

1                                   A bill to be entitled  
 2           An act relating to the Department of Health; amending  
 3           s. 20.43, F.S.; revising the purpose of the Department  
 4           of Health; revising duties of the State Surgeon  
 5           General; eliminating the Officer of Women's Health  
 6           Strategy; revising divisions within the department;  
 7           amending s. 20.435, F.S.; redesignating the Medical  
 8           Quality Assurance Trust Fund as the Health Care  
 9           Regulation Trust Fund to conform to changes made by  
 10          the act; eliminating the Florida Drug, Device, and  
 11          Cosmetic Trust Fund and the Nursing Student Loan  
 12          Forgiveness Trust Fund as trust funds of the  
 13          department; amending ss. 196.012, 202.125, 212.08,  
 14          215.5602, 310.102, 381.4018, 381.922, 395.1027,  
 15          400.914, 409.256, 415.1055, 456.001, 456.011, 456.013,  
 16          456.025, 456.032, 456.037, 456.061, 456.065, 456.072,  
 17          456.076, 458.331, 459.015, 462.09, 464.0195, 467.0135,  
 18          474.221, 480.044, 483.901, 490.0085, 491.0085,  
 19          663.115, 766.113, 766.206, 766.305, and 768.28, F.S.;  
 20          conforming references; amending s. 381.0011, F.S.;  
 21          providing for the department to award funding through  
 22          competitive grants; amending s. 381.0046, F.S.;  
 23          redesignating the Bureau of HIV and AIDS as the Bureau  
 24          of Communicable Diseases; amending s. 381.0065, F.S.;  
 25          authorizing the Bureau Chief for Environmental Health  
 26          to assign staff to resolve disputes regarding the  
 27          interpretation of rules relating to onsite sewage  
 28          treatment and disposal systems; providing for the

29 Bureau Chief for Environmental Health to serve on a  
30 variance review and advisory committee; providing for  
31 a representative of the bureau to serve on a research  
32 review and advisory committee; amending s. 381.0101,  
33 F.S.; providing for the Bureau Chief for Environmental  
34 Health to serve on an environmental health  
35 professionals advisory board; repealing s. 381.04015,  
36 F.S., which established the Women's Health Strategy  
37 and the Officer of Women's Health Strategy and the  
38 duties and responsibilities of the officer and other  
39 state agencies with respect thereto; repealing s.  
40 381.855, F.S., which established the Florida Center  
41 for Universal Research to Eradicate Disease; repealing  
42 s. 381.895, F.S., which established standards for  
43 compressed air used for recreational diving; repealing  
44 s. 381.90, F.S., which established the Health  
45 Information Systems Council; repealing s. 385.210,  
46 F.S., which created the Arthritis Prevention and  
47 Education Act; amending s. 391.028, F.S.; providing  
48 for the Director of Children's Medical Services to  
49 appoint one division director, subject to the approval  
50 of the State Surgeon General; repealing s. 391.221,  
51 F.S., which established the Statewide Children's  
52 Medical Services Network Advisory Council; amending s.  
53 392.51, F.S.; revising legislative findings with  
54 respect to the delivery of tuberculosis control  
55 services; amending s. 392.56, F.S.; providing for  
56 persons with active tuberculosis to be hospitalized in

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57 any hospital licensed under ch. 395, F.S.; amending s.  
58 392.62, F.S.; revising provisions relating to the  
59 hospitalization of persons with active tuberculosis;  
60 amending s. 392.69, F.S.; revising provisions relating  
61 to legislative appropriations for the care and  
62 maintenance of patients hospitalized pursuant to court  
63 order for tuberculosis; repealing s. 458.346, F.S.,  
64 which created the Public Sector Physician Advisory  
65 Committee; amending s. 553.73, F.S.; requiring the  
66 Florida Building Code to contain provisions relating  
67 to sanitation; amending s. 1009.66, F.S.; reassigning  
68 responsibility for the Nursing Student Loan  
69 Forgiveness Program from the Department of Health to  
70 the Department of Education; amending s. 1009.67,  
71 F.S.; reassigning responsibility for the nursing  
72 scholarship program from the Department of Health to  
73 the Department of Education; providing type two  
74 transfers of the programs; providing for transfer of a  
75 trust fund; providing applicability to contracts;  
76 authorizing transfer of funds and positions between  
77 departments; providing a directive to the Division of  
78 Statutory Revision to assist substantive committees to  
79 prepare conforming legislation; providing an effective  
80 date.

81  
82 Be It Enacted by the Legislature of the State of Florida:  
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84 Section 1. Subsections (1), (2), and (3) of section 20.43,  
85 Florida Statutes, are amended to read:

86 20.43 Department of Health.—There is created a Department  
87 of Health.

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

93 (a) Identify, diagnose, and conduct surveillance of  
94 diseases and health conditions in the state, accumulating health  
95 statistics necessary to establish trends ~~Prevent to the fullest~~  
96 ~~extent possible, the occurrence and progression of communicable~~  
97 ~~and noncommunicable diseases and disabilities.~~

98 (b) Implement interventions that prevent or limit the  
99 impact or spread of diseases and health conditions ~~Maintain a~~  
100 ~~constant surveillance of disease occurrence and accumulate~~  
101 ~~health statistics necessary to establish disease trends and to~~  
102 ~~design health programs.~~

103 (c) Collect, manage, and analyze vital statistics and  
104 other health data to inform the public and formulate public  
105 health policy and planning ~~Conduct special studies of the causes~~  
106 ~~of diseases and formulate preventive strategies.~~

107 (d) Maintain and coordinate preparedness for and responses  
108 to public health emergencies in the state ~~Promote the~~  
109 ~~maintenance and improvement of the environment as it affects~~  
110 ~~public health.~~

111 (e) Provide or ensure the provision of quality health and

112 related services to identified populations in the state ~~Promote~~  
 113 ~~the maintenance and improvement of health in the residents of~~  
 114 ~~the state.~~

