  
1480 standards. The department shall publish criteria for products  
1481 known or expected to meet the conditions of this paragraph. In  
1482 the event a product does not meet such criteria, such product  
1483 may be sold if the manufacturer satisfactorily demonstrates to  
1484 the department that the conditions of this paragraph are met.

1485         (n) Evaluations for determining the seasonal high-water  
1486 table elevations or the suitability of soils for the use of a  
1487 new onsite sewage treatment and disposal system shall be  
1488 performed by department personnel, professional engineers  
1489 registered in the state, or such other persons with expertise,  
1490 as defined by rule, in making such evaluations. Evaluations for  
1491 determining mean annual flood lines shall be performed by those  
1492 persons identified in paragraph (2)(j) ~~(2)(i)~~. The department



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1493 shall accept evaluations submitted by professional engineers and  
1494 such other persons as meet the expertise established by this  
1495 section or by rule unless the department has a reasonable  
1496 scientific basis for questioning the accuracy or completeness of  
1497 the evaluation.

1498 (o) The department shall appoint a research review and  
1499 advisory committee, which shall meet at least semiannually. The  
1500 committee shall advise the department on directions for new  
1501 research, review and rank proposals for research contracts, and  
1502 review draft research reports and make comments. The committee  
1503 is comprised of:

1504 1. A representative of the State Surgeon General, or his or  
1505 her designee ~~Division of Environmental Health of the Department~~  
1506 ~~of Health.~~

1507 2. A representative from the septic tank industry.

1508 3. A representative from the home building industry.

1509 4. A representative from an environmental interest group.

1510 5. A representative from the State University System, from  
1511 a department knowledgeable about onsite sewage treatment and  
1512 disposal systems.

1513 6. A professional engineer registered in this state who has  
1514 work experience in onsite sewage treatment and disposal systems.

1515 7. A representative from local government who is  
1516 knowledgeable about domestic wastewater treatment.

1517 8. A representative from the real estate profession.

1518 9. A representative from the restaurant industry.

1519 10. A consumer.

1520

1521 Members shall be appointed for a term of 3 years, with the



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1522 appointments being staggered so that the terms of no more than  
1523 four members expire in any one year. Members shall serve without  
1524 remuneration, but are entitled to reimbursement for per diem and  
1525 travel expenses as provided in s. 112.061.

1526 (p) An application for an onsite sewage treatment and  
1527 disposal system permit shall be completed in full, signed by the  
1528 owner or the owner's authorized representative, or by a  
1529 contractor licensed under chapter 489, and shall be accompanied  
1530 by all required exhibits and fees. No specific documentation of  
1531 property ownership shall be required as a prerequisite to the  
1532 review of an application or the issuance of a permit. The  
1533 issuance of a permit does not constitute determination by the  
1534 department of property ownership.

1535 (q) The department may not require any form of subdivision  
1536 analysis of property by an owner, developer, or subdivider prior  
1537 to submission of an application for an onsite sewage treatment  
1538 and disposal system.

1539 (r) Nothing in this section limits the power of a  
1540 municipality or county to enforce other laws for the protection  
1541 of the public health and safety.

1542 (s) In the siting of onsite sewage treatment and disposal  
1543 systems, including drainfields, shoulders, and slopes, guttering  
1544 shall not be required on single-family residential dwelling  
1545 units for systems located greater than 5 feet from the roof drip  
1546 line of the house. If guttering is used on residential dwelling  
1547 units, the downspouts shall be directed away from the  
1548 drainfield.

1549 (t) Notwithstanding the provisions of subparagraph (g)1.,  
1550 onsite sewage treatment and disposal systems located in



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1551 floodways of the Suwannee and Aucilla Rivers must adhere to the  
1552 following requirements:

1553 1. The absorption surface of the drainfield shall not be  
1554 subject to flooding based on 10-year flood elevations. Provided,  
1555 however, for lots or parcels created by the subdivision of land  
1556 in accordance with applicable local government regulations prior  
1557 to January 17, 1990, if an applicant cannot construct a  
1558 drainfield system with the absorption surface of the drainfield  
1559 at an elevation equal to or above 10-year flood elevation, the  
1560 department shall issue a permit for an onsite sewage treatment  
1561 and disposal system within the 10-year floodplain of rivers,  
1562 streams, and other bodies of flowing water if all of the  
1563 following criteria are met:

- 1564 a. The lot is at least one-half acre in size;
- 1565 b. The bottom of the drainfield is at least 36 inches above  
1566 the 2-year flood elevation; and
- 1567 c. The applicant installs either: a waterless,  
1568 incinerating, or organic waste composting toilet and a graywater  
1569 system and drainfield in accordance with department rules; an  
1570 aerobic treatment unit and drainfield in accordance with  
1571 department rules; a system approved by the State Health Office  
1572 that is capable of reducing effluent nitrate by at least 50  
1573 percent; or a system approved by the county health department  
1574 pursuant to department rule other than a system using  
1575 alternative drainfield materials. The United States Department  
1576 of Agriculture Soil Conservation Service soil maps, State of  
1577 Florida Water Management District data, and Federal Emergency  
1578 Management Agency Flood Insurance maps are resources that shall  
1579 be used to identify flood-prone areas.



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1580           2. The use of fill or mounding to elevate a drainfield  
1581 system out of the 10-year floodplain of rivers, streams, or  
1582 other bodies of flowing water shall not be permitted if such a  
1583 system lies within a regulatory floodway of the Suwannee and  
1584 Aucilla Rivers. In cases where the 10-year flood elevation does  
1585 not coincide with the boundaries of the regulatory floodway, the  
1586 regulatory floodway will be considered for the purposes of this  
1587 subsection to extend at a minimum to the 10-year flood  
1588 elevation.

1589           (u) The owner of an aerobic treatment unit system shall  
1590 maintain a current maintenance service agreement with an aerobic  
1591 treatment unit maintenance entity permitted by the department.  
1592 The maintenance entity shall obtain a system operating permit  
1593 from the department for each aerobic treatment unit under  
1594 service contract. The maintenance entity shall inspect each  
1595 aerobic treatment unit system at least twice each year and shall  
1596 report quarterly to the department on the number of aerobic  
1597 treatment unit systems inspected and serviced. The owner shall  
1598 allow the department to inspect during reasonable hours each  
1599 aerobic treatment unit system at least annually, and such  
1600 inspection may include collection and analysis of system-  
1601 effluent samples for performance criteria established by rule of  
1602 the department.

1603           (v) The department may require the submission of detailed  
1604 system construction plans that are prepared by a professional  
1605 engineer registered in this state. The department shall  
1606 establish by rule criteria for determining when such a  
1607 submission is required.

1608           Section 34. Section 381.0068, Florida Statutes, is amended





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1609 to read:

1610 381.0068 Technical review and advisory panel.—

1611 (1) The Department of Health shall, ~~by July 1, 1996,~~  
1612 establish and staff a technical review and advisory panel to  
1613 assist the department with rule adoption.

1614 (2) The primary purpose of the panel is to assist the  
1615 department in rulemaking and decisionmaking by drawing on the  
1616 expertise of representatives from several groups that are  
1617 affected by onsite sewage treatment and disposal systems. The  
1618 panel may also review and comment on any legislation or any  
1619 existing or proposed state policy or issue related to onsite  
1620 sewage treatment and disposal systems. ~~If requested by the~~  
1621 ~~panel, the chair will advise any affected person or member of~~  
1622 ~~the Legislature of the panel's position on the legislation or~~  
1623 ~~any existing or proposed state policy or issue.~~ The chair may  
1624 also take such other action as is appropriate to allow the panel  
1625 to function. At a minimum, the panel shall consist of a soil  
1626 scientist; a professional engineer registered in this state who  
1627 is recommended by the Florida Engineering Society and who has  
1628 work experience in onsite sewage treatment and disposal systems;  
1629 two representatives from the home-building industry recommended  
1630 by the Florida Home Builders Association, including one who is a  
1631 developer in this state who develops lots using onsite sewage  
1632 treatment and disposal systems; a representative from the county  
1633 health departments who has experience permitting and inspecting  
1634 the installation of onsite sewage treatment and disposal systems  
1635 in this state; a representative from the real estate industry  
1636 who is recommended by the Florida Association of Realtors; a  
1637 consumer representative with a science background; two



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1638 representatives of the septic tank industry recommended by the  
1639 Florida Onsite Wastewater Association, including one who is a  
1640 manufacturer of onsite sewage treatment and disposal systems; a  
1641 representative from local government who is knowledgeable about  
1642 domestic wastewater treatment and who is recommended by the  
1643 Florida Association of Counties and the Florida League of  
1644 Cities; and a representative from the environmental health  
1645 profession who is recommended by the Florida Environmental  
1646 Health Association and who is not employed by a county health  
1647 department. Members are to be appointed for a term of 2 years.  
1648 The panel may also, as needed, be expanded to include ad hoc,  
1649 nonvoting representatives who have topic-specific expertise. All  
1650 rules proposed by the department which relate to onsite sewage  
1651 treatment and disposal systems must be presented to the panel  
1652 for review and comment prior to adoption. The panel's position  
1653 on proposed rules shall be made a part of the rulemaking record  
1654 that is maintained by the agency. The panel shall select a  
1655 chair, who shall serve for a period of 1 year and who shall  
1656 direct, coordinate, and execute the duties of the panel. The  
1657 panel shall also solicit input from the department's variance  
1658 review and advisory committee before submitting any comments to  
1659 the department concerning proposed rules. The panel's comments  
1660 must include any dissenting points of view concerning proposed  
1661 rules. The panel shall hold meetings as it determines necessary  
1662 to conduct its business, except that the chair, a quorum of the  
1663 voting members of the panel, or the department may call  
1664 meetings. The department shall keep minutes of all meetings of  
1665 the panel. Panel members shall serve without remuneration, but,  
1666 if requested, shall be reimbursed for per diem and travel



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1667 expenses as provided in s. 112.061.

1668 Section 35. Subsection (1) of section 381.0072, Florida  
1669 Statutes, is amended to read:

1670 381.0072 Food service protection.—It shall be the duty of  
1671 the Department of Health to adopt and enforce sanitation rules  
1672 consistent with law to ensure the protection of the public from  
1673 food-borne illness. These rules shall provide the standards and  
1674 requirements for the storage, preparation, serving, or display  
1675 of food in food service establishments as defined in this  
1676 section and which are not permitted or licensed under chapter  
1677 500 or chapter 509.

1678 (1) DEFINITIONS.—As used in this section, the term:

1679 (a) "Department" means the Department of Health or its  
1680 representative county health department.

1681 (b) "Food service establishment" means detention  
1682 facilities, public or private schools, migrant labor camps,  
1683 assisted living facilities, facilities participating in the  
1684 United States Department of Agriculture Afterschool Meal Program  
1685 that are located at a facility or site that is not inspected by  
1686 another state agency for compliance with sanitation standards,  
1687 adult family-care homes, adult day care centers, short-term  
1688 residential treatment centers, residential treatment facilities,  
1689 homes for special services, transitional living facilities,  
1690 crisis stabilization units, hospices, prescribed pediatric  
1691 extended care centers, intermediate care facilities for persons  
1692 with developmental disabilities, boarding schools, civic or  
1693 fraternal organizations, bars and lounges, vending machines that  
1694 dispense potentially hazardous foods at facilities expressly  
1695 named in this paragraph, and facilities used as temporary food



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1696 events or mobile food units at any facility expressly named in  
1697 this paragraph, where food is prepared and intended for  
1698 individual portion service, including the site at which  
1699 individual portions are provided, regardless of whether  
1700 consumption is on or off the premises and regardless of whether  
1701 there is a charge for the food. The term does not include any  
1702 entity not expressly named in this paragraph; nor does the term  
1703 include a domestic violence center certified and monitored by  
1704 the Department of Children and Family Services under part XII of  
1705 chapter 39 if the center does not prepare and serve food to its  
1706 residents and does not advertise food or drink for public  
1707 consumption.

1708 (c) "Operator" means the owner, operator, keeper,  
1709 proprietor, lessee, manager, assistant manager, agent, or  
1710 employee of a food service establishment.

1711 Section 36. Section 381.00781, Florida Statutes, is amended  
1712 to read:

1713 381.00781 Fees; disposition.—

1714 ~~(1)~~ The department shall establish by rule the following  
1715 fees:

1716 (1) ~~(a)~~ Fee For the initial licensure of a tattoo  
1717 establishment and the renewal of such license, a fee which,  
1718 ~~except as provided in subsection (2),~~ may not to exceed \$250 per  
1719 year.

1720 (2) ~~(b)~~ Fee For licensure of a temporary establishment, a  
1721 fee which, ~~except as provided in subsection (2),~~ may not to  
1722 exceed \$250.

1723 (3) ~~(c)~~ Fee For the initial licensure of a tattoo artist and  
1724 the renewal of such license, a fee which, ~~except as provided in~~



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1725 ~~subsection (2), may not to exceed \$150 per year.~~

1726 ~~(3)(d) Fee For registration or reregistration of a guest~~  
1727 ~~tattoo artist, a fee which, except as provided in subsection~~  
1728 ~~(2), may not to exceed \$45.~~

1729 ~~(4)(e) Fee For reactivation of an inactive tattoo~~  
1730 ~~establishment license or tattoo artist license. A license~~  
1731 ~~becomes inactive if it is not renewed before the expiration of~~  
1732 ~~the current license.~~

1733 ~~(2) The department may annually adjust the maximum fees~~  
1734 ~~authorized under subsection (1) according to the rate of~~  
1735 ~~inflation or deflation indicated by the Consumer Price Index for~~  
1736 ~~All Urban Consumers, U.S. City Average, All Items, as reported~~  
1737 ~~by the United States Department of Labor.~~

1738 Section 37. Subsections (1) and (4) of section 381.0086,  
1739 Florida Statutes, are amended to read:

1740 381.0086 Rules; variances; penalties.-

1741 (1) The department shall adopt rules necessary to protect  
1742 the health and safety of migrant farmworkers and other migrant  
1743 labor camp or residential migrant housing occupants, including  
1744 rules governing field sanitation facilities. These rules must  
1745 include definitions of terms, a process for ~~provisions relating~~  
1746 ~~to~~ plan review of the construction of new, expanded, or  
1747 remodeled camps or residential migrant housing, sites, buildings  
1748 and structures; and standards for ~~personal hygiene facilities,~~  
1749 lighting, sewage disposal, safety, minimum living space per  
1750 occupant, bedding, food equipment, food storage and preparation,  
1751 insect and rodent control, garbage, heating equipment, water  
1752 supply, maintenance and operation of the camp, housing, or  
1753 roads, and such other matters as the department finds to be



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1754 appropriate or necessary to protect the life and health of the  
1755 occupants. Housing operated by a public housing authority is  
1756 exempt from the provisions of any administrative rule that  
1757 conflicts with or is more stringent than the federal standards  
1758 applicable to the housing.

1759 (4) A person who violates any provision of ss. 381.008-  
1760 381.00895 or rules adopted under such sections is subject either  
1761 to the penalties provided in ss. 381.0012, ~~381.0025~~, and  
1762 381.0061 or to the penalties provided in s. 381.0087.

1763 Section 38. Subsections (1) and (7) of section 381.0098,  
1764 Florida Statutes, are amended to read:

1765 381.0098 Biomedical waste.-

1766 (1) LEGISLATIVE INTENT. ~~It is the intent of the Legislature~~  
1767 ~~to protect the public health by establishing standards for the~~  
1768 ~~safe packaging, transport, storage, treatment, and disposal of~~  
1769 ~~biomedical waste.~~ Except as otherwise provided herein, the  
1770 Department of Health shall regulate the packaging, transport,  
1771 storage, and treatment of biomedical waste. The Department of  
1772 Environmental Protection shall regulate onsite and offsite  
1773 incineration and disposal of biomedical waste. Consistent with  
1774 the foregoing, the Department of Health shall have the exclusive  
1775 authority to establish treatment efficacy standards for  
1776 biomedical waste and the Department of Environmental Protection  
1777 shall have the exclusive authority to establish statewide  
1778 standards relating to environmental impacts, if any, of  
1779 treatment and disposal including, but not limited to, water  
1780 discharges and air emissions. An interagency agreement between  
1781 the Department of Environmental Protection and the Department of  
1782 Health shall be developed to ensure maximum efficiency in



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1783 coordinating, administering, and regulating biomedical wastes.

1784 (7) ENFORCEMENT AND PENALTIES.—Any person or public body in  
1785 violation of this section or rules adopted under this section is  
1786 subject to penalties provided in ss. 381.0012, ~~381.0025~~, and  
1787 381.0061. However, an administrative fine not to exceed \$2,500  
1788 may be imposed for each day such person or public body is in  
1789 violation of this section. The department may deny, suspend, or  
1790 revoke any biomedical waste permit or registration if the  
1791 permittee violates this section, any rule adopted under this  
1792 section, or any lawful order of the department.

1793 Section 39. Subsections (2) through (8) of section  
1794 381.0101, Florida Statutes, are renumbered as subsection (1)  
1795 through (7), respectively, and present subsections (1), (3), and  
1796 (4) and paragraph (a) of present subsection (5) of that section  
1797 are amended to read:

1798 381.0101 Environmental health professionals.—

1799 ~~(1) LEGISLATIVE INTENT.—Persons responsible for providing  
1800 technical and scientific evaluations of environmental health and  
1801 sanitary conditions in business establishments and communities  
1802 throughout the state may create a danger to the public health if  
1803 they are not skilled or competent to perform such evaluations.  
1804 The public relies on the judgment of environmental health  
1805 professionals employed by both government agencies and  
1806 industries to assure them that environmental hazards are  
1807 identified and removed before they endanger the health or safety  
1808 of the public. The purpose of this section is to assure the  
1809 public that persons specifically responsible for performing  
1810 environmental health and sanitary evaluations have been  
1811 certified by examination as competent to perform such work.~~



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1812           (2)~~(3)~~ CERTIFICATION REQUIRED.—~~A~~ ~~No~~ person may not ~~shall~~  
1813 perform environmental health or sanitary evaluations in any  
1814 primary program area of environmental health without being  
1815 certified by the department as competent to perform such  
1816 evaluations. This section does not apply to:

1817           (a) Persons performing inspections of public food service  
1818 establishments licensed under chapter 509; or

1819           (b) Persons performing site evaluations in order to  
1820 determine proper placement and installation of onsite wastewater  
1821 treatment and disposal systems who have successfully completed a  
1822 department-approved soils morphology course and who are working  
1823 under the direct responsible charge of an engineer licensed  
1824 under chapter 471.