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

119 (g) Regulate health practitioners, to the extent  
 120 authorized by law, as necessary for the preservation of the  
 121 health, safety, and welfare of the public ~~Provide health care~~  
 122 ~~and early intervention services to infants, toddlers, children,~~  
 123 ~~adolescents, and high-risk perinatal patients who are at risk~~  
 124 ~~for disabling conditions or have chronic illnesses.~~

125 ~~(h) Provide services to abused and neglected children~~  
 126 ~~through child protection teams and sexual abuse treatment~~  
 127 ~~programs.~~

128 ~~(i) Develop working associations with all agencies and~~  
 129 ~~organizations involved and interested in health and health care~~  
 130 ~~delivery.~~

131 ~~(j) Analyze trends in the evolution of health systems, and~~  
 132 ~~identify and promote the use of innovative, cost-effective~~  
 133 ~~health delivery systems.~~

134 ~~(k) Serve as the statewide repository of all aggregate~~  
 135 ~~data accumulated by state agencies related to health care,~~  
 136 ~~analyze that data and issue periodic reports and policy~~  
 137 ~~statements, as appropriate; require that all aggregated data be~~  
 138 ~~kept in a manner that promotes easy utilization by the public,~~  
 139 ~~state agencies, and all other interested parties; provide~~

140 ~~technical assistance as required; and work cooperatively with~~  
 141 ~~the state's higher education programs to promote further study~~  
 142 ~~and analysis of health care systems and health care outcomes.~~

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

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

151 (2)(a) The head of the Department of Health is the State  
 152 Surgeon General and State Health Officer. The State Surgeon  
 153 General must be a physician licensed under chapter 458 or  
 154 chapter 459 who has advanced training or extensive experience in  
 155 public health administration. The State Surgeon General is  
 156 appointed by the Governor subject to confirmation by the Senate.  
 157 The State Surgeon General serves at the pleasure of the  
 158 Governor. ~~The State Surgeon General shall serve as the leading~~  
 159 ~~voice on wellness and disease prevention efforts, including the~~  
 160 ~~promotion of healthful lifestyles, immunization practices,~~  
 161 ~~health literacy, and the assessment and promotion of the~~  
 162 ~~physician and health care workforce in order to meet the health~~  
 163 ~~care needs of the state. The State Surgeon General shall focus~~  
 164 ~~on advocating healthy lifestyles, developing public health~~  
 165 ~~policy, and building collaborative partnerships with schools,~~  
 166 ~~businesses, health care practitioners, community-based~~  
 167 ~~organizations, and public and private institutions in order to~~

168 ~~promote health literacy and optimum quality of life for all~~  
 169 ~~Floridians.~~

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

173 (3) The following divisions of the Department of Health  
 174 are established:

175 (a) Division of Administration.

176 (b) Division of Emergency Preparedness and Community  
 177 Support Environmental Health.

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

179 (d) Division of Community Health Promotion ~~Family Health~~  
 180 ~~Services.~~

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

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

184 (g) Division of Health Care Regulation ~~Medical Quality~~  
 185 ~~Assurance~~, which is responsible for the following boards and  
 186 professions established within the division:

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

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

189 3. The Board of Osteopathic Medicine, created under  
 190 chapter 459.

191 4. The Board of Chiropractic Medicine, created under  
 192 chapter 460.

193 5. The Board of Podiatric Medicine, created under chapter  
 194 461.

195 6. Naturopathy, as provided under chapter 462.

- 196 |           7. The Board of Optometry, created under chapter 463.
- 197 |           8. The Board of Nursing, created under part I of chapter
- 198 | 464.
- 199 |           9. Nursing assistants, as provided under part II of
- 200 | chapter 464.
- 201 |           10. The Board of Pharmacy, created under chapter 465.
- 202 |           11. The Board of Dentistry, created under chapter 466.
- 203 |           12. Midwifery, as provided under chapter 467.
- 204 |           13. The Board of Speech-Language Pathology and Audiology,
- 205 | created under part I of chapter 468.
- 206 |           14. The Board of Nursing Home Administrators, created
- 207 | under part II of chapter 468.
- 208 |           15. The Board of Occupational Therapy, created under part
- 209 | III of chapter 468.
- 210 |           16. Respiratory therapy, as provided under part V of
- 211 | chapter 468.
- 212 |           17. Dietetics and nutrition practice, as provided under
- 213 | part X of chapter 468.
- 214 |           18. The Board of Athletic Training, created under part
- 215 | XIII of chapter 468.
- 216 |           19. The Board of Orthotists and Prosthetists, created
- 217 | under part XIV of chapter 468.
- 218 |           20. Electrolysis, as provided under chapter 478.
- 219 |           21. The Board of Massage Therapy, created under chapter
- 220 | 480.
- 221 |           22. The Board of Clinical Laboratory Personnel, created
- 222 | under part III of chapter 483.
- 223 |           23. Medical physicists, as provided under part IV of



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224 chapter 483.

225 24. The Board of Opticianry, created under part I of  
226 chapter 484.

227 25. The Board of Hearing Aid Specialists, created under  
228 part II of chapter 484.

229 26. The Board of Physical Therapy Practice, created under  
230 chapter 486.

231 27. The Board of Psychology, created under chapter 490.

232 28. School psychologists, as provided under chapter 490.

233 29. The Board of Clinical Social Work, Marriage and Family  
234 Therapy, and Mental Health Counseling, created under chapter  
235 491.

236 30. Emergency medical technicians and paramedics, as  
237 provided under part III of chapter 401.

238 ~~(h) Division of Children's Medical Services Prevention and~~  
239 ~~Intervention.~~

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

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

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

243 Section 2. Subsections (14) through (22) of section  
244 20.435, Florida Statutes, are renumbered as subsections (13)  
245 through (20), respectively, and subsection (4) and present  
246 subsections (13) and (17) of that section are amended to read:

247 20.435 Department of Health; trust funds.—The following  
248 trust funds shall be administered by the Department of Health:

249 (4) Health Care Regulation ~~Medical Quality Assurance~~ Trust  
250 Fund.

251 (a) Funds to be credited to the trust fund shall consist

252 of fees and fines related to the licensing of health care  
 253 professionals. Funds shall be used for the purpose of providing  
 254 administrative support for the regulation of health care  
 255 professionals and for other such purposes as may be appropriate  
 256 and shall be expended only pursuant to legislative appropriation  
 257 or an approved amendment to the department's operating budget  
 258 pursuant to the provisions of chapter 216.

259 (b) Notwithstanding the provisions of s. 216.301 and  
 260 pursuant to s. 216.351, any balance in the trust fund at the end  
 261 of any fiscal year shall remain in the trust fund at the end of  
 262 the year and shall be available for carrying out the purposes of  
 263 the trust fund.

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

265 ~~(a) Funds to be credited to and uses of the trust fund~~  
 266 ~~shall be administered in accordance with the provisions of~~  
 267 ~~chapter 499.~~

268 ~~(b) Notwithstanding the provisions of s. 216.301 and~~  
 269 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~  
 270 ~~of any fiscal year shall remain in the trust fund at the end of~~  
 271 ~~the year and shall be available for carrying out the purposes of~~  
 272 ~~the trust fund.~~

273 ~~(17) Nursing Student Loan Forgiveness Trust Fund.~~

274 ~~(a) Funds to be credited to and uses of the trust fund~~  
 275 ~~shall be administered in accordance with the provisions of s.~~  
 276 ~~1009.66.~~

277 ~~(b) Notwithstanding the provisions of s. 216.301 and~~  
 278 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~  
 279 ~~of any fiscal year shall remain in the trust fund at the end of~~

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280 ~~the year and shall be available for carrying out the purposes of~~  
 281 ~~the trust fund.~~

282 Section 3. Subsection (5) of section 196.012, Florida  
 283 Statutes, is amended to read:

284 196.012 Definitions.—For the purpose of this chapter, the  
 285 following terms are defined as follows, except where the context  
 286 clearly indicates otherwise:

287 (5) "Educational institution" means a federal, state,  
 288 parochial, church, or private school, college, or university  
 289 conducting regular classes and courses of study required for  
 290 eligibility to certification by, accreditation to, or membership  
 291 in the State Department of Education of Florida, Southern  
 292 Association of Colleges and Schools, or the Florida Council of  
 293 Independent Schools; a nonprofit private school the principal  
 294 activity of which is conducting regular classes and courses of  
 295 study accepted for continuing postgraduate dental education  
 296 credit by a board of the Division of Health Care Regulation  
 297 ~~Medical Quality Assurance~~; educational direct-support  
 298 organizations created pursuant to ss. 1001.24, 1004.28, and  
 299 1004.70; facilities located on the property of eligible entities  
 300 which will become owned by those entities on a date certain; and  
 301 institutions of higher education, as defined under and  
 302 participating in the Higher Educational Facilities Financing  
 303 Act.

304 Section 4. Paragraph (b) of subsection (4) of section  
 305 202.125, Florida Statutes, is amended to read:

306 202.125 Sales of communications services; specified  
 307 exemptions.—

308 (4) The sale of communications services to a home for the  
 309 aged, religious institution or educational institution that is  
 310 exempt from federal income tax under s. 501(c)(3) of the  
 311 Internal Revenue Code, or by a religious institution that is  
 312 exempt from federal income tax under s. 501(c)(3) of the  
 313 Internal Revenue Code having an established physical place for  
 314 worship at which nonprofit religious services and activities are  
 315 regularly conducted and carried on, is exempt from the taxes  
 316 imposed or administered pursuant to ss. 202.12 and 202.19. As  
 317 used in this subsection, the term:

318 (b) "Educational institution" includes:

319 1. Any state tax-supported, parochial, religious  
 320 institution, and nonprofit private school, college, or  
 321 university that conducts regular classes and courses of study  
 322 required for accreditation by or membership in the Southern  
 323 Association of Colleges and Schools, the Florida Council of  
 324 Independent Schools, or the Florida Association of Christian  
 325 Colleges and Schools, Inc.

326 2. Any nonprofit private school that conducts regular  
 327 classes and courses of study which are accepted for continuing  
 328 education credit by a board of the Division of Health Care  
 329 Regulation ~~Medical Quality Assurance~~ of the Department of  
 330 Health.

331 3. Any nonprofit library.

332 4. Any nonprofit art gallery.

333 5. Any nonprofit performing arts center that provides  
 334 educational programs to school children, which programs involve  
 335 performances or other educational activities at the performing

336 arts center and serve a minimum of 50,000 school children a  
 337 year.

338 6. Any nonprofit museum that is open to the public.

339 Section 5. Paragraph (cc) of subsection (7) of section  
 340 212.08, Florida Statutes, is amended to read:

341 212.08 Sales, rental, use, consumption, distribution, and  
 342 storage tax; specified exemptions.—The sale at retail, the  
 343 rental, the use, the consumption, the distribution, and the  
 344 storage to be used or consumed in this state of the following  
 345 are hereby specifically exempt from the tax imposed by this  
 346 chapter.

347 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
 348 entity by this chapter do not inure to any transaction that is  
 349 otherwise taxable under this chapter when payment is made by a  
 350 representative or employee of the entity by any means,  
 351 including, but not limited to, cash, check, or credit card, even  
 352 when that representative or employee is subsequently reimbursed  
 353 by the entity. In addition, exemptions provided to any entity by  
 354 this subsection do not inure to any transaction that is  
 355 otherwise taxable under this chapter unless the entity has  
 356 obtained a sales tax exemption certificate from the department  
 357 or the entity obtains or provides other documentation as  
 358 required by the department. Eligible purchases or leases made  
 359 with such a certificate must be in strict compliance with this  
 360 subsection and departmental rules, and any person who makes an  
 361 exempt purchase with a certificate that is not in strict  
 362 compliance with this subsection and the rules is liable for and  
 363 shall pay the tax. The department may adopt rules to administer

364 | this subsection.

365 |       (cc) Works of art.—

366 |       1. Also exempt are works of art sold to or used by an  
367 | educational institution.