1825           (3)~~(4)~~ ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—

1826 The State Health Officer shall appoint an advisory board to  
1827 assist the department in the promulgation of rules for  
1828 certification, testing, establishing standards, and seeking  
1829 enforcement actions against certified professionals.

1830           (a) The board shall be comprised of the State Surgeon  
1831 General ~~Division Director for Environmental Health~~ or his or her  
1832 designee, one individual who will be certified under this  
1833 section, one individual not employed in a governmental capacity  
1834 who will or does employ a certified environmental health  
1835 professional, one individual whose business is or will be  
1836 evaluated by a certified environmental health professional, a  
1837 citizen of the state who neither employs nor is routinely  
1838 evaluated by a person certified under this section.

1839           (b) The board shall advise the department as to the minimum  
1840 disciplinary guidelines and standards of competency and





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1841 proficiency necessary to obtain certification in a primary area  
1842 of environmental health practice.

1843 1. The board shall recommend primary areas of environmental  
1844 health practice in which environmental health professionals  
1845 should be required to obtain certification.

1846 2. The board shall recommend minimum standards of practice  
1847 which the department shall incorporate into rule.

1848 3. The board shall evaluate and recommend to the department  
1849 existing registrations and certifications which meet or exceed  
1850 minimum department standards and should, therefore, exempt  
1851 holders of such certificates or registrations from compliance  
1852 with this section.

1853 4. The board shall hear appeals of certificate denials,  
1854 revocation, or suspension and shall advise the department as to  
1855 the disposition of such an appeal.

1856 5. The board shall meet as often as necessary, but no less  
1857 than semiannually, handle appeals to the department, and conduct  
1858 other duties of the board.

1859 6. Members of the board shall receive no compensation but  
1860 are entitled to reimbursement for per diem and travel expenses  
1861 in accordance with s. 112.061.

1862 (4)~~(5)~~ STANDARDS FOR CERTIFICATION.—The department shall  
1863 adopt rules that establish definitions of terms and minimum  
1864 standards of education, training, or experience for those  
1865 persons subject to this section. The rules must also address the  
1866 process for application, examination, issuance, expiration, and  
1867 renewal of certification and ethical standards of practice for  
1868 the profession.

1869 (a) Persons employed as environmental health professionals



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1870 shall exhibit a knowledge of rules and principles of  
1871 environmental and public health law in Florida through  
1872 examination. A person may not conduct environmental health  
1873 evaluations in a primary program area unless he or she is  
1874 currently certified in that program area or works under the  
1875 direct supervision of a certified environmental health  
1876 professional.

1877 1. All persons who begin employment in a primary  
1878 environmental health program on or after September 21, 1994,  
1879 must be certified in that program within 6 months after  
1880 employment.

1881 2. Persons employed in the primary environmental health  
1882 program of a food protection program or an onsite sewage  
1883 treatment and disposal system prior to September 21, 1994, shall  
1884 be considered certified while employed in that position and  
1885 shall be required to adhere to any professional standards  
1886 established by the department pursuant to paragraph (b),  
1887 complete any continuing education requirements imposed under  
1888 paragraph (d), and pay the certificate renewal fee imposed under  
1889 subsection (6) ~~(7)~~.

1890 3. Persons employed in the primary environmental health  
1891 program of a food protection program or an onsite sewage  
1892 treatment and disposal system prior to September 21, 1994, who  
1893 change positions or program areas and transfer into another  
1894 primary environmental health program area on or after September  
1895 21, 1994, must be certified in that program within 6 months  
1896 after such transfer, except that they will not be required to  
1897 possess the college degree required under paragraph (e).

1898 4. Registered sanitarians shall be considered certified and



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1899 shall be required to adhere to any professional standards  
1900 established by the department pursuant to paragraph (b).

1901 Section 40. Section 381.0203, Florida Statutes, is amended  
1902 to read:

1903 381.0203 Pharmacy services.—

1904 (1) The department may contract on a statewide basis for  
1905 the purchase of drugs, as defined in s. 499.003, to be used by  
1906 state agencies and political subdivisions, and may adopt rules  
1907 to administer this section.

1908 (2) The department shall establish and maintain a pharmacy  
1909 services program, including, but not limited to:

1910 (a) A central pharmacy to support pharmaceutical services  
1911 provided by the county health departments, including  
1912 pharmaceutical repackaging, dispensing, and the purchase and  
1913 distribution of immunizations and other pharmaceuticals.

1914 ~~(b) Regulation of drugs, cosmetics, and household products~~  
1915 ~~pursuant to chapter 499.~~

1916 ~~(b)(e)~~ Consultation to county health departments as  
1917 required by s. 154.04(1)(c).

1918 ~~(d) A contraception distribution program which shall be~~  
1919 ~~implemented, to the extent resources permit, through the~~  
1920 ~~licensed pharmacies of county health departments. A woman who is~~  
1921 ~~eligible for participation in the contraceptive distribution~~  
1922 ~~program is deemed a patient of the county health department.~~

1923 ~~1. To be eligible for participation in the program a woman~~  
1924 ~~must:~~

1925 ~~a. Be a client of the department or the Department of~~  
1926 ~~Children and Family Services.~~

1927 ~~b. Be of childbearing age with undesired fertility.~~



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1928 ~~e. Have an income between 150 and 200 percent of the~~  
1929 ~~federal poverty level.~~

1930 ~~d. Have no Medicaid benefits or applicable health insurance~~  
1931 ~~benefits.~~

1932 ~~e. Have had a medical examination by a licensed health care~~  
1933 ~~provider within the past 6 months.~~

1934 ~~f. Have a valid prescription for contraceptives that are~~  
1935 ~~available through the contraceptive distribution program.~~

1936 ~~g. Consent to the release of necessary medical information~~  
1937 ~~to the county health department.~~

1938 ~~2. Fees charged for the contraceptives under the program~~  
1939 ~~must cover the cost of purchasing and providing contraceptives~~  
1940 ~~to women participating in the program.~~

1941 ~~3. The department may adopt rules to administer this~~  
1942 ~~program.~~

1943 Section 41. Subsection (1) of section 381.0261, Florida  
1944 Statutes, is amended to read:

1945 381.0261 Summary of patient's bill of rights; distribution;  
1946 penalty.-

1947 (1) The Department of Health shall publish on its Internet  
1948 website ~~Agency for Health Care Administration shall have printed~~  
1949 ~~and made continuously available to health care facilities~~  
1950 ~~licensed under chapter 395, physicians licensed under chapter~~  
1951 ~~458, osteopathic physicians licensed under chapter 459, and~~  
1952 ~~pediatric physicians licensed under chapter 461~~ a summary of the  
1953 Florida Patient's Bill of Rights and Responsibilities. In  
1954 adopting and making available to patients the summary of the  
1955 Florida Patient's Bill of Rights and Responsibilities, health  
1956 care providers and health care facilities are not limited to the



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1957 format in which the department publishes ~~Agency for Health Care~~  
1958 ~~Administration prints and distributes~~ the summary.

1959 Section 42. Section 381.0301, Florida Statutes, is  
1960 repealed.

1961 Section 43. Section 381.0302, Florida Statutes, is  
1962 repealed.

1963 Section 44. Subsection (5) of section 381.0303, Florida  
1964 Statutes, is amended to read:

1965 381.0303 Special needs shelters.—

1966 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State  
1967 Surgeon General may establish a special needs shelter  
1968 interagency committee and serve as, or appoint a designee to  
1969 serve as, the committee's chair. The department shall provide  
1970 any necessary staff and resources to support the committee in  
1971 the performance of its duties. The committee shall address and  
1972 resolve problems related to special needs shelters not addressed  
1973 in the state comprehensive emergency medical plan and shall  
1974 consult on the planning and operation of special needs shelters.

1975 (a) The committee shall—

1976 ~~1.~~ develop, negotiate, and regularly review any necessary  
1977 interagency agreements, and—

1978 ~~2.~~ undertake other such activities as the department deems  
1979 necessary to facilitate the implementation of this section.

1980 ~~3. Submit recommendations to the Legislature as necessary.~~

1981 (b) The special needs shelter interagency committee shall  
1982 be composed of representatives of emergency management, health,  
1983 medical, and social services organizations. Membership shall  
1984 include, but shall not be limited to, representatives of the  
1985 Departments of Health, Children and Family Services, Elderly



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1986 Affairs, and Education; the Agency for Health Care  
1987 Administration; the Division of Emergency Management; the  
1988 Florida Medical Association; the Florida Osteopathic Medical  
1989 Association; Associated Home Health Industries of Florida, Inc.;  
1990 the Florida Nurses Association; the Florida Health Care  
1991 Association; the Florida Assisted Living Affiliation; the  
1992 Florida Hospital Association; the Florida Statutory Teaching  
1993 Hospital Council; the Florida Association of Homes for the  
1994 Aging; the Florida Emergency Preparedness Association; the  
1995 American Red Cross; Florida Hospices and Palliative Care, Inc.;  
1996 the Association of Community Hospitals and Health Systems; the  
1997 Florida Association of Health Maintenance Organizations; the  
1998 Florida League of Health Systems; the Private Care Association;  
1999 the Salvation Army; the Florida Association of Aging Services  
2000 Providers; the AARP; and the Florida Renal Coalition.

2001 (c) Meetings of the committee shall be held in Tallahassee,  
2002 and members of the committee shall serve at the expense of the  
2003 agencies or organizations they represent. The committee shall  
2004 make every effort to use teleconference or videoconference  
2005 capabilities in order to ensure statewide input and  
2006 participation.

2007 Section 45. Section 381.04015, Florida Statutes, is  
2008 repealed.

2009 Section 46. Subsections (2), (3), and (4) of section  
2010 381.0403, Florida Statutes, are amended to read:

2011 381.0403 The Community Hospital Education Act.—

2012 (2) ESTABLISHMENT OF PROGRAM ~~LEGISLATIVE INTENT.~~—

2013 ~~(a) It is the intent of the Legislature that health care~~  
2014 ~~services for the citizens of this state be upgraded and that a~~



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2015 ~~program for continuing these services be maintained through a~~  
2016 ~~plan for community medical education. The A program is intended~~  
2017 ~~established to plan for community medical education, provide~~  
2018 ~~additional outpatient and inpatient services, increase the a~~  
2019 ~~continuing supply of highly trained physicians, and expand~~  
2020 ~~graduate medical education.~~

2021 ~~(b) The Legislature further acknowledges the critical need~~  
2022 ~~for increased numbers of primary care physicians to provide the~~  
2023 ~~necessary current and projected health and medical services. In~~  
2024 ~~order to meet both present and anticipated needs, the~~  
2025 ~~Legislature supports an expansion in the number of family~~  
2026 ~~practice residency positions. The Legislature intends that the~~  
2027 ~~funding for graduate education in family practice be maintained~~  
2028 ~~and that funding for all primary care specialties be provided at~~  
2029 ~~a minimum of \$10,000 per resident per year. Should funding for~~  
2030 ~~this act remain constant or be reduced, it is intended that all~~  
2031 ~~programs funded by this act be maintained or reduced~~  
2032 ~~proportionately.~~

2033 (3) PROGRAM FOR COMMUNITY HOSPITAL EDUCATION; STATE AND  
2034 LOCAL PLANNING.—

2035 ~~(a) There is established under the Department of Health a~~  
2036 ~~program for statewide graduate medical education. It is intended~~  
2037 ~~that continuing graduate medical education programs for interns~~  
2038 ~~and residents be established on a statewide basis. The program~~  
2039 shall provide financial support for primary care specialty  
2040 interns and residents based on recommendations of policies  
2041 ~~recommended and approved by the Community Hospital Education~~  
2042 Council, herein established, and the Department of Health, as  
2043 authorized by the General Appropriations Act. Only those



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2044 programs with at least three residents or interns in each year  
2045 of the training program are qualified to apply for financial  
2046 support. Programs with fewer than three residents or interns per  
2047 training year are qualified to apply for financial support, but  
2048 only if the appropriate accrediting entity for the particular  
2049 specialty has approved the program for fewer positions. New  
2050 programs ~~added after fiscal year 1997-1998~~ shall have 5 years to  
2051 attain the requisite number of residents or interns. When  
2052 feasible and to the extent allowed through the General  
2053 Appropriations Act, state funds shall be used to generate  
2054 federal matching funds under Medicaid, or other federal  
2055 programs, and the resulting combined state and federal funds  
2056 shall be allocated to participating hospitals for the support of  
2057 graduate medical education.

2058 (b) For the purposes of this section, primary care  
2059 specialties include emergency medicine, family practice,  
2060 internal medicine, pediatrics, psychiatry,  
2061 obstetrics/gynecology, and combined pediatrics and internal  
2062 medicine, and other primary care specialties as may be included  
2063 by the council and Department of Health.

2064 (c) Medical institutions throughout the state may apply to  
2065 the Community Hospital Education Council for grants-in-aid for  
2066 financial support of their approved programs. Recommendations  
2067 for funding of approved programs shall be forwarded to the  
2068 Department of Health.

2069 (d) The program shall provide a plan for community clinical  
2070 teaching and training with the cooperation of the medical  
2071 profession, hospitals, and clinics. The plan shall also include  
2072 formal teaching opportunities for intern and resident training.





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2073 In addition, the plan shall establish an off-campus medical  
2074 faculty with university faculty review to be located throughout  
2075 the state in local communities.

2076 (4) PROGRAM FOR GRADUATE MEDICAL EDUCATION INNOVATIONS.—

2077 (a) There is established under the Department of Health a  
2078 program for fostering graduate medical education innovations.  
2079 Funds appropriated annually by the Legislature for this purpose  
2080 shall be distributed to participating hospitals or consortia of  
2081 participating hospitals and Florida medical schools or to a  
2082 Florida medical school for the direct costs of providing  
2083 graduate medical education in community-based clinical settings  
2084 on a competitive grant or formula basis to achieve state health  
2085 care workforce policy objectives, including, but not limited to:

- 2086 1. Increasing the number of residents in primary care and  
2087 other high demand specialties or fellowships;
- 2088 2. Enhancing retention of primary care physicians in  
2089 Florida practice;
- 2090 3. Promoting practice in medically underserved areas of the  
2091 state;
- 2092 4. Encouraging racial and ethnic diversity within the  
2093 state's physician workforce; and
- 2094 5. Encouraging increased production of geriatricians.

2095 (b) Participating hospitals or consortia of participating  
2096 hospitals and Florida medical schools or a Florida medical  
2097 school providing graduate medical education in community-based  
2098 clinical settings may apply to the Community Hospital Education  
2099 Council for funding under this innovations program, except when  
2100 such innovations directly compete with services or programs  
2101 provided by participating hospitals or consortia of



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2102 participating hospitals, or by both hospitals and consortia.  
2103 Innovations program funding shall be allocated ~~provide funding~~  
2104 based on recommendations of policies recommended and approved by  
2105 the Community Hospital Education Council and the Department of  
2106 Health, as authorized by the General Appropriations Act.

2107 (c) Participating hospitals or consortia of participating  
2108 hospitals and Florida medical schools or Florida medical schools  
2109 awarded an innovations grant shall provide the Community  
2110 Hospital Education Council and Department of Health with an  
2111 annual report on their project.

2112 Section 47. Subsection (7) of section 381.0405, Florida  
2113 Statutes, is amended to read:

2114 381.0405 Office of Rural Health.—

2115 ~~(7) APPROPRIATION. The Legislature shall appropriate such~~  
2116 ~~sums as are necessary to support the Office of Rural Health.~~

2117 Section 48. Subsection (3) of section 381.0406, Florida  
2118 Statutes, is amended to read:

2119 381.0406 Rural health networks.—

2120 (3) ~~Because each rural area is unique, with a different~~  
2121 ~~health care provider mix,~~ Health care provider membership may  
2122 vary, but all networks shall include members that provide public  
2123 health, comprehensive primary care, emergency medical care, and  
2124 acute inpatient care.

2125 Section 49. Effective October 1, 2014, section 381.0407,  
2126 Florida Statutes, is repealed.

2127 Section 50. Section 381.045, Florida Statutes, is repealed.

2128 Section 51. Subsection (7) of section 381.06015, Florida  
2129 Statutes, is amended to read:

2130 381.06015 Public Cord Blood Tissue Bank.—



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2131 ~~(7) In order to fund the provisions of this section the~~  
2132 ~~consortium participants, the Agency for Health Care~~  
2133 ~~Administration, and the Department of Health shall seek private~~  
2134 ~~or federal funds to initiate program actions for fiscal year~~  
2135 ~~2000-2001.~~

2136 Section 52. Section 381.0605, Florida Statutes, is  
2137 repealed.

2138 Section 53. Sections 381.1001, 381.1015, 381.102, and  
2139 381.103, Florida Statutes, are repealed.

2140 Section 54. Subsections (3) through (5) of section  
2141 381.4018, Florida Statutes, are renumbered as subsections (2)  
2142 through (4), respectively, and present subsection (2) and  
2143 paragraph (f) of present subsection (4) of that section are  
2144 amended to read:

2145 381.4018 Physician workforce assessment and development.—

2146 ~~(2) LEGISLATIVE INTENT. The Legislature recognizes that~~  
2147 ~~physician workforce planning is an essential component of~~  
2148 ~~ensuring that there is an adequate and appropriate supply of~~  
2149 ~~well-trained physicians to meet this state's future health care~~  
2150 ~~service needs as the general population and elderly population~~  
2151 ~~of the state increase. The Legislature finds that items to~~  
2152 ~~consider relative to assessing the physician workforce may~~  
2153 ~~include physician practice status; specialty mix; geographic~~  
2154 ~~distribution; demographic information, including, but not~~  
2155 ~~limited to, age, gender, race, and cultural considerations; and~~  
2156 ~~needs of current or projected medically underserved areas in the~~  
2157 ~~state. Long-term strategic planning is essential as the period~~  
2158 ~~from the time a medical student enters medical school to~~  
2159 ~~completion of graduate medical education may range from 7 to 10~~



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2160 ~~years or longer. The Legislature recognizes that strategies to~~  
2161 ~~provide for a well-trained supply of physicians must include~~  
2162 ~~ensuring the availability and capacity of quality medical~~  
2163 ~~schools and graduate medical education programs in this state,~~  
2164 ~~as well as using new or existing state and federal programs~~  
2165 ~~providing incentives for physicians to practice in needed~~  
2166 ~~specialties and in underserved areas in a manner that addresses~~  
2167 ~~projected needs for physician manpower.~~

2168 (3)~~(4)~~ GENERAL FUNCTIONS.—The department shall maximize the  
2169 use of existing programs under the jurisdiction of the  
2170 department and other state agencies and coordinate governmental  
2171 and nongovernmental stakeholders and resources in order to  
2172 develop a state strategic plan and assess the implementation of  
2173 such strategic plan. In developing the state strategic plan, the  
2174 department shall:

2175 (f) Develop strategies to maximize federal and state  
2176 programs that provide for the use of incentives to attract  
2177 physicians to this state or retain physicians within the state.  
2178 Such strategies should explore and maximize federal-state  
2179 partnerships that provide incentives for physicians to practice  
2180 in federally designated shortage areas. Strategies shall also  
2181 consider the use of state programs, such as the ~~Florida Health~~  
2182 ~~Service Corps established pursuant to s. 381.0302 and the~~  
2183 Medical Education Reimbursement and Loan Repayment Program  
2184 pursuant to s. 1009.65, which provide for education loan  
2185 repayment or loan forgiveness and provide monetary incentives  
2186 for physicians to relocate to underserved areas of the state.