368 |       2. This exemption also applies to the sale to or use in  
369 | this state of any work of art by any person if it was purchased  
370 | or imported exclusively for the purpose of being donated to any  
371 | educational institution, or loaned to and made available for  
372 | display by any educational institution, provided that the term  
373 | of the loan agreement is for at least 10 years.

374 |       3. The exemption provided by this paragraph for donations  
375 | is allowed only if the person who purchased the work of art  
376 | transfers title to the donated work of art to an educational  
377 | institution. Such transfer of title shall be evidenced by an  
378 | affidavit meeting requirements established by rule to document  
379 | entitlement to the exemption. ~~Nothing in~~ This paragraph does not  
380 | ~~shall~~ preclude a work of art donated to an educational  
381 | institution from remaining in the possession of the donor or  
382 | purchaser, as long as title to the work of art lies with the  
383 | educational institution.

384 |       4. A work of art is presumed to have been purchased in or  
385 | imported into this state exclusively for loan as provided in  
386 | subparagraph 2., if it is so loaned or placed in storage in  
387 | preparation for such a loan within 90 days after purchase or  
388 | importation, whichever is later; but a work of art is not deemed  
389 | to be placed in storage in preparation for loan for purposes of  
390 | this exemption if it is displayed at any place other than an  
391 | educational institution.

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392           5. The exemptions provided by this paragraph are allowed  
393 only if the person who purchased the work of art gives to the  
394 vendor an affidavit meeting the requirements, established by  
395 rule, to document entitlement to the exemption. The person who  
396 purchased the work of art shall forward a copy of such affidavit  
397 to the Department of Revenue at the time it is issued to the  
398 vendor.

399           6. The exemption for loans provided by subparagraph 2.  
400 applies only for the period during which a work of art is in the  
401 possession of the educational institution or is in storage  
402 before transfer of possession to that institution; and when it  
403 ceases to be so possessed or held, tax based upon the sales  
404 price paid by the owner is payable, and the statute of  
405 limitations provided in s. 95.091 shall begin to run at that  
406 time. However, tax shall not become due if the work of art is  
407 donated to an educational institution after the loan ceases.

408           7. Any educational institution to which a work of art has  
409 been donated pursuant to this paragraph shall make available to  
410 the department the title to the work of art and any other  
411 relevant information. Any educational institution which has  
412 received a work of art on loan pursuant to this paragraph shall  
413 make available to the department information relating to the  
414 work of art. Any educational institution that transfers from its  
415 possession a work of art as defined by this paragraph which has  
416 been loaned to it must notify the Department of Revenue within  
417 60 days after the transfer.

418           8. For purposes of the exemptions provided by this  
419 paragraph, the term:

420 a. "Educational institutions" includes state tax-  
 421 supported, parochial, church, and nonprofit private schools,  
 422 colleges, or universities that conduct regular classes and  
 423 courses of study required for accreditation by or membership in  
 424 the Southern Association of Colleges and Schools, the Florida  
 425 Council of Independent Schools, or the Florida Association of  
 426 Christian Colleges and Schools, Inc.; nonprofit private schools  
 427 that conduct regular classes and courses of study accepted for  
 428 continuing education credit by a board of the Division of Health  
 429 Care Regulation ~~Medical Quality Assurance~~ of the Department of  
 430 Health; or nonprofit libraries, art galleries, performing arts  
 431 centers that provide educational programs to school children,  
 432 which programs involve performances or other educational  
 433 activities at the performing arts center and serve a minimum of  
 434 50,000 school children a year, and museums open to the public.

435 b. "Work of art" includes pictorial representations,  
 436 sculpture, jewelry, antiques, stamp collections and coin  
 437 collections, and other tangible personal property, the value of  
 438 which is attributable predominantly to its artistic, historical,  
 439 political, cultural, or social importance.

440 Section 6. Subsections (10) and (12) of section 215.5602,  
 441 Florida Statutes, are amended to read:

442 215.5602 James and Esther King Biomedical Research  
 443 Program.—

444 (10) The council shall submit an annual progress report on  
 445 the state of biomedical research in this state to the ~~Florida~~  
 446 ~~Center for Universal Research to Eradicate Disease and to the~~  
 447 Governor, the State Surgeon General, the President of the



448 Senate, and the Speaker of the House of Representatives by  
 449 February 1. The report must include:

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

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

453 (c) A list of publications in peer reviewed journals  
 454 involving research supported by grants or fellowships awarded  
 455 under the program.

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

458 (e) New grants for biomedical research which were funded  
 459 based on research supported by grants or fellowships awarded  
 460 under the program.

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

464 (12) ~~From funds appropriated to accomplish the goals of~~  
 465 ~~this section, up to \$250,000 shall be available for the~~  
 466 ~~operating costs of the Florida Center for Universal Research to~~  
 467 ~~Eradicate Disease.~~ Beginning in the 2011-2012 fiscal year and  
 468 thereafter, \$25 million from the revenue deposited into the  
 469 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)  
 470 shall be reserved for research of tobacco-related or cancer-  
 471 related illnesses. Of the revenue deposited in the Health Care  
 472 Trust Fund pursuant to this section, \$25 million shall be  
 473 transferred to the Biomedical Research Trust Fund within the  
 474 Department of Health. Subject to annual appropriations in the  
 475 General Appropriations Act, \$5 million shall be appropriated to

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476 the James and Esther King Biomedical Research Program, \$5  
 477 million shall be appropriated to the William G. "Bill" Bankhead,  
 478 Jr., and David Coley Cancer Research Program created under s.  
 479 381.922, \$5 million shall be appropriated to the H. Lee Moffitt  
 480 Cancer Center and Research Institute established under s.  
 481 1004.43, \$5 million shall be appropriated to the Sylvester  
 482 Comprehensive Cancer Center of the University of Miami, and \$5  
 483 million shall be appropriated to the University of Florida  
 484 Shands Cancer Center.

485 Section 7. Subsection (2) of section 310.102, Florida  
 486 Statutes, is amended to read:

487 310.102 Treatment programs for impaired pilots and deputy  
 488 pilots.—

489 (2) The department shall retain one or more impaired  
 490 practitioner consultants as recommended by the committee. A  
 491 consultant shall be a licensee under the jurisdiction of the  
 492 Division of Health Care Regulation ~~Medical Quality Assurance~~  
 493 within the Department of Health, and at least one consultant  
 494 must be a practitioner licensed under chapter 458, chapter 459,  
 495 or part I of chapter 464. The consultant shall assist the  
 496 probable cause panel and department in carrying out the  
 497 responsibilities of this section. This shall include working  
 498 with department investigators to determine whether a pilot or  
 499 deputy pilot is, in fact, impaired.

500 Section 8. Subsection (14) of section 381.0011, Florida  
 501 Statutes, is renumbered as subsection (15), and a new subsection  
 502 (14) is added to that section to read:

503 381.0011 Duties and powers of the Department of Health.—It

504 is the duty of the Department of Health to:

505 (14) Award funding through competitive grants.

506 Section 9. Subsection (2) of section 381.0046, Florida  
507 Statutes, is amended to read:

508 381.0046 Statewide HIV and AIDS prevention campaign.—

509 (2) The Department of Health shall establish four  
510 positions within the department for HIV and AIDS regional  
511 minority coordinators and one position for a statewide HIV and  
512 AIDS minority coordinator. The coordinators shall facilitate  
513 statewide efforts to implement and coordinate HIV and AIDS  
514 prevention and treatment programs. The statewide coordinator  
515 shall report directly to the chief of the Bureau of Communicable  
516 Diseases ~~HIV and AIDS~~ within the Department of Health.

517 Section 10. Paragraph (c) of subsection (3) and paragraphs  
518 (h) and (o) of subsection (4) of section 381.0065, Florida  
519 Statutes, are amended to read:

520 381.0065 Onsite sewage treatment and disposal systems;  
521 regulation.—

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

524 (c) Develop a comprehensive program to ensure that onsite  
525 sewage treatment and disposal systems regulated by the  
526 department are sized, designed, constructed, installed,  
527 repaired, modified, abandoned, used, operated, and maintained in  
528 compliance with this section and rules adopted under this  
529 section to prevent groundwater contamination and surface water  
530 contamination and to preserve the public health. The department  
531 is the final administrative interpretive authority regarding

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532 rule interpretation. In the event of a conflict regarding rule  
533 interpretation, the Bureau Chief ~~Division Director~~ for  
534 Environmental Health of the department, or his or her designee,  
535 shall timely assign a staff person to resolve the dispute.

536 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may  
537 not construct, repair, modify, abandon, or operate an onsite  
538 sewage treatment and disposal system without first obtaining a  
539 permit approved by the department. The department may issue  
540 permits to carry out this section, but shall not make the  
541 issuance of such permits contingent upon prior approval by the  
542 Department of Environmental Protection, except that the issuance  
543 of a permit for work seaward of the coastal construction control  
544 line established under s. 161.053 shall be contingent upon  
545 receipt of any required coastal construction control line permit  
546 from the Department of Environmental Protection. A construction  
547 permit is valid for 18 months from the issuance date and may be  
548 extended by the department for one 90-day period under rules  
549 adopted by the department. A repair permit is valid for 90 days  
550 from the date of issuance. An operating permit must be obtained  
551 prior to the use of any aerobic treatment unit or if the  
552 establishment generates commercial waste. Buildings or  
553 establishments that use an aerobic treatment unit or generate  
554 commercial waste shall be inspected by the department at least  
555 annually to assure compliance with the terms of the operating  
556 permit. The operating permit for a commercial wastewater system  
557 is valid for 1 year from the date of issuance and must be  
558 renewed annually. The operating permit for an aerobic treatment  
559 unit is valid for 2 years from the date of issuance and must be

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560 renewed every 2 years. If all information pertaining to the  
561 siting, location, and installation conditions or repair of an  
562 onsite sewage treatment and disposal system remains the same, a  
563 construction or repair permit for the onsite sewage treatment  
564 and disposal system may be transferred to another person, if the  
565 transferee files, within 60 days after the transfer of  
566 ownership, an amended application providing all corrected  
567 information and proof of ownership of the property. There is no  
568 fee associated with the processing of this supplemental  
569 information. A person may not contract to construct, modify,  
570 alter, repair, service, abandon, or maintain any portion of an  
571 onsite sewage treatment and disposal system without being  
572 registered under part III of chapter 489. A property owner who  
573 personally performs construction, maintenance, or repairs to a  
574 system serving his or her own owner-occupied single-family  
575 residence is exempt from registration requirements for  
576 performing such construction, maintenance, or repairs on that  
577 residence, but is subject to all permitting requirements. A  
578 municipality or political subdivision of the state may not issue  
579 a building or plumbing permit for any building that requires the  
580 use of an onsite sewage treatment and disposal system unless the  
581 owner or builder has received a construction permit for such  
582 system from the department. A building or structure may not be  
583 occupied and a municipality, political subdivision, or any state  
584 or federal agency may not authorize occupancy until the  
585 department approves the final installation of the onsite sewage  
586 treatment and disposal system. A municipality or political  
587 subdivision of the state may not approve any change in occupancy

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588 or tenancy of a building that uses an onsite sewage treatment  
589 and disposal system until the department has reviewed the use of  
590 the system with the proposed change, approved the change, and  
591 amended the operating permit.

592 (h)1. The department may grant variances in hardship cases  
593 which may be less restrictive than the provisions specified in  
594 this section. If a variance is granted and the onsite sewage  
595 treatment and disposal system construction permit has been  
596 issued, the variance may be transferred with the system  
597 construction permit, if the transferee files, within 60 days  
598 after the transfer of ownership, an amended construction permit  
599 application providing all corrected information and proof of  
600 ownership of the property and if the same variance would have  
601 been required for the new owner of the property as was  
602 originally granted to the original applicant for the variance.  
603 There is no fee associated with the processing of this  
604 supplemental information. A variance may not be granted under  
605 this section until the department is satisfied that:

606 a. The hardship was not caused intentionally by the action  
607 of the applicant;

608 b. No reasonable alternative, taking into consideration  
609 factors such as cost, exists for the treatment of the sewage;  
610 and

611 c. The discharge from the onsite sewage treatment and  
612 disposal system will not adversely affect the health of the  
613 applicant or the public or significantly degrade the groundwater  
614 or surface waters.