2187 Section 55. Section 381.60225, Florida Statutes, is  
2188 repealed.



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2189           Section 56. Sections 381.732, 381.733, and 381.734, Florida  
2190 Statutes, are repealed.

2191           Section 57. Section 381.7352, Florida Statutes, is amended  
2192 to read:

2193           381.7352 Legislative findings and intent.—

2194           ~~(1) The Legislature finds that despite state investments in~~  
2195 ~~health care programs, certain racial and ethnic populations in~~  
2196 ~~Florida continue to have significantly poorer health outcomes~~  
2197 ~~when compared to non-Hispanic whites. The Legislature finds that~~  
2198 ~~local solutions to health care problems can have a dramatic and~~  
2199 ~~positive effect on the health status of these populations. Local~~  
2200 ~~governments and communities are best equipped to identify the~~  
2201 ~~health education, health promotion, and disease prevention needs~~  
2202 ~~of the racial and ethnic populations in their communities,~~  
2203 ~~mobilize the community to address health outcome disparities,~~  
2204 ~~enlist and organize local public and private resources, and~~  
2205 ~~faith-based organizations to address these disparities, and~~  
2206 ~~evaluate the effectiveness of interventions.~~

2207           ~~(2)~~ It is therefore the intent of the Legislature to  
2208 provide funds within Florida counties and Front Porch Florida  
2209 Communities, in the form of Reducing Racial and Ethnic Health  
2210 Disparities: Closing the Gap grants, to stimulate the  
2211 development of community-based and neighborhood-based projects  
2212 which will improve the health outcomes of racial and ethnic  
2213 populations. Further, it is the intent of the Legislature that  
2214 these programs foster the development of coordinated,  
2215 collaborative, and broad-based participation by public and  
2216 private entities, and faith-based organizations. Finally, it is  
2217 the intent of the Legislature that the grant program function as



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2218 a partnership between state and local governments, faith-based  
2219 organizations, and private sector health care providers,  
2220 including managed care, voluntary health care resources, social  
2221 service providers, and nontraditional partners.

2222 Section 58. Subsection (3) of section 381.7353, Florida  
2223 Statutes, is amended to read:

2224 381.7353 Reducing Racial and Ethnic Health Disparities:  
2225 Closing the Gap grant program; administration; department  
2226 duties.—

2227 ~~(3) Pursuant to s. 20.43(6), the State Surgeon General may~~  
2228 ~~appoint an ad hoc advisory committee to: examine areas where~~  
2229 ~~public awareness, public education, research, and coordination~~  
2230 ~~regarding racial and ethnic health outcome disparities are~~  
2231 ~~lacking; consider access and transportation issues which~~  
2232 ~~contribute to health status disparities; and make~~  
2233 ~~recommendations for closing gaps in health outcomes and~~  
2234 ~~increasing the public's awareness and understanding of health~~  
2235 ~~disparities that exist between racial and ethnic populations.~~

2236 Section 59. Subsections (5) and (6) of section 381.7356,  
2237 Florida Statutes, are renumbered as subsections (4) and (5),  
2238 respectively, and present subsection (4) of that section is  
2239 amended to read:

2240 381.7356 Local matching funds; grant awards.—

2241 ~~(4) Dissemination of grant awards shall begin no later than~~  
2242 ~~January 1, 2001.~~

2243 Section 60. Subsection (3) of section 381.765, Florida  
2244 Statutes, is amended to read:

2245 381.765 Retention of title to and disposal of equipment.—

2246 ~~(3) The department may adopt rules relating to records and~~



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2247 ~~recordkeeping for department-owned property referenced in~~  
2248 ~~subsections (1) and (2).~~

2249 Section 61. Section 381.77, Florida Statutes, is repealed.

2250 Section 62. Section 381.795, Florida Statutes, is repealed.

2251 Section 63. Subsections (2) through (5) of section 381.853,  
2252 Florida Statutes, are renumbered as subsections (1) through (4),  
2253 respectively, and present subsection (1) of that section is  
2254 amended to read:

2255 381.853 Florida Center for Brain Tumor Research.—

2256 ~~(1) The Legislature finds that each year an estimated~~  
2257 ~~190,000 citizens of the United States are diagnosed with~~  
2258 ~~cancerous and noncancerous brain tumors and that biomedical~~  
2259 ~~research is the key to finding cures for these tumors. The~~  
2260 ~~Legislature further finds that, although brain tumor research is~~  
2261 ~~being conducted throughout the state, there is a lack of~~  
2262 ~~coordinated efforts among researchers and health care providers.~~  
2263 ~~Therefore, the Legislature finds that there is a significant~~  
2264 ~~need for a coordinated effort to achieve the goal of curing~~  
2265 ~~brain tumors. The Legislature further finds that the biomedical~~  
2266 ~~technology sector meets the criteria of a high-impact sector,~~  
2267 ~~pursuant to s. 288.108(6), having a high importance to the~~  
2268 ~~state's economy with a significant potential for growth and~~  
2269 ~~contribution to our universities and quality of life.~~

2270 Section 64. Section 381.855, Florida Statutes, is repealed.

2271 Section 65. Section 381.87, Florida Statutes, is repealed.

2272 Section 66. Section 381.90, Florida Statutes, is repealed.

2273 Section 67. Subsection (1) of section 381.91, Florida  
2274 Statutes, is amended to read:

2275 381.91 Jessie Trice Cancer Prevention Program.—



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2276 (1) It is the intent of the Legislature to:  
2277 ~~(a) Reduce the rates of illness and death from lung cancer~~  
2278 ~~and other cancers and improve the quality of life among low-~~  
2279 ~~income African American and Hispanic populations through~~  
2280 ~~increased access to early, effective screening and diagnosis,~~  
2281 ~~education, and treatment programs.~~  
2282 ~~(b)~~ create a community faith-based disease-prevention  
2283 program in conjunction with the Health Choice Network and other  
2284 community health centers to build upon the natural referral and  
2285 education networks in place within minority communities and to  
2286 increase access to health service delivery in Florida and-  
2287 ~~(c)~~ establish a funding source to build upon local private  
2288 participation to sustain the operation of the program.  
2289 Section 68. Subsection (5) of section 381.922, Florida  
2290 Statutes, is amended to read:  
2291 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
2292 Cancer Research Program.—  
2293 (5) The William G. "Bill" Bankhead, Jr., and David Coley  
2294 Cancer Research Program is funded pursuant to s. 215.5602(12).  
2295 Funds appropriated for the William G. "Bill" Bankhead, Jr., and  
2296 David Coley Cancer Research Program shall be distributed  
2297 pursuant to this section to provide grants to researchers  
2298 seeking cures for cancer and cancer-related illnesses, with  
2299 emphasis given to the goals enumerated in this section. From the  
2300 total funds appropriated, an amount of up to 10 percent may be  
2301 used for administrative expenses. ~~From funds appropriated to~~  
2302 ~~accomplish the goals of this section, up to \$250,000 shall be~~  
2303 ~~available for the operating costs of the Florida Center for~~  
2304 ~~Universal Research to Eradicate Disease.~~





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2305 Section 69. Paragraph (g) of subsection (1) of section  
2306 383.011, Florida Statutes, is amended to read:

2307 383.011 Administration of maternal and child health  
2308 programs.—

2309 (1) The Department of Health is designated as the state  
2310 agency for:

2311 (g) Receiving the federal funds for the "Special  
2312 Supplemental Nutrition Program for Women, Infants, and  
2313 Children," or WIC, authorized by the Child Nutrition Act of  
2314 1966, as amended, and for providing clinical leadership for  
2315 ~~administering~~ the statewide WIC program.

2316 1. The department shall establish an interagency agreement  
2317 with the Department of Children and Family Services for fiscal  
2318 management of the program. Responsibilities are delegated to  
2319 each department, as follows:

2320 a. The department shall provide clinical leadership, manage  
2321 program eligibility, and distribute nutritional guidance and  
2322 information to participants.

2323 b. The Department of Children and Family Services shall  
2324 develop and implement an electronic benefits transfer system.

2325 c. The Department of Children and Family Services shall  
2326 develop a cost containment plan that provides timely and  
2327 accurate adjustments based on wholesale price fluctuations and  
2328 adjusts for the number of cash registers in calculating  
2329 statewide averages.

2330 d. The department shall coordinate submission of  
2331 information to appropriate federal officials in order to obtain  
2332 approval of the electronic benefits system and cost containment  
2333 plan, which must include participation of WIC-only stores.



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2334           2. The department shall assist the Department of Children  
2335 and Family Services in the development of the electronic  
2336 benefits system to ensure full implementation no later than July  
2337 1, 2013.

2338           Section 70. Section 383.141, Florida Statutes, is created  
2339 to read:

2340           383.141 Prenatally diagnosed conditions; patient to be  
2341 provided information; definitions; information clearinghouse;  
2342 advisory council.—

2343           (1) As used in this section, the term:

2344           (a) "Down syndrome" means a chromosomal disorder caused by  
2345 an error in cell division which results in the presence of an  
2346 extra whole or partial copy of chromosome 21.

2347           (b) "Developmental disability" includes Down syndrome and  
2348 other developmental disabilities defined by s. 393.063(9).

2349           (c) "Health care provider" means a physician licensed or  
2350 registered under chapter 458 or chapter 459 or an advanced  
2351 registered nurse practitioner certified under chapter 464.

2352           (d) "Prenatally diagnosed condition" means an adverse fetal  
2353 health condition identified by prenatal testing.

2354           (e) "Prenatal test" or "prenatal testing" means a  
2355 diagnostic procedure or screening procedure performed on a  
2356 pregnant woman or her unborn offspring to obtain information  
2357 about the offspring's health or development.

2358           (2) When a developmental disability is diagnosed based on  
2359 the results of a prenatal test, the health care provider who  
2360 ordered the prenatal test, or his or her designee, shall provide  
2361 the patient with current information about the nature of the  
2362 developmental disability, the accuracy of the prenatal test, and



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2363 resources for obtaining relevant support services, including  
2364 hotlines, resource centers, and information clearinghouses  
2365 related to Down syndrome or other prenatally diagnosed  
2366 developmental disabilities; support programs for parents and  
2367 families; and developmental evaluation and intervention services  
2368 under s. 391.303.

2369 (3) The Department of Health shall establish on its  
2370 Internet website a clearinghouse of information related to  
2371 developmental disabilities concerning providers of supportive  
2372 services, information hotlines specific to Down syndrome and  
2373 other prenatally diagnosed developmental disabilities, resource  
2374 centers, educational programs, other support programs for  
2375 parents and families, and developmental evaluation and  
2376 intervention services under s. 391.303. Such information shall  
2377 be made available to health care providers for use in counseling  
2378 pregnant women whose unborn children have been prenatally  
2379 diagnosed with developmental disabilities.

2380 (a) There is established an advisory council within the  
2381 Department of Health which consists of health care providers and  
2382 caregivers who perform health care services for persons who have  
2383 developmental disabilities, including Down syndrome and autism.  
2384 This group shall consist of nine members as follows:

- 2385 1. Three members appointed by the Governor;  
2386 2. Three members appointed by the President of the Senate;  
2387 and  
2388 3. Three members appointed by the Speaker of the House of  
2389 Representatives.

2390 (b) The advisory council shall provide technical assistance  
2391 to the Department of Health in the establishment of the



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2392 information clearinghouse and give the department the benefit of  
2393 the council members' knowledge and experience relating to the  
2394 needs of patients and families of patients with developmental  
2395 disabilities and available support services.

2396 (c) Members of the council shall elect a chairperson and a  
2397 vice chairperson. The elected chairperson and vice chairperson  
2398 shall serve in these roles until their terms of appointment on  
2399 the council expire.

2400 (d) The advisory council shall meet quarterly to review  
2401 this clearinghouse of information, and may meet more often at  
2402 the call of the chairperson or as determined by a majority of  
2403 members.

2404 (e) The council members shall be appointed to 4-year terms,  
2405 except that, to provide for staggered terms, one initial  
2406 appointee each from the Governor, the President of the Senate,  
2407 and the Speaker of the House of Representatives shall be  
2408 appointed to a 2-year term, one appointee each from these  
2409 officials shall be appointed to a 3-year term, and the remaining  
2410 initial appointees shall be appointed to 4-year terms. All  
2411 subsequent appointments shall be for 4-year terms. A vacancy  
2412 shall be filled for the remainder of the unexpired term in the  
2413 same manner as the original appointment.

2414 (f) Members of the council shall serve without  
2415 compensation. Meetings of the council may be held in person,  
2416 without reimbursement for travel expenses, or by teleconference  
2417 or other electronic means.

2418 (g) The Department of Health shall provide administrative  
2419 support for the advisory council.

2420 Section 71. Effective July 1, 2012, section 385.210,



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2421 Florida Statutes, is repealed.

2422 Section 72. Section 391.016, Florida Statutes, is amended  
2423 to read:

2424 391.016 Purposes and functions ~~Legislative intent.~~—The  
2425 ~~Legislature intends that the~~ Children's Medical Services program  
2426 is established for the following purposes and authorized to  
2427 perform the following functions:

2428 (1) Provide to children with special health care needs a  
2429 family-centered, comprehensive, and coordinated statewide  
2430 managed system of care that links community-based health care  
2431 with multidisciplinary, regional, and tertiary pediatric  
2432 specialty care. The program shall coordinate and maintain a  
2433 consistent ~~may provide for the coordination and maintenance of~~  
2434 ~~consistency of the~~ medical home for participating children in  
2435 ~~families with a Children's Medical Services program participant,~~  
2436 ~~in order to achieve family-centered care.~~

2437 (2) Provide essential preventive, evaluative, and early  
2438 intervention services for children at risk for or having special  
2439 health care needs, in order to prevent or reduce long-term  
2440 disabilities.

2441 ~~(3) Serve as a principal provider for children with special~~  
2442 ~~health care needs under Titles XIX and XXI of the Social~~  
2443 ~~Security Act.~~

2444 ~~(4) Be complementary to children's health training programs~~  
2445 ~~essential for the maintenance of a skilled pediatric health care~~  
2446 ~~workforce for all Floridians.~~

2447 Section 73. Section 391.021, Florida Statutes, is amended  
2448 to read:

2449 391.021 Definitions.—When used in this act, the term unless



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2450 ~~the context clearly indicates otherwise:~~

2451 (1) "Children's Medical Services network" or "network"  
2452 means a statewide managed care service system that includes  
2453 health care providers, as defined in this section.

2454 (2) "Children with special health care needs" means those  
2455 children younger than 21 years of age who have chronic and  
2456 serious physical, developmental, behavioral, or emotional  
2457 conditions and who ~~also~~ require health care and related services  
2458 of a type or amount beyond that which is generally required by  
2459 children.

2460 (3) "Department" means the Department of Health.

2461 (4) "Eligible individual" means a child with a special  
2462 health care need or a female with a high-risk pregnancy, who  
2463 meets the financial and medical eligibility standards  
2464 established in s. 391.029.

2465 (5) "Health care provider" means a health care  
2466 professional, health care facility, or entity licensed or  
2467 certified to provide health services in this state that meets  
2468 the criteria as established by the department.

2469 (6) "Health services" includes the prevention, diagnosis,  
2470 and treatment of human disease, pain, injury, deformity, or  
2471 disabling conditions.

2472 (7) "Participant" means an eligible individual who is  
2473 enrolled in the Children's Medical Services program.

2474 (8) "Program" means the Children's Medical Services program  
2475 established in the department.

2476 Section 74. Section 391.025, Florida Statutes, is amended  
2477 to read:

2478 391.025 Applicability and scope.—



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2479 (1) The Children's Medical Services program consists of the  
2480 following components:

2481 (a) The newborn screening program established in s. 383.14.

2482 (b) The regional perinatal intensive care centers program  
2483 established in ss. 383.15-383.21.

2484 ~~(c) A federal or state program authorized by the~~  
2485 ~~Legislature.~~

2486 (c) ~~(d)~~ The developmental evaluation and intervention  
2487 program, including the Florida Infants and Toddlers Early  
2488 Intervention Program.

2489 (d) ~~(e)~~ The Children's Medical Services network.

2490 (2) The Children's Medical Services program shall not be  
2491 deemed an insurer and is not subject to the licensing  
2492 requirements of the Florida Insurance Code or the rules adopted  
2493 thereunder, ~~when providing services to children who receive~~  
2494 ~~Medicaid benefits, other Medicaid-eligible children with special~~  
2495 ~~health care needs, and children participating in the Florida~~  
2496 ~~Kidcare program.~~

2497 Section 75. Section 391.026, Florida Statutes, is amended  
2498 to read:

2499 391.026 Powers and duties of the department.—The department  
2500 shall have the following powers, duties, and responsibilities:

2501 (1) To provide or contract for the provision of health  
2502 services to eligible individuals.

2503 (2) To provide services to abused and neglected children  
2504 through child protective teams pursuant to s. 39.303.

2505 ~~(3) (2) To determine the medical and financial eligibility~~  
2506 ~~standards for the program and to determine the medical and~~  
2507 ~~financial eligibility of individuals seeking health services~~



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2508 from the program.

2509 ~~(3) To recommend priorities for the implementation of~~  
2510 ~~comprehensive plans and budgets.~~

2511 (4) To coordinate a comprehensive delivery system for  
2512 eligible individuals to take maximum advantage of all available  
2513 funds.