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616 Where soil conditions, water table elevation, and setback  
617 provisions are determined by the department to be satisfactory,  
618 special consideration must be given to those lots platted before  
619 1972.

620 2. The department shall appoint and staff a variance  
621 review and advisory committee, which shall meet monthly to  
622 recommend agency action on variance requests. The committee  
623 shall make its recommendations on variance requests at the  
624 meeting in which the application is scheduled for consideration,  
625 except for an extraordinary change in circumstances, the receipt  
626 of new information that raises new issues, or when the applicant  
627 requests an extension. The committee shall consider the criteria  
628 in subparagraph 1. in its recommended agency action on variance  
629 requests and shall also strive to allow property owners the full  
630 use of their land where possible. The committee consists of the  
631 following:

- 632 a. The Bureau Chief ~~Division Director~~ for Environmental  
633 Health of the department or his or her designee.
- 634 b. A representative from the county health departments.
- 635 c. A representative from the home building industry  
636 recommended by the Florida Home Builders Association.
- 637 d. A representative from the septic tank industry  
638 recommended by the Florida Onsite Wastewater Association.
- 639 e. A representative from the Department of Environmental  
640 Protection.
- 641 f. A representative from the real estate industry who is  
642 also a developer in this state who develops lots using onsite  
643 sewage treatment and disposal systems, recommended by the

644 Florida Association of Realtors.

645 g. A representative from the engineering profession  
646 recommended by the Florida Engineering Society.

647  
648 Members shall be appointed for a term of 3 years, with such  
649 appointments being staggered so that the terms of no more than  
650 two members expire in any one year. Members shall serve without  
651 remuneration, but if requested, shall be reimbursed for per diem  
652 and travel expenses as provided in s. 112.061.

653 (o) The department shall appoint a research review and  
654 advisory committee, which shall meet at least semiannually. The  
655 committee shall advise the department on directions for new  
656 research, review and rank proposals for research contracts, and  
657 review draft research reports and make comments. The committee  
658 is comprised of:

659 1. A representative of the Bureau ~~Division~~ of  
660 Environmental Health of the Department of Health.

661 2. A representative from the septic tank industry.

662 3. A representative from the home building industry.

663 4. A representative from an environmental interest group.

664 5. A representative from the State University System, from  
665 a department knowledgeable about onsite sewage treatment and  
666 disposal systems.

667 6. A professional engineer registered in this state who  
668 has work experience in onsite sewage treatment and disposal  
669 systems.

670 7. A representative from local government who is  
671 knowledgeable about domestic wastewater treatment.



- 672 8. A representative from the real estate profession.
- 673 9. A representative from the restaurant industry.
- 674 10. A consumer.

675

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

677 appointments being staggered so that the terms of no more than

678 four members expire in any one year. Members shall serve without

679 remuneration, but are entitled to reimbursement for per diem and

680 travel expenses as provided in s. 112.061.

681 Section 11. Paragraph (a) of subsection (4) of section

682 381.0101, Florida Statutes, is amended to read:

683 381.0101 Environmental health professionals.—

684 (4) ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—The

685 State Health Officer shall appoint an advisory board to assist

686 the department in the promulgation of rules for certification,

687 testing, establishing standards, and seeking enforcement actions

688 against certified professionals.

689 (a) The board shall be comprised of the Bureau Chief

690 ~~Division Director~~ for Environmental Health or his or her

691 designee, one individual who will be certified under this

692 section, one individual not employed in a governmental capacity

693 who will or does employ a certified environmental health

694 professional, one individual whose business is or will be

695 evaluated by a certified environmental health professional, a

696 citizen of the state who neither employs nor is routinely

697 evaluated by a person certified under this section.

698 Section 12. Section 381.04015, Florida Statutes, is

699 repealed.

700 Section 13. Paragraph (g) of subsection (4) of section  
 701 381.4018, Florida Statutes, is amended to read:

702 381.4018 Physician workforce assessment and development.—

703 (4) GENERAL FUNCTIONS.—The department shall maximize the  
 704 use of existing programs under the jurisdiction of the  
 705 department and other state agencies and coordinate governmental  
 706 and nongovernmental stakeholders and resources in order to  
 707 develop a state strategic plan and assess the implementation of  
 708 such strategic plan. In developing the state strategic plan, the  
 709 department shall:

710 (g) Coordinate and enhance activities relative to  
 711 physician workforce needs, undergraduate medical education,  
 712 graduate medical education, and reentry of retired military and  
 713 other physicians into the physician workforce provided by the  
 714 Division of Health Care Regulation ~~Medical Quality Assurance~~,  
 715 area health education center networks established pursuant to s.  
 716 381.0402, and other offices and programs within the department  
 717 as designated by the State Surgeon General.

718 Section 14. Section 381.855, Florida Statutes, is  
 719 repealed.

720 Section 15. Section 381.895, Florida Statutes, is  
 721 repealed.

722 Section 16. Section 381.90, Florida Statutes, is repealed.

723 Section 17. Subsection (5) of section 381.922, Florida  
 724 Statutes, is amended to read:

725 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
 726 Cancer Research Program.—

727 (5) The William G. "Bill" Bankhead, Jr., and David Coley

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728 Cancer Research Program is funded pursuant to s. 215.5602(12).  
729 Funds appropriated for the William G. "Bill" Bankhead, Jr., and  
730 David Coley Cancer Research Program shall be distributed  
731 pursuant to this section to provide grants to researchers  
732 seeking cures for cancer and cancer-related illnesses, with  
733 emphasis given to the goals enumerated in this section. From the  
734 total funds appropriated, an amount of up to 10 percent may be  
735 used for administrative expenses. ~~From funds appropriated to~~  
736 ~~accomplish the goals of this section, up to \$250,000 shall be~~  
737 ~~available for the operating costs of the Florida Center for~~  
738 ~~Universal Research to Eradicate Disease.~~

739 Section 18. Section 385.210, Florida Statutes, is  
740 repealed.

741 Section 19. Subsection (1) of section 391.028, Florida  
742 Statutes, is amended to read:

743 391.028 Administration.—The Children's Medical Services  
744 program shall have a central office and area offices.

745 (1) The Director of Children's Medical Services must be a  
746 physician licensed under chapter 458 or chapter 459 who has  
747 specialized training and experience in the provision of health  
748 care to children and who has recognized skills in leadership and  
749 the promotion of children's health programs. The director shall  
750 be the deputy secretary and the Deputy State Health Officer for  
751 Children's Medical Services and is appointed by and reports to  
752 the State Surgeon General. The director may appoint a division  
753 director ~~directors~~ subject to the approval of the State Surgeon  
754 General.

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755 Section 20. Section 391.221, Florida Statutes, is  
756 repealed.

757 Section 21. Section 392.51, Florida Statutes, is amended  
758 to read:

759 392.51 Findings and intent.—The Legislature finds and  
760 declares that active tuberculosis is a highly contagious  
761 infection that is sometimes fatal and constitutes a serious  
762 threat to the public health. The Legislature finds that there is  
763 a significant reservoir of tuberculosis infection in this state  
764 and that there is a need to develop community programs to  
765 identify tuberculosis and to respond quickly with appropriate  
766 measures. The Legislature finds that some patients who have  
767 active tuberculosis have complex medical, social, and economic  
768 problems that make outpatient control of the disease difficult,  
769 if not impossible, without posing a threat to the public health.  
770 The Legislature finds that in order to protect the citizenry  
771 from those few persons who pose a threat to the public, it is  
772 necessary to establish a system of mandatory contact  
773 identification, treatment to cure, hospitalization, and  
774 isolation for contagious cases and to provide a system of  
775 voluntary, community-oriented care and surveillance in all other  
776 cases. The Legislature finds that the delivery of tuberculosis  
777 control services is best accomplished by the coordinated efforts  
778 of the respective county health departments, a hospitalization  
779 program administered by the department ~~the A.G. Holley State~~  
780 ~~Hospital~~, and the private health care delivery system.

781 Section 22. Subsection (5) of section 392.56, Florida  
782 Statutes, is amended to read:

783           392.56 Hospitalization, placement, and residential  
784 isolation.—

785           (5) If the department petitions the circuit court to order  
786 that a person who has active tuberculosis be hospitalized in a  
787 hospital licensed under chapter 395 ~~facility operated under s.~~  
788 ~~392.62(2)~~, the department shall notify the facility of the  
789 potential court order.

790           Section 23. Section 392.62, Florida Statutes, is amended  
791 to read:

792           392.62 Hospitalization and placement programs.—

793           (1) The department shall operate a program for the  
794 hospitalization of persons who have active tuberculosis in  
795 hospitals licensed under chapter 395 and may provide for  
796 appropriate placement of persons who have active tuberculosis in  
797 one or more hospitals licensed under chapter 395 ~~other health~~  
798 ~~care facilities or residential facilities.~~

799           (2) ~~The department may operate a licensed hospital for the~~  
800 ~~care and treatment to cure of persons who have active~~  
801 ~~tuberculosis. The hospital may have a forensic unit where, under~~  
802 ~~medical protocol, a patient can be held in a secure or~~  
803 ~~protective setting.~~ The department shall ~~also~~ seek to maximize  
804 use of existing licensed ~~community~~ hospitals for the care and  
805 treatment to cure of persons who have active tuberculosis.

806           (3) Any licensed hospital ~~operated by the department, any~~  
807 ~~licensed hospital~~ under contract with the department, ~~and any~~  
808 ~~other health care facility or residential facility operated by~~  
809 ~~or under contract with the department~~ for the care and treatment  
810 of patients who have active tuberculosis shall:

811 (a) Admit patients ~~voluntarily and~~ under court order as  
 812 appropriate for each particular facility;

813 (b) Require that each patient pay the actual cost of care  
 814 provided ~~whether the patient is admitted voluntarily or by court~~  
 815 ~~order~~;

816 (c) Provide for a method of paying for the care of  
 817 patients who cannot afford to do so;

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

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

825 (f) Provide for the necessary exchange of medical  
 826 information to ensure ~~assure~~ adequate community treatment to  
 827 cure and followup of discharged patients, as appropriate; and

828 (g) Provide for a method of medical care and counseling  
 829 and for housing, social service, and employment referrals, if  
 830 appropriate, for all patients discharged from the hospital.

831 (4) A hospital may, pursuant to court order, place a  
 832 patient in temporary isolation for a period of no more than 72  
 833 continuous hours. The department shall obtain a court order in  
 834 the same manner as prescribed in s. 392.57. ~~Nothing in~~ This  
 835 subsection does not preclude ~~precludes~~ a hospital from isolating  
 836 an infectious patient for medical reasons.

837 (5) Any person committed under s. 392.57 who leaves the  
 838 hospital designated by court order ~~tuberculosis hospital or~~

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839 ~~residential facility~~ without having been discharged by the  
840 designated medical authority, except as provided in s. 392.63,  
841 shall be apprehended by the sheriff of the county in which the  
842 person is found and immediately delivered to the facility from  
843 which he or she left.

844 Section 24. Section 392.69, Florida Statutes, is amended  
845 to read:

846 392.69 Appropriation, sinking, and maintenance trust  
847 funds; additional powers of the department.—

848 (1) The Legislature shall include in its annual  
849 appropriations act a sufficient sum for the purpose of carrying  
850 out the provisions of this chapter.