2514 (5) To ~~promote, establish, and~~ coordinate with programs  
2515 relating to children's medical services in cooperation with  
2516 other public and private agencies ~~and to coordinate funding of~~  
2517 ~~health care programs with federal, state, or local indigent~~  
2518 ~~health care funding mechanisms.~~

2519 (6) To initiate and, ~~coordinate, and request review of~~  
2520 applications to federal agencies and private organizations ~~and~~  
2521 ~~state agencies~~ for funds, services, or commodities relating to  
2522 children's medical programs.

2523 (7) To sponsor or promote grants for projects, programs,  
2524 education, or research in the field of ~~medical needs of~~ children  
2525 with special health needs, with an emphasis on early diagnosis  
2526 and treatment.

2527 (8) To oversee and operate the Children's Medical Services  
2528 network.

2529 (9) To establish reimbursement mechanisms for the  
2530 Children's Medical Services network.

2531 (10) To establish Children's Medical Services network  
2532 standards and credentialing requirements for health care  
2533 providers and health care services.

2534 (11) To serve as a provider and principal case manager for  
2535 children with special health care needs under Titles XIX and XXI  
2536 of the Social Security Act.





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2537           (12) To monitor the provision of health services in the  
2538 program, including the utilization and quality of health  
2539 services.

2540           (13) To administer the Children with Special Health Care  
2541 Needs program in accordance with Title V of the Social Security  
2542 Act.

2543           (14) To establish and operate a grievance resolution  
2544 process for participants and health care providers.

2545           (15) To maintain program integrity in the Children's  
2546 Medical Services program.

2547           (16) To receive and manage health care premiums, capitation  
2548 payments, and funds from federal, state, local, and private  
2549 entities for the program. The department may contract with a  
2550 third-party administrator for processing claims, monitoring  
2551 medical expenses, and other related services necessary to the  
2552 efficient and cost-effective operation of the Children's Medical  
2553 Services network. The department is authorized to maintain a  
2554 minimum reserve for the Children's Medical Services network in  
2555 an amount that is the greater of:

2556           (a) Ten percent of total projected expenditures for Title  
2557 XIX-funded and Title XXI-funded children; or

2558           (b) Two percent of total annualized payments from the  
2559 Agency for Health Care Administration for Title XIX and Title  
2560 XXI of the Social Security Act.

2561           (17) To provide or contract for ~~appoint health care~~  
2562 ~~consultants for the purpose of providing~~ peer review and other  
2563 quality-improvement activities ~~making recommendations to enhance~~  
2564 ~~the delivery and quality of services in the Children's Medical~~  
2565 ~~Services program.~~



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2566           (18) To adopt rules pursuant to ss. 120.536(1) and 120.54  
2567 to administer the Children's Medical Services Act. ~~The rules may~~  
2568 ~~include requirements for definitions of terms, program~~  
2569 ~~organization, and program description; a process for selecting~~  
2570 ~~an area medical director; responsibilities of applicants and~~  
2571 ~~clients; requirements for service applications, including~~  
2572 ~~required medical and financial information; eligibility~~  
2573 ~~requirements for initial treatment and for continued~~  
2574 ~~eligibility, including financial and custody issues;~~  
2575 ~~methodologies for resource development and allocation, including~~  
2576 ~~medical and financial considerations; requirements for~~  
2577 ~~reimbursement services rendered to a client; billing and payment~~  
2578 ~~requirements for providers; requirements for qualification,~~  
2579 ~~appointments, verification, and emergency exceptions for health-~~  
2580 ~~professional consultants; general and diagnostic-specific~~  
2581 ~~standards for diagnostic and treatment facilities; and standards~~  
2582 ~~for the method of service delivery, including consultant~~  
2583 ~~services, respect-for-privacy considerations, examination~~  
2584 ~~requirements, family support plans, and clinic design.~~

2585           Section 76. Section 391.028, Florida Statutes, is amended  
2586 to read:

2587           391.028 Administration. ~~The Children's Medical Services~~  
2588 ~~program shall have a central office and area offices.~~

2589           (1) The Director of Children's Medical Services must be a  
2590 physician licensed under chapter 458 or chapter 459 who has  
2591 specialized training and experience in the provision of health  
2592 care to children and who has recognized skills in leadership and  
2593 the promotion of children's health programs. The director shall  
2594 be the deputy secretary and the Deputy State Health Officer for



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2595 Children's Medical Services and is appointed by and reports to  
2596 the State Surgeon General. The director may appoint such other  
2597 staff as necessary for the operation of the program ~~division~~  
2598 ~~directors~~ subject to the approval of the State Surgeon General.

2599 (2) The director shall provide for operational system using  
2600 such department staff and contract providers as necessary. The  
2601 program shall implement the following program activities under  
2602 physician supervision on a statewide basis ~~designate Children's~~  
2603 ~~Medical Services area offices to perform operational activities,~~  
2604 ~~including, but not limited to:~~

2605 (a) ~~Providing~~ Case management services for ~~the~~ network  
2606 participants;-

2607 (b) Management and ~~Providing local~~ oversight of local ~~the~~  
2608 program activities;-

2609 (c) ~~Determining an individual's~~ Medical and financial  
2610 eligibility determination for the program in accordance with s.  
2611 391.029;-

2612 (d) ~~Participating in the~~ Determination of a level of care  
2613 and medical complexity for long-term care services;-

2614 (e) Authorizing services in the program and developing  
2615 spending plans;-

2616 (f) ~~Participating in the~~ Development of treatment plans;  
2617 and-

2618 (g) ~~Taking part in the~~ Resolution of complaints and  
2619 grievances from participants and health care providers.

2620 (3) Each Children's Medical Services area office shall be  
2621 directed by a physician licensed under chapter 458 or chapter  
2622 459 who has specialized training and experience in the provision  
2623 of health care to children. The director of a Children's Medical



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2624 Services area office shall be appointed by the director from the  
2625 active panel of Children's Medical Services physician  
2626 consultants.

2627 Section 77. Section 391.029, Florida Statutes, is amended  
2628 to read:

2629 391.029 Program eligibility.—

2630 (1) Eligibility ~~The department shall establish the medical~~  
2631 ~~criteria to determine if an applicant~~ for the Children's Medical  
2632 Services program is based on the diagnosis of one or more  
2633 chronic and serious medical conditions and the family's need for  
2634 specialized services ~~an eligible individual.~~

2635 (2) The following individuals are ~~financially~~ eligible to  
2636 receive services through the program:

2637 (a) A high-risk pregnant female who is enrolled in ~~eligible~~  
2638 ~~for~~ Medicaid.

2639 (b) Children with serious special health care needs from  
2640 birth to 21 years of age who are enrolled in ~~eligible for~~  
2641 Medicaid.

2642 (c) Children with serious special health care needs from  
2643 birth to 19 years of age who are enrolled in ~~eligible for~~ a  
2644 program under Title XXI of the Social Security Act.

2645 (3) Subject to the availability of funds, the following  
2646 individuals may receive services through the program:

2647 (a) Children with serious special health care needs from  
2648 birth to 21 years of age who do not qualify for Medicaid or  
2649 ~~whose family income is above the requirements for financial~~  
2650 ~~eligibility under~~ Title XXI of the Social Security Act but who  
2651 are unable to access, due to lack of providers or lack of  
2652 financial resources, specialized services that are medically



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2653 necessary or essential family support services and whose  
2654 ~~projected annual cost of care adjusts the family income to~~  
2655 ~~Medicaid financial criteria. Families~~ In cases where the family  
2656 ~~income is adjusted based on a projected annual cost of care, the~~  
2657 ~~family~~ shall participate financially in the cost of care based  
2658 on a sliding fee scale ~~criteria~~ established by the department.

2659 (b) Children with special health care needs from birth to  
2660 21 years of age, as provided in Title V of the Social Security  
2661 Act.

2662 (c) An infant who receives an award of compensation under  
2663 s. 766.31(1). The Florida Birth-Related Neurological Injury  
2664 Compensation Association shall reimburse the Children's Medical  
2665 Services Network the state's share of funding, which must  
2666 thereafter be used to obtain matching federal funds under Title  
2667 XXI of the Social Security Act.

2668 ~~(4) The department shall determine the financial and~~  
2669 ~~medical eligibility of children for the program. The department~~  
2670 ~~shall also determine the financial ability of the parents, or~~  
2671 ~~persons or other agencies having legal custody over such~~  
2672 ~~individuals, to pay the costs of health services under the~~  
2673 ~~program. The department may pay reasonable travel expenses~~  
2674 ~~related to the determination of eligibility for or the provision~~  
2675 ~~of health services.~~

2676 (4)(5) Any child who has been provided with surgical or  
2677 medical care or treatment under this act prior to being adopted  
2678 and has serious and chronic special health needs shall continue  
2679 to be eligible to be provided with such care or treatment after  
2680 his or her adoption, regardless of the financial ability of the  
2681 persons adopting the child.



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2682           Section 78. Section 391.0315, Florida Statutes, is amended  
2683 to read:

2684           391.0315 Benefits.—Benefits provided under the program for  
2685 children with special health care needs shall be equivalent to  
2686 ~~the same~~ benefits provided to children as specified in ss.

2687 409.905 and 409.906. The department may offer additional  
2688 benefits for early intervention services, respite services,  
2689 genetic testing, genetic and nutritional counseling, and parent  
2690 support services, if such services are determined to be  
2691 medically necessary. ~~No child or person determined eligible for~~  
2692 ~~the program who is eligible under Title XIX or Title XXI of the~~  
2693 ~~Social Security Act shall receive any service other than an~~  
2694 ~~initial health care screening or treatment of an emergency~~  
2695 ~~medical condition as defined in s. 395.002, until such child or~~  
2696 ~~person is enrolled in Medicaid or a Title XXI program.~~

2697           Section 79. Effective January 1, 2013, section 392.51,  
2698 Florida Statutes, is amended to read:

2699           392.51 Tuberculosis control Findings and intent.—A  
2700 statewide system is established to control tuberculosis  
2701 infection and mitigate its effects. The system consists ~~The~~  
2702 ~~Legislature finds and declares that active tuberculosis is a~~  
2703 ~~highly contagious infection that is sometimes fatal and~~  
2704 ~~constitutes a serious threat to the public health. The~~  
2705 ~~Legislature finds that there is a significant reservoir of~~  
2706 ~~tuberculosis infection in this state and that there is a need to~~  
2707 ~~develop community programs to identify tuberculosis and to~~  
2708 ~~respond quickly with appropriate measures. The Legislature finds~~  
2709 ~~that some patients who have active tuberculosis have complex~~  
2710 ~~medical, social, and economic problems that make outpatient~~



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2711 ~~control of the disease difficult, if not impossible, without~~  
2712 ~~posing a threat to the public health. The Legislature finds that~~  
2713 ~~in order to protect the citizenry from those few persons who~~  
2714 ~~pose a threat to the public, it is necessary to establish a~~  
2715 ~~system of mandatory contact identification, treatment to cure,~~  
2716 ~~hospitalization, and isolation for contagious cases, and to~~  
2717 ~~provide a system of voluntary, community-oriented care and~~  
2718 ~~surveillance in all other cases. The Legislature finds that the~~  
2719 ~~delivery of Tuberculosis control services shall be provided is~~  
2720 ~~best accomplished by the coordinated efforts of the respective~~  
2721 ~~county health departments and contracted or other private health~~  
2722 ~~care providers, the A.C. Holley State Hospital, and the private~~  
2723 ~~health care delivery system.~~

2724 Section 80. Effective January 1, 2013, subsection (4) of  
2725 section 392.61, Florida Statutes, is amended to read:

2726 392.61 Community tuberculosis control programs.-

2727 ~~(4) The department shall develop, by rule, a methodology~~  
2728 ~~for distributing funds appropriated for tuberculosis control~~  
2729 ~~programs. Criteria to be considered in this methodology include,~~  
2730 ~~but are not limited to, the basic infrastructure available for~~  
2731 ~~tuberculosis control, caseload requirements, laboratory support~~  
2732 ~~services needed, and epidemiologic factors.~~

2733 Section 81. Effective January 1, 2013, section 392.62,  
2734 Florida Statutes, is amended to read:

2735 392.62 Hospitalization and placement programs.-

2736 (1) The department shall contract for operation of ~~operate~~  
2737 a program for the treatment hospitalization of persons who have  
2738 active tuberculosis in hospitals licensed under chapter 395 and  
2739 may provide for appropriate placement of persons who have active



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2740 tuberculosis in other health care facilities or residential  
2741 facilities. The department shall require the contractor to use  
2742 existing licensed community hospitals and other facilities for  
2743 the care and treatment to cure of persons who have active  
2744 tuberculosis or a history of noncompliance with prescribed drug  
2745 regimens and require inpatient or other residential services.

2746 ~~(2) The department may operate a licensed hospital for the~~  
2747 ~~care and treatment to cure of persons who have active~~  
2748 ~~tuberculosis. The hospital may have a forensic unit where, under~~  
2749 ~~medical protocol, a patient can be held in a secure or~~  
2750 ~~protective setting. The department shall also seek to maximize~~  
2751 ~~use of existing licensed community hospitals for the care and~~  
2752 ~~treatment to cure of persons who have active tuberculosis.~~

2753 (2)(3) The program for control of tuberculosis shall  
2754 provide funding for participating facilities and require any  
2755 such facilities to meet the following conditions ~~Any licensed~~  
2756 ~~hospital operated by the department, any licensed hospital under~~  
2757 ~~contract with the department, and any other health care facility~~  
2758 ~~or residential facility operated by or under contract with the~~  
2759 ~~department for the care and treatment of patients who have~~  
2760 ~~active tuberculosis shall:~~

2761 (a) Admit patients voluntarily and under court order as  
2762 appropriate for each particular facility;

2763 (b) Require that each patient pay the actual cost of care  
2764 provided whether the patient is admitted voluntarily or by court  
2765 order;

2766 (c) ~~Provide for a method of paying for the care of patients~~  
2767 in the program regardless of ability to pay ~~who cannot afford to~~  
2768 ~~do so;~~





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2769 (d) Require a primary clinical diagnosis of active  
2770 tuberculosis by a physician licensed under chapter 458 or  
2771 chapter 459 before admitting the patient; provided that there  
2772 may be more than one primary diagnosis;

2773 (e) Provide a method of notification to the county health  
2774 department and to the patient's family, if any, before  
2775 discharging the patient from the hospital or other facility;

2776 (f) Provide for the necessary exchange of medical  
2777 information to assure adequate community treatment to cure and  
2778 followup of discharged patients, as appropriate; and

2779 (g) Provide for a method of medical care and counseling and  
2780 for housing, social service, and employment referrals, if  
2781 appropriate, for ~~all~~ patients discharged from the hospital.

2782 (3)~~(4)~~ A hospital may, pursuant to court order, place a  
2783 patient in temporary isolation for a period of no more than 72  
2784 continuous hours. The department shall obtain a court order in  
2785 the same manner as prescribed in s. 392.57. Nothing in this  
2786 subsection precludes a hospital from isolating an infectious  
2787 patient for medical reasons.

2788 (4)~~(5)~~ Any person committed under s. 392.57 who leaves the  
2789 tuberculosis hospital or residential facility without having  
2790 been discharged by the designated medical authority, except as  
2791 provided in s. 392.63, shall be apprehended by the sheriff of  
2792 the county in which the person is found and immediately  
2793 delivered to the facility from which he or she left.

2794 Section 82. Subsection (1) of section 395.1027, Florida  
2795 Statutes, is amended to read:

2796 395.1027 Regional poison control centers.—

2797 (1) There shall be created three certified regional poison



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2798 control centers, one each in the north, central, and southern  
2799 regions of the state. Each regional poison control center shall  
2800 be affiliated with and physically located in a certified Level I  
2801 trauma center. Each regional poison control center shall be  
2802 affiliated with an accredited medical school or college of  
2803 pharmacy. The regional poison control centers shall be  
2804 coordinated under the aegis of the Division of Children's  
2805 Medical Services ~~Prevention and Intervention~~ in the department.

2806 Section 83. The Department of Health shall develop and  
2807 implement a transition plan for the closure of A.G. Holley State  
2808 Hospital. The plan shall include specific steps to end voluntary  
2809 admissions; transfer patients to alternate facilities;  
2810 communicate with families, providers, other affected parties,  
2811 and the general public; enter into any necessary contracts with  
2812 providers; and coordinate with the Department of Management  
2813 Services regarding the disposition of equipment and supplies and  
2814 the closure of the facility; and the Agency for Health Care  
2815 Administration is directed to modify its reimbursement plans and  
2816 seek federal approval, if necessary, to continue Medicaid  
2817 funding throughout the treatment period in community hospitals  
2818 and other facilities. The plan shall be submitted to the  
2819 Governor, the Speaker of the House of Representatives, and the  
2820 President of the Senate by May 31, 2012. The department shall  
2821 fully implement the plan by January 1, 2013.

2822 Section 84. Subsection (4) of section 401.243, Florida  
2823 Statutes, is amended to read:

2824 401.243 Injury prevention.—The department shall establish  
2825 an injury-prevention program with responsibility for the  
2826 statewide coordination and expansion of injury-prevention



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2827 activities. The duties of the department under the program may  
2828 include, but are not limited to, data collection, surveillance,  
2829 education, and the promotion of interventions. In addition, the  
2830 department may:

2831 ~~(4) Adopt rules governing the implementation of grant~~  
2832 ~~programs. The rules may include, but need not be limited to,~~  
2833 ~~criteria regarding the application process, the selection of~~  
2834 ~~grantees, the implementation of injury-prevention activities,~~  
2835 ~~data collection, surveillance, education, and the promotion of~~  
2836 ~~interventions.~~

2837 Section 85. Subsection (6) of section 401.245, Florida  
2838 Statutes, is renumbered as subsection (5), and present  
2839 subsection (5) of that section is amended to read:

2840 401.245 Emergency Medical Services Advisory Council.—

2841 ~~(5) The department shall adopt rules to implement this~~  
2842 ~~section, which rules shall serve as formal operating procedures~~  
2843 ~~for the Emergency Medical Services Advisory Council.~~

2844 Section 86. Section 401.271, Florida Statutes, is amended  
2845 to read:

2846 401.271 Certification of emergency medical technicians and  
2847 paramedics who are on active duty with the Armed Forces of the  
2848 United States; spouses of members of the Armed Forces.—

2849 ~~(1)~~ Any member of the Armed Forces of the United States on  
2850 active duty who, at the time he or she became a member, was in  
2851 good standing with the department and was entitled to practice  
2852 as an emergency medical technician or paramedic in the state  
2853 remains in good standing without registering, paying dues or  
2854 fees, or performing any other act, as long as he or she is a  
2855 member of the Armed Forces of the United States on active duty



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2856 and for a period of 6 months after his or her discharge from  
2857 active duty as a member of the Armed Forces of the United  
2858 States.

2859 ~~(2) The department may adopt rules exempting the spouse of~~  
2860 ~~a member of the Armed Forces of the United States on active duty~~  
2861 ~~from certification renewal provisions while the spouse is absent~~  
2862 ~~from the state because of the member's active duty with the~~  
2863 ~~Armed Forces.~~

2864 Section 87. Section 402.45, Florida Statutes is repealed.

2865 Section 88. Subsections (3) and (4) of section 403.863,  
2866 Florida Statutes, are amended to read:

2867 403.863 State public water supply laboratory certification  
2868 program.—

2869 (3) The Department of Health shall have the responsibility  
2870 for the operation and implementation of the state laboratory  
2871 certification program. The Department of Health shall contract  
2872 for the evaluation and review of laboratory certification  
2873 applications, and laboratory inspections. ~~—except that,~~ Upon  
2874 completion of the evaluation and review of the laboratory  
2875 certification application, the evaluation shall be forwarded,  
2876 along with recommendations, to the department for review and  
2877 comment, prior to final approval or disapproval by the  
2878 Department of Health.

2879 (4) The following acts constitute grounds for which the  
2880 disciplinary actions specified in subsection (5) may be taken:

2881 (a) Making false statements on an application or on any  
2882 document associated with certification.

2883 (b) Making consistent errors in analyses or erroneous  
2884 reporting.



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2885 (c) Permitting personnel who are not qualified, as required  
2886 by rules of the Department of Health, to perform analyses.

2887 (d) Falsifying the results of analyses.

2888 (e) Failing to employ approved laboratory methods in  
2889 performing analyses as outlined in rules of the Department of  
2890 Health.

2891 (f) Failing to properly maintain facilities and equipment  
2892 according to the laboratory's quality assurance plan.

2893 (g) Failing to report analytical test results or maintain  
2894 required records of test results as outlined in rules of the  
2895 Department of Health.

2896 (h) Failing to participate successfully in a performance  
2897 evaluation program approved by the Department of Health.

2898 (i) Violating any provision of this section or of the rules  
2899 adopted under this section.

2900 (j) Falsely advertising services or credentials.

2901 (k) Failing to pay fees for initial certification or  
2902 renewal certification or to pay inspection expenses incurred ~~by~~  
2903 ~~the Department of Health.~~

2904 (l) Failing to report any change of an item included in the  
2905 initial or renewal certification application.

2906 (m) Refusing to allow representatives of the department or  
2907 the Department of Health to inspect a laboratory and its records  
2908 during normal business hours.

2909 Section 89. Subsection (1) of section 400.914, Florida  
2910 Statutes, is amended to read:

2911 400.914 Rules establishing standards.—

2912 (1) Pursuant to the intention of the Legislature to provide  
2913 safe and sanitary facilities and healthful programs, the agency



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2914 in conjunction with the Division of Children's Medical Services  
2915 ~~Prevention and Intervention~~ of the Department of Health shall  
2916 adopt and publish rules to implement the provisions of this part  
2917 and part II of chapter 408, which shall include reasonable and  
2918 fair standards. Any conflict between these standards and those  
2919 that may be set forth in local, county, or city ordinances shall  
2920 be resolved in favor of those having statewide effect. Such  
2921 standards shall relate to:

2922 (a) The assurance that PPEC services are family centered  
2923 and provide individualized medical, developmental, and family  
2924 training services.

2925 (b) The maintenance of PPEC centers, not in conflict with  
2926 the provisions of chapter 553 and based upon the size of the  
2927 structure and number of children, relating to plumbing, heating,  
2928 lighting, ventilation, and other building conditions, including  
2929 adequate space, which will ensure the health, safety, comfort,  
2930 and protection from fire of the children served.

2931 (c) The appropriate provisions of the most recent edition  
2932 of the "Life Safety Code" (NFPA-101) shall be applied.

2933 (d) The number and qualifications of all personnel who have  
2934 responsibility for the care of the children served.

2935 (e) All sanitary conditions within the PPEC center and its  
2936 surroundings, including water supply, sewage disposal, food  
2937 handling, and general hygiene, and maintenance thereof, which  
2938 will ensure the health and comfort of children served.

2939 (f) Programs and basic services promoting and maintaining  
2940 the health and development of the children served and meeting  
2941 the training needs of the children's legal guardians.

2942 (g) Supportive, contracted, other operational, and



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2943 transportation services.

2944 (h) Maintenance of appropriate medical records, data, and  
2945 information relative to the children and programs. Such records  
2946 shall be maintained in the facility for inspection by the  
2947 agency.

2948 Section 90. Paragraph (f) of subsection (8) of section  
2949 411.203, Florida Statutes, is amended to read:

2950 411.203 Continuum of comprehensive services.—The Department  
2951 of Education and the Department of Health ~~and Rehabilitative~~  
2952 ~~Services~~ shall utilize the continuum of prevention and early  
2953 assistance services for high-risk pregnant women and for high-  
2954 risk and handicapped children and their families, as outlined in  
2955 this section, as a basis for the intraagency and interagency  
2956 program coordination, monitoring, and analysis required in this  
2957 chapter. The continuum shall be the guide for the comprehensive  
2958 statewide approach for services for high-risk pregnant women and  
2959 for high-risk and handicapped children and their families, and  
2960 may be expanded or reduced as necessary for the enhancement of  
2961 those services. Expansion or reduction of the continuum shall be  
2962 determined by intraagency or interagency findings and agreement,  
2963 whichever is applicable. Implementation of the continuum shall  
2964 be based upon applicable eligibility criteria, availability of  
2965 resources, and interagency prioritization when programs impact  
2966 both agencies, or upon single agency prioritization when  
2967 programs impact only one agency. The continuum shall include,  
2968 but not be limited to:

2969 (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND PARENTS  
2970 OF HIGH-RISK CHILDREN.—

2971 (f) Parent support groups, such as ~~the community resource~~



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2972 ~~mother or father program as established in s. 402.45, or parents~~  
2973 as first teachers, to strengthen families and to enable families  
2974 of high-risk children to better meet their needs.

2975 Section 91. Paragraph (d) of subsection (11) of section  
2976 409.256, Florida Statutes, is amended to read:

2977 409.256 Administrative proceeding to establish paternity or  
2978 paternity and child support; order to appear for genetic  
2979 testing.—

2980 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND  
2981 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL  
2982 STATISTICS.—

2983 (d) Upon rendering a final order of paternity or a final  
2984 order of paternity and child support, the department shall  
2985 notify the Office ~~Division~~ of Vital Statistics of the Department  
2986 of Health that the paternity of the child has been established.

2987 Section 92. Section 458.346, Florida Statutes, is repealed.

2988 Section 93. Subsection (3) of section 462.19, Florida  
2989 Statutes, is renumbered as subsection (2), and present  
2990 subsection (2) of that section is amended to read:

2991 462.19 Renewal of license; inactive status.—

2992 ~~(2) The department shall adopt rules establishing a~~  
2993 ~~procedure for the biennial renewal of licenses.~~

2994 Section 94. Subsection (6) of section 464.019, Florida  
2995 Statutes, is amended to read:

2996 464.019 Approval of nursing education programs.—

2997 (6) ACCOUNTABILITY.—

2998 (a)1. An approved program must achieve a graduate passage  
2999 rate that is not lower than 10 percentage points less than the  
3000 average passage rate for graduates of comparable degree programs





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3001 who are United States educated first-time test takers on the  
3002 National Council of State Boards of Nursing Licensing  
3003 Examination during a calendar year, as calculated by the  
3004 contract testing service of the National Council of State Boards  
3005 of Nursing. For purposes of this subparagraph, an approved  
3006 program is comparable to all degree programs of the same program  
3007 type from among the following program types:

3008       a. Professional nursing education programs that terminate  
3009 in a bachelor's degree.

3010       b. Professional nursing education programs that terminate  
3011 in an associate degree.

3012       c. Professional nursing education programs that terminate  
3013 in a diploma.

3014       d. Practical nursing education programs.

3015       2. Beginning with graduate passage rates for calendar year  
3016 2010, if an approved program's graduate passage rates do not  
3017 equal or exceed the required passage rates for 2 consecutive  
3018 calendar years, the board shall place the program on  
3019 probationary status pursuant to chapter 120 and the program  
3020 director must appear before the board to present a plan for  
3021 remediation. The program shall remain on probationary status  
3022 until it achieves a graduate passage rate that equals or exceeds  
3023 the required passage rate for any 1 calendar year. The board  
3024 shall deny a program application for a new prelicensure nursing  
3025 education program submitted by an educational institution if the  
3026 institution has an existing program that is already on  
3027 probationary status.

3028       3. Upon the program's achievement of a graduate passage  
3029 rate that equals or exceeds the required passage rate, the



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3030 board, at its next regularly scheduled meeting following release  
3031 of the program's graduate passage rate by the National Council  
3032 of State Boards of Nursing, shall remove the program's  
3033 probationary status. However, if the program, during the 2  
3034 calendar years following its placement on probationary status,  
3035 does not achieve the required passage rate for any 1 calendar  
3036 year, the board shall terminate the program pursuant to chapter  
3037 120.

3038 (b) If an approved program fails to submit the annual  
3039 report required in subsection (4), the board shall notify the  
3040 program director and president or chief executive officer of the  
3041 educational institution in writing within 15 days after the due  
3042 date of the annual report. The program director must appear  
3043 before the board at the board's next regularly scheduled meeting  
3044 to explain the reason for the delay. The board shall terminate  
3045 the program pursuant to chapter 120 if it does not submit the  
3046 annual report within 6 months after the due date.

3047 (c) An approved program on probationary status shall  
3048 disclose its probationary status in writing to the program's  
3049 students and applicants.

3050 Section 95. Section 464.0197, Florida Statutes, is  
3051 repealed.

3052 Section 96. Subsection (1) of section 464.203, Florida  
3053 Statutes, is amended to read:

3054 464.203 Certified nursing assistants; certification  
3055 requirement.—

3056 (1) The board shall issue a certificate to practice as a  
3057 certified nursing assistant to any person who demonstrates a  
3058 minimum competency to read and write and successfully passes the



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3059 required background screening pursuant to s. 400.215 and meets  
3060 one of the following requirements:

3061 (a) Has successfully completed an approved training program  
3062 and achieved a minimum score, established by rule of the board,  
3063 on the nursing assistant competency examination, which consists  
3064 of a written portion and skills-demonstration portion approved  
3065 by the board and administered at a site and by personnel  
3066 approved by the department.

3067 (b) Has achieved a minimum score, established by rule of  
3068 the board, on the nursing assistant competency examination,  
3069 which consists of a written portion and skills-demonstration  
3070 portion, approved by the board and administered at a site and by  
3071 personnel approved by the department and:

- 3072 1. Has a high school diploma, or its equivalent; or  
3073 2. Is at least 18 years of age.

3074 (c) Is currently certified in another state; is listed on  
3075 that state's certified nursing assistant registry; and has not  
3076 been found to have committed abuse, neglect, or exploitation in  
3077 that state.

3078 (d) Has completed the curriculum developed under the  
3079 Enterprise Florida Jobs and Education Partnership Grant ~~by the~~  
3080 ~~Department of Education~~ and achieved a minimum score,  
3081 established by rule of the board, on the nursing assistant  
3082 competency examination, which consists of a written portion and  
3083 skills-demonstration portion, approved by the board and  
3084 administered at a site and by personnel approved by the  
3085 department.

3086 Section 97. Subsection (4) of section 464.208, Florida  
3087 Statutes, is amended to read:



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3088 464.208 Background screening information; rulemaking  
3089 authority.-

3090 ~~(4) The board shall adopt rules to administer this part.~~

3091 Section 98. Section 466.00775, Florida Statutes, is  
3092 repealed.

3093 Section 99. Subsection (4) of section 514.011, Florida  
3094 Statutes, is amended to read:

3095 514.011 Definitions.—As used in this chapter:

3096 (4) "Public bathing place" means a body of water, natural  
3097 or modified by humans, for swimming, diving, and recreational  
3098 bathing, ~~together with adjacent shoreline or land area,~~  
3099 ~~buildings, equipment, and appurtenances pertaining thereto,~~ used  
3100 by consent of the owner or owners and held out to the public by  
3101 any person or public body, irrespective of whether a fee is  
3102 charged for the use thereof. The bathing water areas of public  
3103 bathing places include, but are not limited to, lakes, ponds,  
3104 rivers, streams, artificial impoundments, and waters along the  
3105 coastal and intracoastal beaches and shores of the state.

3106 Section 100. Section 514.021, Florida Statutes, is amended  
3107 to read:

3108 514.021 Department authorization.—

3109 (1) The department may adopt and enforce rules, ~~which may~~  
3110 ~~include definitions of terms,~~ to protect the health, safety, or  
3111 welfare of persons by setting sanitation and safety standards  
3112 for using public swimming pools and public bathing places. The  
3113 department shall review and revise such rules as necessary, but  
3114 not less than biennially. Sanitation and safety standards shall  
3115 ~~include, but not be limited to,~~ matters relating to ~~structure;~~  
3116 ~~appurtenances; operation;~~ source of water supply;



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3117 microbiological ~~bacteriological~~, chemical, and physical quality  
3118 of water in the pool or bathing area; method of water  
3119 purification, treatment, and disinfection; lifesaving apparatus;  
3120 and measures to ensure safety of bathers; ~~and measures to ensure~~  
3121 ~~the personal cleanliness of bathers.~~

3122 (2) The department may not establish by rule any regulation  
3123 governing the design, alteration, modification, or repair of  
3124 public swimming pools and bathing places which has no impact on  
3125 sanitation and safety ~~the health, safety, and welfare~~ of persons  
3126 using public swimming pools and bathing places. Further, the  
3127 department may not adopt by rule any regulation governing the  
3128 construction, erection, or demolition of public swimming pools  
3129 and bathing places. It is the intent of the Legislature to  
3130 preempt those functions to the Florida Building Commission  
3131 through adoption and maintenance of the Florida Building Code.  
3132 The department shall provide technical assistance to the  
3133 commission in updating the construction standards of the Florida  
3134 Building Code which govern public swimming pools ~~and bathing~~  
3135 ~~places. Further, the department is authorized to conduct plan~~  
3136 ~~reviews, to issue approvals, and to enforce the special-~~  
3137 ~~occupancy provisions of the Florida Building Code which apply to~~  
3138 ~~public swimming pools and bathing places in conducting any~~  
3139 ~~inspections authorized by this chapter.~~ This subsection does not  
3140 abrogate the authority of the department to adopt and enforce  
3141 appropriate sanitary regulations and requirements as authorized  
3142 in subsection (1).

3143 Section 101. Section 514.023, Florida Statutes, is amended  
3144 to read:

3145 514.023 Sampling of beach waters and public bathing places;



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3146 health advisories.-

3147 (1) As used in this section, the term "beach waters" means  
3148 the waters along the coastal and intracoastal beaches and shores  
3149 of the state, and includes salt water and brackish water.

3150 (2) The department may adopt and enforce rules to protect  
3151 the health, safety, and welfare of persons using the beach  
3152 waters and public bathing places of the state. The rules must  
3153 establish health standards and prescribe procedures and  
3154 timeframes for bacteriological sampling of beach waters and  
3155 public bathing places.

3156 (3) The department may issue health advisories if the  
3157 quality of beach waters or a public bathing place fails to meet  
3158 standards established by the department. The issuance of health  
3159 advisories related to the results of bacteriological sampling of  
3160 beach waters is preempted to the state.

3161 (4) When the department issues a health advisory against  
3162 swimming in beach waters or a public bathing place on the basis  
3163 of finding elevated levels of fecal coliform, Escherichia coli,  
3164 or enterococci bacteria in a water sample, the department shall  
3165 concurrently notify the municipality or county in which the  
3166 affected beach waters are located, whichever has jurisdiction,  
3167 and the local office of the Department of Environmental  
3168 Protection, of the advisory. The local office of the Department  
3169 of Environmental Protection shall promptly investigate  
3170 wastewater treatment facilities within 1 mile of the affected  
3171 beach waters or public bathing place to determine if a facility  
3172 experienced an incident that may have contributed to the  
3173 contamination and provide the results of the investigation in  
3174 writing or by electronic means to the municipality or county, as



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3175 applicable.

3176 ~~(5) Contingent upon legislative appropriation to the~~  
3177 ~~department in the amount of \$600,000 nonrecurring, the~~  
3178 ~~department will perform a 3-year study to determine the water~~  
3179 ~~quality at beaches throughout the state. The study will be~~  
3180 ~~performed in all counties that have public-access saltwater and~~  
3181 ~~brackish water beaches.~~

3182 Section 102. Section 514.025, Florida Statutes, is amended  
3183 to read:

3184 514.025 Assignment of authority to county health  
3185 departments.-

3186 (1) The department shall assign to county health  
3187 departments that are staffed with qualified engineering  
3188 personnel the functions of reviewing applications and plans for  
3189 the construction, development, or modification of public  
3190 swimming pools or bathing places; of conducting inspections ~~for~~  
3191 ~~and issuance of initial operating permits;~~ and of issuing all  
3192 permits. If the county health department determines that  
3193 qualified staff are not available ~~is not assigned the functions~~  
3194 ~~of application and plan review and the issuance of initial~~  
3195 ~~operating permits,~~ the department shall be responsible for such  
3196 functions. ~~The department shall make the determination~~  
3197 ~~concerning the qualifications of county health department~~  
3198 ~~personnel to perform these functions and may make and enforce~~  
3199 ~~such rules pertaining thereto as it shall deem proper.~~

3200 (2) ~~After the initial operating permit is issued, the~~  
3201 County health departments are responsible ~~shall assume full~~  
3202 ~~responsibility~~ for routine surveillance of water quality in all  
3203 public swimming pools and bathing places, including



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3204 ~~responsibility for a minimum of two~~ routine inspections  
3205 ~~annually,~~ complaint investigations, enforcement procedures, and  
3206 ~~reissuance of operating permits, and renewal of operating~~  
3207 permits.

3208 (3) The department may assign the responsibilities and  
3209 functions specified in this section to any multicounty  
3210 independent special district created by the Legislature to  
3211 perform multiple functions, to include municipal services and  
3212 improvements, to the same extent and under the same conditions  
3213 as provided in subsections (1) and (2), upon request of the  
3214 special district.

3215 Section 103. Section 514.03, Florida Statutes, is amended  
3216 to read:

3217 514.03 ~~Construction plans~~ Approval necessary to construct,  
3218 develop, or modify public swimming pools or public bathing  
3219 places. ~~It is unlawful for any person or public body to~~  
3220 ~~construct, develop, or modify any public swimming pool or~~  
3221 ~~bathing place, other than coastal or intracoastal beaches,~~  
3222 ~~without a valid construction plans approval from the department.~~  
3223 ~~This section does not preempt the authority of Local governments~~  
3224 or local enforcement districts may determine to conduct plan  
3225 ~~reviews and inspections of public swimming pools and bathing~~  
3226 ~~places for~~ compliance with the general construction standards of  
3227 the Florida Building Code, pursuant to s. 553.80. Local  
3228 governments or local enforcement districts may conduct plan  
3229 reviews and inspections of public swimming pools and public  
3230 bathing places for this purpose.

3231 ~~(1) Any person or public body desiring to construct,~~  
3232 ~~develop, or modify any public swimming pool or bathing place~~





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3233 ~~shall file an application for a construction plans approval with~~  
3234 ~~the department on application forms provided by the department~~  
3235 ~~and shall accompany such application with:~~

3236 ~~(a) Engineering drawings, specifications, descriptions, and~~  
3237 ~~detailed maps of the structure, its appurtenances, and its~~  
3238 ~~intended operation.~~

3239 ~~(b) A description of the source or sources of water supply~~  
3240 ~~and amount and quality of water available and intended to be~~  
3241 ~~used.~~

3242 ~~(c) A description of the method and manner of water~~  
3243 ~~purification, treatment, disinfection, and heating.~~

3244 ~~(d) Other applicable information deemed necessary by the~~  
3245 ~~department to fulfill the requirements of this chapter.~~

3246 ~~(2) If the proposed construction of, development of, or~~  
3247 ~~modification of a public swimming pool or bathing place meets~~  
3248 ~~standards of public health and safety as defined in this chapter~~  
3249 ~~and rules adopted hereunder, the department shall grant the~~  
3250 ~~application for the construction plans approval within 30 days~~  
3251 ~~after receipt of a complete submittal. If engineering plans~~  
3252 ~~submitted are in substantial compliance with the standards~~  
3253 ~~mentioned, the department may approve the plans with~~  
3254 ~~provisions for corrective action to be completed prior to~~  
3255 ~~issuance of the operating permit.~~

3256 ~~(3) If the proposed construction, development, or~~  
3257 ~~modification of a public swimming pool or bathing place fails to~~  
3258 ~~meet standards of public health and safety as defined in this~~  
3259 ~~chapter and rules adopted hereunder, the department shall deny~~  
3260 ~~the application for construction plans approval pursuant to the~~  
3261 ~~provisions of chapter 120. Such denial shall be issued in~~



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3262 ~~writing within 30 days and shall list the circumstances for~~  
3263 ~~denial. Upon correction of such circumstances, an applicant~~  
3264 ~~previously denied permission to construct, develop, or modify a~~  
3265 ~~public swimming pool or bathing place may reapply for~~  
3266 ~~construction plans approval.~~

3267 ~~(4) An approval of construction plans issued by the~~  
3268 ~~department under this section becomes void 1 year after the date~~  
3269 ~~the approval was issued if the construction is not commenced~~  
3270 ~~within 1 year after the date of issuance.~~

3271 Section 104. Section 514.031, Florida Statutes, is amended  
3272 to read:

3273 514.031 Permit necessary to operate public swimming pool ~~or~~  
3274 ~~bathing place.~~

3275 (1) It is unlawful for any person or public body to operate  
3276 or continue to operate any public swimming pool ~~or bathing place~~  
3277 without a valid permit from the department, such permit to be  
3278 obtained in the following manner:

3279 (a) Any person or public body desiring to operate any  
3280 public swimming pool ~~or bathing place~~ shall file an application  
3281 for a permit with the department, on application forms provided  
3282 by the department, and shall accompany such application with:

3283 ~~1. Descriptions of the structure, its appurtenances, and~~  
3284 ~~its operation.~~

3285 ~~1.2.~~ Description of the source or sources of water supply,  
3286 and the amount and quality of water available and intended to be  
3287 used.

3288 ~~2.3.~~ Method and manner of water purification, treatment,  
3289 disinfection, and heating.

3290 ~~3.4.~~ Safety equipment and standards to be used.



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3291 ~~5. Measures to ensure personal cleanliness of bathers.~~

3292 ~~4.6.~~ Any other pertinent information deemed necessary by  
3293 the department ~~to fulfill the requirements of this chapter.~~

3294 (b) If the department determines that the public swimming  
3295 pool ~~or bathing place~~ is or may reasonably be expected to be  
3296 operated in compliance with this chapter and the rules adopted  
3297 hereunder, the department shall grant the application for  
3298 permit.

3299 (c) If the department determines that the public swimming  
3300 pool ~~or bathing place~~ does not meet the provisions outlined in  
3301 this chapter or the rules adopted hereunder, the department  
3302 shall deny the application for a permit pursuant to the  
3303 provisions of chapter 120. Such denial shall be in writing and  
3304 shall list the circumstances for the denial. Upon correction of  
3305 such circumstances, an applicant previously denied permission to  
3306 operate a public swimming pool or bathing place may reapply for  
3307 a permit.

3308 (2) Operating permits shall not be required for coastal or  
3309 intracoastal beaches.

3310 (3) Operating permits may be transferred ~~shall not be~~  
3311 ~~transferable~~ from one name or owner to another. When the  
3312 ownership or name of an existing public swimming pool ~~or bathing~~  
3313 ~~place~~ is changed and such establishment is operating at the time  
3314 of the change with a valid permit from the department, the new  
3315 owner of the establishment shall apply to the department, upon  
3316 forms provided by the department, within 30 days after such a  
3317 change, ~~for a reissuance of the existing permit.~~

3318 (4) Each such operating permit shall be renewed annually  
3319 and the permit must be posted in a conspicuous place.



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3320 (5) An owner or operator of a public swimming pool,  
3321 including, but not limited to, a spa, wading, or special purpose  
3322 pool, to which admittance is obtained by membership for a fee  
3323 shall post in a prominent location within the facility the most  
3324 recent pool inspection report issued by the department  
3325 pertaining to the health and safety conditions of such facility.  
3326 The report shall be legible and readily accessible to members or  
3327 potential members. The department shall adopt rules to enforce  
3328 this subsection. A portable pool may not be used as a public  
3329 pool.

3330 Section 105. Section 514.033, Florida Statutes, is amended  
3331 to read:

3332 514.033 Creation of fee schedules authorized.—

3333 (1) The department is authorized to establish a schedule of  
3334 fees to be charged by the department or by any authorized county  
3335 health department as detailed in s. 514.025 ~~for the review of~~  
3336 ~~applications and plans to construct, develop, or modify a public~~  
3337 ~~swimming pool or bathing place, for the issuance of permits to~~  
3338 ~~operate such establishments, and for the review of variance~~  
3339 ~~applications for public swimming pools and bathing places.~~ Fees  
3340 assessed under this chapter shall be in an amount sufficient to  
3341 meet the cost of carrying out the provisions of this chapter.

3342 (2) The fee schedule shall be: for original construction or  
3343 development plan approval, not less than \$275 and not more than  
3344 \$500; for modification of original construction, not less than  
3345 \$100 and not more than \$150; for an initial operating permit,  
3346 not less than \$125 and not more than \$250; and for review of  
3347 variance applications, not less than \$240 and not more than  
3348 \$400. The department shall assess the minimum fees provided in



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3349 this subsection until a fee schedule is promulgated by rule of  
3350 the department.

3351 (3) Fees shall be ~~Any person or public body operating a~~  
3352 ~~public swimming pool or bathing place shall pay to the~~  
3353 ~~department an annual operating permit fee based on pool or~~  
3354 ~~bathing place~~ aggregate gallonage, which shall be: up to and  
3355 including 25,000 gallons, not less than \$75 and not more than  
3356 \$125; and in excess of 25,000 gallons, not less than \$160 and  
3357 not more than \$265, except for a pool inspected pursuant to s.  
3358 514.0115(2) (b) for which the annual fee shall be \$50.

3359 (4) Fees collected by the department in accordance with  
3360 this chapter shall be deposited into the Grants and Donations  
3361 Trust Fund or ~~Public Swimming Pool and Bathing Place Trust Fund~~  
3362 ~~for the payment of costs incurred in the administration of this~~  
3363 ~~chapter. Fees collected by county health departments performing~~  
3364 ~~functions pursuant to s. 514.025 shall be deposited into the~~  
3365 County Health Department Trust Fund. Any fee collected under  
3366 this chapter is nonrefundable.

3367 (5) The department may not charge any fees for services  
3368 provided under this chapter other than those fees authorized in  
3369 this section. However, the department shall prorate the initial  
3370 annual fee for an operating permit on a half-year basis.

3371 Section 106. Subsections (4) and (5) of section 514.05,  
3372 Florida Statutes, are amended to read:

3373 514.05 Denial, suspension, or revocation of permit;  
3374 administrative fines.—

3375 (4) All amounts collected pursuant to this section shall be  
3376 deposited into the Grants and Donations Trust Fund ~~Public~~  
3377 ~~Swimming Pool and Bathing Place Trust Fund~~ or into the County



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3378 Health Department Trust Fund, whichever is applicable.

3379 (5) Under conditions specified by rule, the department may  
3380 close a public pool that is not in compliance with this chapter  
3381 or the rules adopted under this chapter.

3382 Section 107. Section 514.06, Florida Statutes, is amended  
3383 to read:

3384 514.06 Injunction to restrain violations.—Any public  
3385 swimming pool or public bathing place presenting a significant  
3386 risk to public health by failing to meet sanitation and safety  
3387 standards established pursuant to ~~constructed, developed,~~  
3388 ~~operated, or maintained contrary to the provisions of this~~  
3389 chapter is declared to be a public nuisance, dangerous to health  
3390 or safety. Such nuisances may be abated or enjoined in an action  
3391 brought by the county health department or the department.

3392 Section 108. Subsections (1) and (2) of section 633.115,  
3393 Florida Statutes, are amended to read:

3394 633.115 Fire and Emergency Incident Information Reporting  
3395 Program; duties; fire reports.—

3396 (1) (a) The Fire and Emergency Incident Information  
3397 Reporting Program is created within the Division of State Fire  
3398 Marshal. The program shall:

3399 1. Establish and maintain an electronic communication  
3400 system capable of transmitting fire and emergency incident  
3401 information to and between fire protection agencies.

3402 2. Initiate a Fire and Emergency Incident Information  
3403 Reporting System that shall be responsible for:

3404 a. Receiving fire and emergency incident information from  
3405 fire protection agencies.

3406 b. Preparing and disseminating annual reports to the



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3407 Governor, the President of the Senate, the Speaker of the House  
3408 of Representatives, fire protection agencies, and, upon request,  
3409 the public. Each report shall include, but not be limited to,  
3410 the information listed in the National Fire Incident Reporting  
3411 System.

3412 c. Upon request, providing other states and federal  
3413 agencies with fire and emergency incident data of this state.

3414 3. Adopt rules to effectively and efficiently implement,  
3415 administer, manage, maintain, and use the Fire and Emergency  
3416 Incident Information Reporting Program. The rules shall be  
3417 considered minimum requirements and shall not preclude a fire  
3418 protection agency from implementing its own requirements which  
3419 shall not conflict with the rules of the Division of State Fire  
3420 Marshal.

3421 4. By rule, establish procedures and a format for each fire  
3422 protection agency to voluntarily monitor its records and submit  
3423 reports to the program.

3424 5. Establish an electronic information database which is  
3425 accessible and searchable by fire protection agencies.

3426 (b) The Division of State Fire Marshal shall consult with  
3427 the Division of Forestry of the Department of Agriculture and  
3428 Consumer Services and the State Surgeon General ~~Bureau of~~  
3429 ~~Emergency Medical Services~~ of the Department of Health to  
3430 coordinate data, ensure accuracy of the data, and limit  
3431 duplication of efforts in data collection, analysis, and  
3432 reporting.

3433 (2) The Fire and Emergency Incident Information System  
3434 Technical Advisory Panel is created within the Division of State  
3435 Fire Marshal. The panel shall advise, review, and recommend to



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3436 the State Fire Marshal with respect to the requirements of this  
3437 section. The membership of the panel shall consist of the  
3438 following 15 members:

3439 (a) The current 13 members of the Firefighters Employment,  
3440 Standards, and Training Council as established in s. 633.31.

3441 (b) One member from the Division of Forestry of the  
3442 Department of Agriculture and Consumer Services, appointed by  
3443 the division director.

3444 (c) One member from ~~the Bureau of Emergency Medical~~  
3445 ~~Services~~ of the Department of Health, appointed by the State  
3446 Surgeon General ~~bureau chief~~.

3447 Section 109. Subsections (4), (5), (6), (8), (9), (10),  
3448 (11), and (12) of section 1009.66, Florida Statutes, are amended  
3449 to read:

3450 1009.66 Nursing Student Loan Forgiveness Program.—

3451 (4) From the funds available, the Department of Education  
3452 ~~Health~~ may make loan principal repayments of up to \$4,000 a year  
3453 for up to 4 years on behalf of selected graduates of an  
3454 accredited or approved nursing program. All repayments shall be  
3455 contingent upon continued proof of employment in the designated  
3456 facilities in this state and shall be made directly to the  
3457 holder of the loan. The state shall bear no responsibility for  
3458 the collection of any interest charges or other remaining  
3459 balance. In the event that the designated facilities are  
3460 changed, a nurse shall continue to be eligible for loan  
3461 forgiveness as long as he or she continues to work in the  
3462 facility for which the original loan repayment was made and  
3463 otherwise meets all conditions of eligibility.

3464 (5) There is created the Nursing Student Loan Forgiveness





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3465 Trust Fund to be administered by the Department of Education  
3466 ~~Health~~ pursuant to this section and s. 1009.67 and department  
3467 rules. The Chief Financial Officer shall authorize expenditures  
3468 from the trust fund upon receipt of vouchers approved by the  
3469 Department of Education ~~Health~~. All moneys collected from the  
3470 private health care industry and other private sources for the  
3471 purposes of this section shall be deposited into the Nursing  
3472 Student Loan Forgiveness Trust Fund. Any balance in the trust  
3473 fund at the end of any fiscal year shall remain therein and  
3474 shall be available for carrying out the purposes of this section  
3475 and s. 1009.67.

3476 (6) In addition to licensing fees imposed under part I of  
3477 chapter 464, there is hereby levied and imposed an additional  
3478 fee of \$5, which fee shall be paid upon licensure or renewal of  
3479 nursing licensure. Revenues collected from the fee imposed in  
3480 this subsection shall be deposited in the Nursing Student Loan  
3481 Forgiveness Trust Fund of the Department of Education ~~Health~~ and  
3482 will be used solely for the purpose of carrying out the  
3483 provisions of this section and s. 1009.67. Up to 50 percent of  
3484 the revenues appropriated to implement this subsection may be  
3485 used for the nursing scholarship program established pursuant to  
3486 s. 1009.67.

3487 ~~(8) The Department of Health may solicit technical~~  
3488 ~~assistance relating to the conduct of this program from the~~  
3489 ~~Department of Education.~~

3490 (8) ~~(9)~~ The Department of Education ~~Health~~ is authorized to  
3491 recover from the Nursing Student Loan Forgiveness Trust Fund its  
3492 costs for administering the Nursing Student Loan Forgiveness  
3493 Program.



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3494            ~~(10)~~ (9) The Department of Education ~~Health~~ may adopt rules  
3495 necessary to administer this program.

3496            ~~(11)~~ (10) This section shall be implemented only as  
3497 specifically funded.

3498            ~~(12)~~ (11) Students receiving a nursing scholarship pursuant  
3499 to s. 1009.67 are not eligible to participate in the Nursing  
3500 Student Loan Forgiveness Program.

3501            Section 110. Section 1009.67, Florida Statutes, is amended  
3502 to read:

3503            1009.67 Nursing scholarship program.—

3504            (1) There is established within the Department of Education  
3505 ~~Health~~ a scholarship program for the purpose of attracting  
3506 capable and promising students to the nursing profession.

3507            (2) A scholarship applicant shall be enrolled in an  
3508 approved nursing program leading to the award of an associate  
3509 degree, a baccalaureate degree, or a graduate degree in nursing.

3510            (3) A scholarship may be awarded for no more than 2 years,  
3511 in an amount not to exceed \$8,000 per year. However, registered  
3512 nurses pursuing a graduate degree for a faculty position or to  
3513 practice as an advanced registered nurse practitioner may  
3514 receive up to \$12,000 per year. These amounts shall be adjusted  
3515 by the amount of increase or decrease in the consumer price  
3516 index for urban consumers published by the United States  
3517 Department of Commerce.

3518            (4) Credit for repayment of a scholarship shall be as  
3519 follows:

3520            (a) For each full year of scholarship assistance, the  
3521 recipient agrees to work for 12 months in a faculty position in  
3522 a college of nursing or Florida College System institution



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3523 nursing program in this state or at a health care facility in a  
3524 medically underserved area as designated ~~approved~~ by the  
3525 Department of Health. Scholarship recipients who attend school  
3526 on a part-time basis shall have their employment service  
3527 obligation prorated in proportion to the amount of scholarship  
3528 payments received.

3529 (b) Eligible health care facilities include nursing homes  
3530 and hospitals in this state, state-operated medical or health  
3531 care facilities, public schools, county health departments,  
3532 federally sponsored community health centers, colleges of  
3533 nursing in universities in this state, and Florida College  
3534 System institution nursing programs in this state, family  
3535 practice teaching hospitals as defined in s. 395.805, or  
3536 specialty children's hospitals as described in s. 409.9119. The  
3537 recipient shall be encouraged to complete the service obligation  
3538 at a single employment site. If continuous employment at the  
3539 same site is not feasible, the recipient may apply to the  
3540 department for a transfer to another approved health care  
3541 facility.

3542 (c) Any recipient who does not complete an appropriate  
3543 program of studies, who does not become licensed, who does not  
3544 accept employment as a nurse at an approved health care  
3545 facility, or who does not complete 12 months of approved  
3546 employment for each year of scholarship assistance received  
3547 shall repay to the Department of Education ~~Health~~, on a schedule  
3548 to be determined by the department, the entire amount of the  
3549 scholarship plus 18 percent interest accruing from the date of  
3550 the scholarship payment. Moneys repaid shall be deposited into  
3551 the Nursing Student Loan Forgiveness Trust Fund established in



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3552 s. 1009.66. However, the department may provide additional time  
3553 for repayment if the department finds that circumstances beyond  
3554 the control of the recipient caused or contributed to the  
3555 default.

3556 (5) Scholarship payments shall be transmitted to the  
3557 recipient upon receipt of documentation that the recipient is  
3558 enrolled in an approved nursing program. The Department of  
3559 Education ~~Health~~ shall develop a formula to prorate payments to  
3560 scholarship recipients so as not to exceed the maximum amount  
3561 per academic year.

3562 (6) The Department of Education ~~Health~~ shall adopt rules,  
3563 including rules to address extraordinary circumstances that may  
3564 cause a recipient to default on either the school enrollment or  
3565 employment contractual agreement, to implement this section.

3566 (7) The Department of Education ~~Health~~ may recover from the  
3567 Nursing Student Loan Forgiveness Trust Fund its costs for  
3568 administering the nursing scholarship program.

3569 Section 111. Department of Health; type two transfer.-

3570 (1) All powers, duties, functions, records, offices,  
3571 personnel, associated administrative support positions,  
3572 property, pending issues, existing contracts, administrative  
3573 authority, administrative rules, and unexpended balances of  
3574 appropriations, allocations, and other funds relating to the  
3575 Nursing Student Loan Forgiveness Program and the nursing  
3576 scholarship program in the Department of Health are transferred  
3577 by a type two transfer, as defined in s. 20.06(2), Florida  
3578 Statutes, to the Department of Education.

3579 (2) The Nursing Student Loan Forgiveness Trust Fund is  
3580 transferred from the Department of Health to the Department of



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3581 Education.

3582 (3) Any binding contract or interagency agreement related  
3583 to the Nursing Student Loan Forgiveness Program existing before  
3584 July 1, 2012, between the Department of Health, or an entity or  
3585 agent of the agency, and any other agency, entity, or person  
3586 shall continue as a binding contract or agreement for the  
3587 remainder of the term of such contract or agreement on the  
3588 successor department, agency, or entity responsible for the  
3589 program, activity, or functions relative to the contract or  
3590 agreement.

3591 (4) Notwithstanding s. 216.292 and pursuant to s. 216.351,  
3592 Florida Statutes, upon approval by the Legislative Budget  
3593 Commission, the Executive Office of the Governor may transfer  
3594 funds and positions between agencies to implement this act.

3595 (5) The transfer of any program, activity, duty, or  
3596 function under this act includes the transfer of any records and  
3597 unexpended balances of appropriations, allocations, or other  
3598 funds related to such program, activity, duty, or function.  
3599 Unless otherwise provided, the successor organization to any  
3600 program, activity, duty, or function transferred under this act  
3601 shall become the custodian of any property of the organization  
3602 that was responsible for the program, activity, duty, or  
3603 function immediately before the transfer.

3604 Section 112. The Division of Medical Quality Assurance  
3605 shall develop a plan to improve the efficiency of its functions.  
3606 Specifically, the plan shall delineate methods to: reduce the  
3607 average length of time for a qualified applicant to receive  
3608 initial and renewal licensure, certification, or registration,  
3609 by one-third; improve the agenda process for board meetings to



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3610 increase transparency, timeliness, and usefulness for board  
3611 decisionmaking; and improve the cost-effectiveness and  
3612 efficiency of the joint functions of the division and the  
3613 regulatory boards. In developing the plan, the division shall  
3614 identify and analyze best practices found within the division  
3615 and other state agencies with similar functions, options for  
3616 information technology improvements, options for contracting  
3617 with outside entities, and any other option the division deems  
3618 useful. The division shall consult with and solicit  
3619 recommendations from the regulatory boards in developing the  
3620 plan. The division shall submit the plan to the Governor, the  
3621 Speaker of the House of Representatives, and the President of  
3622 the Senate by November 1, 2012. All executive branch agencies  
3623 are instructed, and all other state agencies are requested, to  
3624 assist the division in accomplishing its purposes under this  
3625 section.

3626 Section 113. Paragraph (e) of subsection (2) of section  
3627 154.503, Florida Statutes, is amended to read:

3628 154.503 Primary Care for Children and Families Challenge  
3629 Grant Program; creation; administration.—

3630 (2) The department shall:

3631 (e) Coordinate with the primary care program developed  
3632 pursuant to s. 154.011, the Florida Healthy Kids Corporation  
3633 program created in s. 624.91, the school health services program  
3634 created in ss. 381.0056 and 381.0057, ~~the Healthy Communities,~~  
3635 ~~Healthy People Program created in s. 381.734,~~ and the volunteer  
3636 health care provider program developed pursuant to s. 766.1115.

3637 Section 114. Subsection (1), paragraph (c) of subsection  
3638 (3), and subsection (9) of section 381.0041, Florida Statutes,



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3639 are amended to read:

3640 381.0041 Donation and transfer of human tissue; testing  
3641 requirements.—

3642 (1) Every donation of blood, plasma, organs, skin, or other  
3643 human tissue for transfusion or transplantation to another shall  
3644 be tested prior to transfusion or other use for human  
3645 immunodeficiency virus infection and other communicable diseases  
3646 specified by rule of the Department of Health. Tests for the  
3647 human immunodeficiency virus infection shall be performed only  
3648 after obtaining written, informed consent from the potential  
3649 donor or the donor's legal representative. Such consent may be  
3650 given by a minor pursuant to s. 743.06. Obtaining consent shall  
3651 include a fair explanation of the procedures to be followed and  
3652 the meaning and use of the test results. Such explanation shall  
3653 include a description of the confidential nature of the test as  
3654 described in s. 381.004(2) ~~381.004(3)~~. If consent for testing is  
3655 not given, then the person shall not be accepted as a donor  
3656 except as otherwise provided in subsection (3).

3657 (3) No person shall collect any blood, organ, skin, or  
3658 other human tissue from one human being and hold it for, or  
3659 actually perform, any implantation, transplantation,  
3660 transfusion, grafting, or any other method of transfer to  
3661 another human being without first testing such tissue for the  
3662 human immunodeficiency virus and other communicable diseases  
3663 specified by rule of the Department of Health, or without  
3664 performing another process approved by rule of the Department of  
3665 Health capable of killing the causative agent of those diseases  
3666 specified by rule. Such testing shall not be required:

3667 (c) When there is insufficient time to obtain the results



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3668 of a confirmatory test for any tissue or organ which is to be  
3669 transplanted, notwithstanding the provisions of s. 381.004(2)(d)  
3670 ~~381.004(3)(d)~~. In such circumstances, the results of preliminary  
3671 screening tests may be released to the potential recipient's  
3672 treating physician for use in determining organ or tissue  
3673 suitability.

3674 (9) All blood banks shall be governed by the  
3675 confidentiality provisions of s. 381.004(2) ~~381.004(3)~~.

3676 Section 115. Paragraph (b) of subsection (3) of section  
3677 384.25, Florida Statutes, is amended to read:

3678 384.25 Reporting required.—

3679 (3) To ensure the confidentiality of persons infected with  
3680 the human immunodeficiency virus (HIV), reporting of HIV  
3681 infection and AIDS must be conducted using a system developed by  
3682 the Centers for Disease Control and Prevention of the United  
3683 States Public Health Service or an equivalent system.

3684 (b) The reporting may not affect or relate to anonymous HIV  
3685 testing programs conducted pursuant to s. 381.004(3) ~~381.004(4)~~.

3686 Section 116. Subsection (5) of section 392.56, Florida  
3687 Statutes, is amended to read:

3688 392.56 Hospitalization, placement, and residential  
3689 isolation.—

3690 (5) If the department petitions the circuit court to order  
3691 that a person who has active tuberculosis be hospitalized in a  
3692 facility operated under s. 392.62~~(2)~~, the department shall  
3693 notify the facility of the potential court order.

3694 Section 117. Subsection (2) of section 456.032, Florida  
3695 Statutes, is amended to read:

3696 456.032 Hepatitis B or HIV carriers.—





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3697 (2) Any person licensed by the department and any other  
3698 person employed by a health care facility who contracts a blood-  
3699 borne infection shall have a rebuttable presumption that the  
3700 illness was contracted in the course and scope of his or her  
3701 employment, provided that the person, as soon as practicable,  
3702 reports to the person's supervisor or the facility's risk  
3703 manager any significant exposure, as that term is defined in s.  
3704 381.004(1)(c) ~~381.004(2)(e)~~, to blood or body fluids. The  
3705 employer may test the blood or body fluid to determine if it is  
3706 infected with the same disease contracted by the employee. The  
3707 employer may rebut the presumption by the preponderance of the  
3708 evidence. Except as expressly provided in this subsection, there  
3709 shall be no presumption that a blood-borne infection is a job-  
3710 related injury or illness.

3711 Section 118. Subsection (15) of section 499.003, Florida  
3712 Statutes, is amended to read:

3713 499.003 Definitions of terms used in this part.—As used in  
3714 this part, the term:

3715 (15) "Department" means the Department of Business and  
3716 Professional Regulation ~~Department of Health~~.

3717 Section 119. Subsection (2) of section 499.601, Florida  
3718 Statutes, is amended to read:

3719 499.601 Legislative intent; construction.—

3720 (2) The provisions of this part are cumulative and shall  
3721 not be construed as repealing or affecting any powers, duties,  
3722 or authority of the department ~~of Health~~ under any other law of  
3723 this state; except that, with respect to the regulation of ether  
3724 as herein provided, in instances in which the provisions of this  
3725 part may conflict with any other such law, the provisions of



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3726 this part shall control.

3727 Section 120. Subsection (2) of section 499.61, Florida  
3728 Statutes, is amended to read:

3729 499.61 Definitions.—As used in this part:

3730 (2) "Department" means the Department of Business and  
3731 Professional Regulation ~~Department of Health~~.

3732 Section 121. Subsection (2) of section 513.10, Florida  
3733 Statutes, is amended to read:

3734 513.10 Operating without permit; enforcement of chapter;  
3735 penalties.—

3736 (2) This chapter or rules adopted under this chapter may be  
3737 enforced in the manner provided in s. 381.0012 and as provided  
3738 in this chapter. Violations of this chapter and the rules  
3739 adopted under this chapter are subject to the penalties provided  
3740 in this chapter and in s. ss. 381.0025 and 381.0061.

3741 Section 122. Paragraph (b) of subsection (9) of section  
3742 768.28, Florida Statutes, is amended to read:

3743 768.28 Waiver of sovereign immunity in tort actions;  
3744 recovery limits; limitation on attorney fees; statute of  
3745 limitations; exclusions; indemnification; risk management  
3746 programs.—

3747 (9)

3748 (b) As used in this subsection, the term:

3749 1. "Employee" includes any volunteer firefighter.

3750 2. "Officer, employee, or agent" includes, but is not  
3751 limited to, any health care provider when providing services  
3752 pursuant to s. 766.1115; ~~any member of the Florida Health~~  
3753 ~~Services Corps, as defined in s. 381.0302, who provides~~  
3754 ~~uncompensated care to medically indigent persons referred by the~~



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3755 ~~Department of Health;~~ any nonprofit independent college or  
3756 university located and chartered in this state which owns or  
3757 operates an accredited medical school, and its employees or  
3758 agents, when providing patient services pursuant to paragraph  
3759 (10) (f); and any public defender or her or his employee or  
3760 agent, including, among others, an assistant public defender and  
3761 an investigator.

3762 Section 123. Subsection (1) of section 775.0877, Florida  
3763 Statutes, is amended to read:

3764 775.0877 Criminal transmission of HIV; procedures;  
3765 penalties.—

3766 (1) In any case in which a person has been convicted of or  
3767 has pled nolo contendere or guilty to, regardless of whether  
3768 adjudication is withheld, any of the following offenses, or the  
3769 attempt thereof, which offense or attempted offense involves the  
3770 transmission of body fluids from one person to another:

3771 (a) Section 794.011, relating to sexual battery;

3772 (b) Section 826.04, relating to incest;

3773 (c) Section 800.04, relating to lewd or lascivious offenses  
3774 committed upon or in the presence of persons less than 16 years  
3775 of age;

3776 (d) Sections 784.011, 784.07(2) (a), and 784.08(2) (d),  
3777 relating to assault;

3778 (e) Sections 784.021, 784.07(2) (c), and 784.08(2) (b),  
3779 relating to aggravated assault;

3780 (f) Sections 784.03, 784.07(2) (b), and 784.08(2) (c),  
3781 relating to battery;

3782 (g) Sections 784.045, 784.07(2) (d), and 784.08(2) (a),  
3783 relating to aggravated battery;



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3784 (h) Section 827.03(1), relating to child abuse;  
3785 (i) Section 827.03(2), relating to aggravated child abuse;  
3786 (j) Section 825.102(1), relating to abuse of an elderly  
3787 person or disabled adult;  
3788 (k) Section 825.102(2), relating to aggravated abuse of an  
3789 elderly person or disabled adult;  
3790 (l) Section 827.071, relating to sexual performance by  
3791 person less than 18 years of age;  
3792 (m) Sections 796.03, 796.07, and 796.08, relating to  
3793 prostitution; or  
3794 (n) Section 381.0041(11)(b), relating to donation of blood,  
3795 plasma, organs, skin, or other human tissue,  
3796  
3797 the court shall order the offender to undergo HIV testing, to be  
3798 performed under the direction of the Department of Health in  
3799 accordance with s. 381.004, unless the offender has undergone  
3800 HIV testing voluntarily or pursuant to procedures established in  
3801 s. 381.004(2)(h)6. ~~381.004(3)(h)6.~~ or s. 951.27, or any other  
3802 applicable law or rule providing for HIV testing of criminal  
3803 offenders or inmates, subsequent to her or his arrest for an  
3804 offense enumerated in paragraphs (a)-(n) for which she or he was  
3805 convicted or to which she or he pled nolo contendere or guilty.  
3806 The results of an HIV test performed on an offender pursuant to  
3807 this subsection are not admissible in any criminal proceeding  
3808 arising out of the alleged offense.

3809 Section 124. Except as otherwise expressly provided in this  
3810 act, this act shall take effect upon becoming a law.

3811  
3812 ===== T I T L E A M E N D M E N T =====



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3813 And the title is amended as follows:

3814 Delete everything before the enacting clause  
3815 and insert:

3816 A bill to be entitled

3817 An act relating to the Department of Health; amending  
3818 s. 20.43, F.S.; revising the purpose of the  
3819 department; revising duties of the State Surgeon  
3820 General; eliminating the Officer of Women's Health  
3821 Strategy; revising divisions within the department;  
3822 amending s. 20.435, F.S.; eliminating the Florida  
3823 Drug, Device, and Cosmetic Trust Fund as a trust fund  
3824 under the department; amending s. 154.05, F.S.;  
3825 providing that two or more counties may combine for  
3826 the operation of a county health department under  
3827 certain circumstances; providing criteria for such an  
3828 agreement; specifying that an interlocal agreement may  
3829 only be terminated at the end of a contract year;  
3830 requiring the parties to give written notice to the  
3831 department no less than 90 days before the  
3832 termination; amending s. 215.5602, F.S.; conforming  
3833 references; amending s. 381.001, F.S.; revising  
3834 legislative intent; requiring the Department of Health  
3835 to be responsible for the state public health system;  
3836 requiring the department to provide leadership for a  
3837 partnership involving federal, state, and local  
3838 government and the private sector to accomplish public  
3839 health goals; amending s. 381.0011, F.S.; revising  
3840 duties and powers of the department; repealing s.  
3841 381.0013, F.S., relating to the department's authority



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3842 to exercise the power of eminent domain; repealing s.  
3843 381.0014, F.S., relating to department rules that  
3844 superseded regulations and ordinances enacted by other  
3845 state departments, boards or commissions, or  
3846 municipalities; repealing s. 381.0015, F.S., relating  
3847 to judicial presumptions regarding the department's  
3848 authority to enforce public health rules; amending s.  
3849 381.0016, F.S.; allowing a county to enact health  
3850 regulations and ordinances consistent with state law;  
3851 repealing s. 381.0017, F.S., relating to the purchase,  
3852 lease, and sale of real property by the department;  
3853 repealing s. 381.0025, F.S., relating to penalties;  
3854 amending s. 381.003, F.S.; revising provisions  
3855 relating to the department's responsibility for  
3856 communicable disease prevention and control programs;  
3857 amending s. 381.0031, F.S.; permitting the department  
3858 to conduct studies concerning epidemiology of diseases  
3859 of public health significance; specifying that the  
3860 list of diseases of public health significance is  
3861 based on the recommendations to be nationally  
3862 notifiable by the Council of State and Territorial  
3863 Epidemiologists and the Centers for Disease Control  
3864 and Prevention; authorizing the department to expand  
3865 the list if a disease emerges for which regular,  
3866 frequent and timely information regarding individual  
3867 cases is considered necessary for the prevention and  
3868 control of a disease specific to Florida; amending s.  
3869 381.00315, F.S.; authorizing the department to  
3870 declare, enforce, modify, and abolish quarantines of



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3871 persons, animals, and premises for controlling  
3872 communicable diseases or providing protection from  
3873 unsafe conditions that pose a threat to public health;  
3874 requiring the department to establish rules for  
3875 conditions and procedures for imposing and releasing a  
3876 quarantine; requiring specific provisions to be  
3877 included in rules; providing that the rules  
3878 established under this section supersede all rules  
3879 enacted by other state agencies, boards, or political  
3880 subdivisions; providing that a violation of the rules  
3881 established under the section, a quarantine, or  
3882 requirement adopted pursuant to a declared public  
3883 health emergency is a second-degree misdemeanor;  
3884 providing penalties; repealing s. 381.0032, F.S.,  
3885 relating to epidemiological research; repealing s.  
3886 381.00325, F.S., relating to the Hepatitis A awareness  
3887 program; amending s. 381.0034, F.S.; deleting an  
3888 obsolete qualifying date reference; repealing s.  
3889 381.0037, F.S., relating to legislative findings and  
3890 intent with respect to AIDS; amending s. 381.004,  
3891 F.S.; deleting legislative intent; conforming cross-  
3892 references; amending 381.0046, F.S.; requiring the  
3893 department to establish dedicated HIV and AIDS  
3894 regional and statewide minority coordinators; deleting  
3895 the requirement that the statewide director report to  
3896 the chief of the Bureau of HIV and AIDS within the  
3897 department; amending s. 381.005, F.S.; deleting the  
3898 requirement that hospitals implement a plan to offer  
3899 immunizations for pneumococcal bacteria and influenza



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3900 virus to all patients 65 years of age or older;  
3901 amending s. 381.0051, F.S.; deleting legislative  
3902 intent for the Comprehensive Family Planning Act;  
3903 amending s. 381.0052, F.S., relating to the "Public  
3904 Health Dental Program Act"; repealing unused  
3905 department rulemaking authority; amending s. 381.0053,  
3906 F.S., relating to the comprehensive nutrition program;  
3907 repealing unused department rulemaking authority;  
3908 repealing s. 381.0054, F.S., relating to healthy  
3909 lifestyles promotion by the department; amending s.  
3910 381.0056, F.S., relating to the "School Health  
3911 Services Act"; deleting legislative findings; deleting  
3912 the requirement that school health programs funded by  
3913 health care districts or entities be supplementary to  
3914 and consistent with the act and other applicable  
3915 statutes; amending s. 381.0057, F.S., relating to  
3916 funding for school health services; deleting  
3917 legislative intent; amending s. 381.00591, F.S.;  
3918 permitting the department to apply for and become a  
3919 National Environmental Laboratory Accreditation  
3920 Program accreditation body; eliminating rulemaking  
3921 authority of the department to implement standards of  
3922 the National Environmental Laboratory Accreditation  
3923 Program; amending s. 381.00593, F.S.; removing unused  
3924 rulemaking authority relating to the public school  
3925 volunteer health care practitioner program; amending  
3926 s. 381.0062, F.S., relating to the "Comprehensive  
3927 Family Planning Act"; deleting legislative intent;  
3928 conforming a cross-reference; amending s. 381.0065,





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3929 F.S., relating to regulation of onsite sewage  
3930 treatment and disposal systems; deleting legislative  
3931 intent; conforming provisions to changes made by the  
3932 act; amending s. 381.0068, F.S.; deleting a date by  
3933 which a technical review and advisory panel must be  
3934 established within the department for assistance with  
3935 rule adoption; deleting the authority of the chair of  
3936 the panel to advise affected persons or the  
3937 Legislature of the panel's position on legislation,  
3938 proposed state policy, or other issue; amending s.  
3939 381.0072, F.S.; revising the definition of the term  
3940 "food establishment" to include certain facilities  
3941 participating in the United States Department of  
3942 Agriculture Afterschool Meal Program; amending s.  
3943 381.00781, F.S.; eliminating authority of the  
3944 department to annually adjust maximum fees according  
3945 to the Consumer Price Index; amending s. 381.0086,  
3946 F.S.; revising department rulemaking authority  
3947 relating to migrant farmworkers and other migrant  
3948 labor camp or residential migrant housing occupants;  
3949 removing lighting and maintenance and operation of  
3950 roads from the list of health and safety standards to  
3951 be created by the department; conforming a cross-  
3952 reference; amending s. 381.0098, F.S.; deleting  
3953 legislative intent with respect to standards for the  
3954 safe packaging, transport, storage, treatment, and  
3955 disposal of biomedical waste; conforming a cross-  
3956 reference; amending s. 381.0101, F.S.; deleting  
3957 legislative intent regarding certification of



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3958 environmental health professionals; providing for the  
3959 State Surgeon General, rather than the Division  
3960 Director for Emergency Preparedness and Community  
3961 Support, to serve on an environmental health  
3962 professionals advisory board; conforming a cross-  
3963 reference; amending s. 381.0203, F.S.; eliminating the  
3964 regulation of drugs, cosmetics, and household products  
3965 under ch. 499, F.S., from the pharmacy services  
3966 program; eliminating the contraception distribution  
3967 program at county health departments; amending s.  
3968 381.0261, F.S.; requiring the department, rather than  
3969 the Agency for Health Care Administration, to publish  
3970 a summary of the Florida Patient's Bill of Rights and  
3971 Responsibilities on its Internet website; deleting the  
3972 requirement to print and distribute the summary;  
3973 repealing s. 381.0301, F.S. relating to the Centers  
3974 for Disease Control and Prevention, the State  
3975 University System, Florida medical schools, and the  
3976 College of Public Health of the University of South  
3977 Florida; deleting the requirement that the College of  
3978 Public Health be consulted by state officials in the  
3979 management of public health; repealing s. 381.0302,  
3980 F.S.; eliminating the Florida Health Services Corps;  
3981 amending s. 381.0303, F.S.; eliminating the  
3982 requirement that the Special Needs Shelter Interagency  
3983 Committee submit recommendations to the Legislature;  
3984 repealing s. 381.04015, F.S.; eliminating the Women's  
3985 Health Strategy Office and Officer of Women's Health  
3986 Strategy; amending s. 381.0403, F.S., relating to the



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3987 "Community Hospital Education Act"; deleting  
3988 legislative findings and intent; revising the mission  
3989 of the program; requiring minimum funding for graduate  
3990 education in family practice; deleting reference to an  
3991 intent to establish a statewide graduate medical  
3992 education program; amending s. 381.0405, F.S.;

3993 deleting an appropriation to the Office of Rural  
3994 Health; amending s. 381.0406, F.S.; deleting  
3995 unnecessary introductory language in provisions  
3996 relating to rural health networks; repealing s.  
3997 381.0407, F.S., to eliminate the mandatory payment of  
3998 claims from public health care providers and county  
3999 health departments by managed care plans; repealing s.  
4000 381.045, F.S.; eliminating department authority to  
4001 provide services to certain health care providers  
4002 infected with Hepatitis B or HIV; amending s.  
4003 381.06015, F.S.; deleting obsolete provision that  
4004 requires the department, the Agency for Health Care  
4005 Administration, and private consortium members seeking  
4006 private or federal funds to initiate certain program  
4007 actions relating to the Public Cord Blood Tissue Bank;  
4008 repealing s. 381.0605, F.S., relating to designating  
4009 the Agency for Health Care Administration as the state  
4010 agency to administer the Federal Hospital and Medical  
4011 Facilities Amendments of 1964; eliminating authority  
4012 of the Governor to provide for administration of the  
4013 amendments; repealing ss. 381.1001-381.103, F.S., the  
4014 Florida Community Health Protection Act; amending s.  
4015 381.4018, F.S.; deleting legislative findings and



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4016 intent with respect to physician workforce assessment  
4017 and development; conforming a cross-reference:  
4018 repealing s. 381.60225, F.S., to eliminate background  
4019 screening requirements for health care professionals  
4020 and owners, operators, and employees of certain health  
4021 care providers, services, and programs; repealing ss.  
4022 381.732-381.734, F.S., the "Healthy People, Healthy  
4023 Communities Act"; amending s. 381.7352, F.S.; deleting  
4024 legislative findings relating to the "Reducing Racial  
4025 and Ethnic Health Disparities: Closing the Gap Act";  
4026 amending s. 381.7353, F.S.; removing the authority of  
4027 the State Surgeon General to appoint an ad hoc  
4028 committee to study certain aspects of racial and  
4029 ethnic health outcome disparities and make  
4030 recommendations; amending s. 381.7356, F.S.; deleting  
4031 a provision requiring dissemination of Closing the Gap  
4032 grant awards to begin on a date certain; amending s.  
4033 381.765, F.S.; repealing unused rulemaking authority  
4034 relating to records and recordkeeping for department-  
4035 owned property; repealing s. 381.77, F.S., to  
4036 eliminate the annual survey of nursing home residents  
4037 age 55 and under; repealing s. 381.795, F.S., to  
4038 eliminate the requirement that the department  
4039 establish a program of long-term community-based  
4040 supports and services for individuals with traumatic  
4041 brain or spinal cord injuries; amending s. 381.853,  
4042 F.S.; deleting legislative findings relating to brain  
4043 tumor research; repealing s. 381.855, F.S., which  
4044 established the Florida Center for Universal Research



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4045 to Eradicate Disease; repealing s. 381.87, F.S., to  
4046 eliminate the osteoporosis prevention and education  
4047 program; repealing s. 381.90, F.S., to eliminate the  
4048 Health Information Systems Council; amending s.  
4049 381.91, F.S., relating to the Jesse Trice Cancer  
4050 Program; revising legislative intent; amending  
4051 381.922, F.S.; conforming a reference; amending s.  
4052 383.011, F.S.; requiring the Department of Health to  
4053 establish an interagency agreement with the Department  
4054 of Children and Family Services for management of the  
4055 Special Supplemental Nutrition program for Women,  
4056 Infants, and Children; specifying responsibilities of  
4057 each department; creating s. 383.141, F.S.; providing  
4058 legislative findings; providing definitions; requiring  
4059 that health care providers provide pregnant women with  
4060 current information about the nature of the  
4061 developmental disabilities tested for in certain  
4062 prenatal tests, the accuracy of such tests, and  
4063 resources for obtaining support services for Down  
4064 syndrome and other prenatally diagnosed developmental  
4065 disabilities; providing duties for the Department of  
4066 Health concerning establishment of an information  
4067 clearinghouse; creating an advocacy council within the  
4068 Department of Health to provide technical assistance  
4069 in forming the clearinghouse; providing membership for  
4070 the council; providing duties of the council;  
4071 providing terms for members of the council; providing  
4072 for election of a chairperson and vice chairperson;  
4073 providing meeting times for the council; requiring the



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4074 members to serve without compensation or reimbursement  
4075 for travel expenses; authorizing meetings by  
4076 teleconference or other electronic means; requiring  
4077 the Department of Health to provide administrative  
4078 support; repealing s. 385.210, F.S., the Arthritis  
4079 Prevention and Education Act by a specific date;  
4080 amending s. 391.016, F.S.; clarifying the purposes and  
4081 functions of the Children's Medical Services program;  
4082 requiring the coordination and maintenance of a  
4083 medical home for participating children; amending s.  
4084 391.021, F.S.; revising definitions; amending s.  
4085 391.025, F.S.; revising the components of the  
4086 Children's Medical Services program; amending s.  
4087 391.026, F.S.; revising the powers and duties of the  
4088 department in administering the Children's Medical  
4089 Services network; amending s. 391.028, F.S.;  
4090 eliminating the central office and area offices of the  
4091 Children's Medical Services program; authorizing the  
4092 Director of Children's Medical Services to appoint  
4093 necessary staff and contract with providers to  
4094 establish a system to provide certain program  
4095 activities on a statewide basis; amending s. 391.029,  
4096 F.S.; specifying eligibility for services provided  
4097 under the Children's Medical Services program;  
4098 clarifying who may receive services under the program;  
4099 deleting the requirement that the department determine  
4100 financial and medical eligibility for program;  
4101 deleting the requirement that the department determine  
4102 the financial ability of parents to pay for services;



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4103 eliminating discretion of the department to pay  
4104 reasonable travel expenses; amending s. 391.0315,  
4105 F.S.; deleting a prohibition against a child eligible  
4106 under Title XIX or XXI of the Social Security Act from  
4107 receiving services under the program until the child  
4108 is enrolled in Medicaid or a Title XXI program;  
4109 amending s. 392.51, F.S., relating to tuberculosis  
4110 control; removing legislative findings and intent;  
4111 amending s. 392.61, F.S.; eliminating the requirement  
4112 that the department develop a methodology for  
4113 distributing funds appropriated for community  
4114 tuberculosis control programs; amending s. 392.62,  
4115 F.S.; requiring a contractor to use licensed community  
4116 hospitals and other facilities for the care and  
4117 treatment of persons who have active tuberculosis or a  
4118 history of noncompliance with prescribed drug regimens  
4119 and require inpatient or other residential services;  
4120 removing authority of the department to operate a  
4121 licensed hospital to treat tuberculosis patients;  
4122 requiring the tuberculosis control program to fund  
4123 participating facilities; requiring facilities to meet  
4124 specific conditions; requiring the department to  
4125 develop a transition plan for the closure of A.G.  
4126 Holley State Hospital; specifying content of  
4127 transition plan; requiring submission of the plan to  
4128 the Governor and Legislature; requiring full  
4129 implementation of the transition plan by a certain  
4130 date; amending s. 401.243, F.S.; repealing unused  
4131 rulemaking authority governing the implementation of



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4132 injury-prevention grant programs; amending s. 401.245,  
4133 F.S.; repealing unused rulemaking authority relating  
4134 to operating procedures for the Emergency Medical  
4135 Services Advisory Council; amending s. 401.271, F.S.;  
4136 repealing unused rulemaking authority relating to an  
4137 exemption for the spouse of a member of the Armed  
4138 Forces of the United States on active duty from  
4139 certification renewal provisions while the spouse is  
4140 absent from the state because of the member's active  
4141 duty with the Armed Forces; repealing s. 402.45, F.S.;  
4142 repealing unused rulemaking authority relating to the  
4143 community resource mother or father program; amending  
4144 s. 403.863, F.S.; directing the department to contract  
4145 to perform state public water supply laboratory  
4146 certification application review and evaluation and  
4147 laboratory inspections; adding certain actions to the  
4148 list of acts constituting grounds for which  
4149 disciplinary actions may be taken under the section;  
4150 amending ss. 400.914 and 409.256, F.S.; conforming  
4151 references; repealing s. 458.346, F.S., which created  
4152 the Public Sector Physician Advisory Committee and  
4153 established its responsibilities; amending s. 462.19,  
4154 F.S., relating to the renewal of licenses for  
4155 practitioners of naturopathy; repealing unused  
4156 rulemaking authority; amending s. 464.019, F.S.,  
4157 requiring the Board of Nursing to deny a program  
4158 application for new prelicensure nursing education  
4159 program while the existing program is on probationary  
4160 status; repealing s. 464.0197, F.S., relating to state





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4161 budget support for the Florida Center for Nursing;  
4162 amending s. 464.203, F.S.; revising the certification  
4163 requirements for certified nursing assistants;  
4164 amending s. 464.208, F.S.; repealing unused rulemaking  
4165 authority relating to background screening information  
4166 of certified nursing assistants; repealing s.  
4167 466.00775, F.S., relating to unused rulemaking  
4168 authority relating to dental health access and dental  
4169 laboratory registration provisions; amending ss.  
4170 212.08, 499.003, 499.601, and 499.61, F.S.; updating  
4171 departmental designation; amending s. 514.011, F.S.;  
4172 revising the definition of "public bathing place";  
4173 amending s. 514.021, F.S.; restricting rulemaking  
4174 authority of the department; limiting scope of  
4175 standards for public pools and public bathing places;  
4176 prohibiting the department from adopting by rule any  
4177 regulation regarding the design, alteration, or repair  
4178 of a public pool or public bathing; eliminating  
4179 authority of the department to review plans, issue  
4180 approvals, and enforce occupancy provisions of the  
4181 Florida Building Code; amending s. 514.023, F.S.;  
4182 adding public bathing places to the provisions  
4183 allowing sampling of beach waters to determine  
4184 sanitation and allowing health advisories to be issued  
4185 for elevated levels of bacteria in such waters;  
4186 deleting an obsolete provision; amending s. 514.025,  
4187 F.S.; requiring the department to review applications  
4188 and plans for the construction or placement of public  
4189 pools or bathing places; providing for the department



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4190 to review applications and plans if no qualified staff  
4191 are employed at the county health department;  
4192 establishing that the department is responsible to  
4193 monitor water quality in public pools and bathing  
4194 places; amending s. 514.03, F.S.; permitting local  
4195 governments or local enforcement districts to  
4196 determine compliance with general construction  
4197 provisions of the Florida Building Code; permitting  
4198 local governments or local enforcement districts to  
4199 conduct plan reviews and inspections of public pools  
4200 and bathing places to determine compliance;  
4201 eliminating an application process for review of  
4202 building plans for a public pool or bathing place by  
4203 the department; amending s. 514.031, F.S.; requiring a  
4204 valid permit from the department to operate a public  
4205 pool; revising the list of documents that must  
4206 accompany an application for a permit to operate a  
4207 public pool; providing the department with authority  
4208 to review, approve, and deny an application for a  
4209 permit to operate a public pool; amending s. 514.033,  
4210 F.S.; deleting authority of the department to  
4211 establish a fee schedule; requiring fees collected by  
4212 the department or county health department to be  
4213 deposited into the Grants and Doations Trust Fund or  
4214 the County Health Department Trust Fund; amending s.  
4215 514.05, F.S.; requiring all amounts collected to be  
4216 deposited in the Grants and Donations Trust Fund or  
4217 the County Health Department Trust Fund; granting the  
4218 county health department the authority to close a



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4219 public pool that is not in compliance with ch. 514,  
4220 F.S., or applicable rules; amending s. 514.06, F.S.;  
4221 deeming a public pool or bathing place to present a  
4222 significant risk to public health by failing to meet  
4223 sanitation and safety to be a public nuisance;  
4224 allowing for a public nuisance to be abated or  
4225 enjoined; amending s. 633.115, F.S.; making conforming  
4226 changes; amending s. 1009.66, F.S.; reassigning  
4227 responsibility for the Nursing Student Loan  
4228 Forgiveness Program from the Department of Health to  
4229 the Department of Education; amending s. 1009.67,  
4230 F.S.; reassigning responsibility for the nursing  
4231 scholarship program from the Department of Health to  
4232 the Department of Education; providing type two  
4233 transfers of the programs; providing for transfer of a  
4234 trust fund; providing applicability to contracts;  
4235 authorizing transfer of funds and positions between  
4236 departments; requiring the Division of Medical Quality  
4237 and Assurance to create a plan to improve efficiency  
4238 of the function of the division; directing the  
4239 division to take certain actions in creating the plan;  
4240 directing the division to address particular topics in  
4241 the plan; requiring all executive branch agencies to  
4242 assist the department in creating the plan; requesting  
4243 all other state agencies to assist the department in  
4244 creating the plan; amending ss. 154.503, 381.0041,  
4245 384.25, 392.56, 395.1027, 411.203, 456.032, 513.10,  
4246 768.28, and 775.0877, F.S.; conforming cross-  
4247 references; providing effective dates.