851 (2) All moneys required to be paid by the several counties  
852 and patients for the care and maintenance of patients  
853 hospitalized pursuant to court order ~~by the department~~ for  
854 tuberculosis shall be paid to the department, and the department  
855 shall immediately transmit these moneys to the Chief Financial  
856 Officer, who shall deposit the moneys in the Operations and  
857 Maintenance Trust Fund, which shall contain all moneys  
858 appropriated by the Legislature or received from patients or  
859 other third parties and shall be expended for the operation of  
860 the department's hospitalization program as described in s.  
861 392.62 ~~and maintenance of the state-operated tuberculosis~~  
862 ~~hospital.~~

863 ~~(3) In the execution of its public health program~~  
864 ~~functions, notwithstanding s. 216.292(2)(b)2., the department is~~  
865 ~~hereby authorized to use any sums of money which it may~~  
866 ~~heretofore have saved or which it may hereafter save from its~~

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867 ~~regular operating appropriation, or use any sums of money~~  
868 ~~acquired by gift or grant, or any sums of money it may acquire~~  
869 ~~by the issuance of revenue certificates of the hospital to match~~  
870 ~~or supplement any state or federal funds, or any moneys received~~  
871 ~~by said department by gift or otherwise, for the construction or~~  
872 ~~maintenance of additional facilities or improvement to existing~~  
873 ~~facilities, as the department deems necessary.~~

874 ~~(4) The department shall appoint an advisory board, which~~  
875 ~~shall meet quarterly to review and make recommendations relating~~  
876 ~~to patient care at A. G. Holley State Hospital. Members shall be~~  
877 ~~appointed for terms of 3 years, with such appointments being~~  
878 ~~staggered so that terms of no more than two members expire in~~  
879 ~~any one year. Members shall serve without compensation, but they~~  
880 ~~are entitled to be reimbursed for per diem and travel expenses~~  
881 ~~under s. 112.061.~~

882 Section 25. Subsections (1) and (4) of section 395.1027,  
883 Florida Statutes, are amended to read:

884 395.1027 Regional poison control centers.-

885 (1) There shall be created three certified regional poison  
886 control centers, one each in the north, central, and southern  
887 regions of the state. Each regional poison control center shall  
888 be affiliated with and physically located in a certified Level I  
889 trauma center. Each regional poison control center shall be  
890 affiliated with an accredited medical school or college of  
891 pharmacy. The regional poison control centers shall be  
892 coordinated under the aegis of the Division of Children's  
893 Medical Services ~~Prevention and Intervention~~ in the department.

894 (4) The Legislature hereby finds and declares that it is



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895 | in the public interest to shorten the time required for a  
896 | citizen to request and receive directly from designated regional  
897 | poison control centers telephonic management advice for acute  
898 | poisoning emergencies. To facilitate rapid and direct access,  
899 | telephone numbers for designated regional poison control centers  
900 | shall be given special prominence. The local exchange  
901 | telecommunications companies shall print immediately below "911"  
902 | or other emergency calling instructions on the inside front  
903 | cover of the telephone directory the words "Poison Information  
904 | Center," the logo of the American Association of Poison Control  
905 | Centers, and the telephone number of the local, if applicable,  
906 | or, if not local, other toll-free telephone number of the  
907 | Florida Poison Information Center Network. This information  
908 | shall be outlined and be no less than 1 inch in height by 2  
909 | inches in width. Only those facilities satisfying criteria  
910 | established in the current "Criteria for Certification of a  
911 | Regional Poison Center" set by the American Association of  
912 | Poison Control Centers, and the "Standards of the Poison  
913 | Information Center Program" initiated by the Division of  
914 | Children's Medical Services ~~Prevention and Intervention~~ of the  
915 | Department of Health shall be permitted to list such facility as  
916 | a poison information center, poison control center, or poison  
917 | center. Those centers under a developmental phase-in plan shall  
918 | be given 2 years from the date of initial 24-hour service  
919 | implementation to comply with the aforementioned criteria and,  
920 | as such, will be permitted to be listed as a poison information  
921 | center, poison control center, or poison center during that  
922 | allotted time period.

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

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923 Section 26. Subsection (1) of section 400.914, Florida  
924 Statutes, is amended to read:

925 400.914 Rules establishing standards.—

926 (1) Pursuant to the intention of the Legislature to  
927 provide safe and sanitary facilities and healthful programs, the  
928 agency in conjunction with the Division of Children's Medical  
929 Services ~~Prevention and Intervention~~ of the Department of Health  
930 shall adopt and publish rules to implement the provisions of  
931 this part and part II of chapter 408, which shall include  
932 reasonable and fair standards. Any conflict between these  
933 standards and those that may be set forth in local, county, or  
934 city ordinances shall be resolved in favor of those having  
935 statewide effect. Such standards shall relate to:

936 (a) The assurance that PPEC services are family centered  
937 and provide individualized medical, developmental, and family  
938 training services.

939 (b) The maintenance of PPEC centers, not in conflict with  
940 the provisions of chapter 553 and based upon the size of the  
941 structure and number of children, relating to plumbing, heating,  
942 lighting, ventilation, and other building conditions, including  
943 adequate space, which will ensure the health, safety, comfort,  
944 and protection from fire of the children served.

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

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

949 (e) All sanitary conditions within the PPEC center and its  
950 surroundings, including water supply, sewage disposal, food

951 handling, and general hygiene, and maintenance thereof, which  
 952 will ensure the health and comfort of children served.

953 (f) Programs and basic services promoting and maintaining  
 954 the health and development of the children served and meeting  
 955 the training needs of the children's legal guardians.

956 (g) Supportive, contracted, other operational, and  
 957 transportation services.

958 (h) Maintenance of appropriate medical records, data, and  
 959 information relative to the children and programs. Such records  
 960 shall be maintained in the facility for inspection by the  
 961 agency.

962 Section 27. Paragraph (d) of subsection (11) of section  
 963 409.256, Florida Statutes, is amended to read:

964 409.256 Administrative proceeding to establish paternity  
 965 or paternity and child support; order to appear for genetic  
 966 testing.—

967 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND  
 968 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL  
 969 STATISTICS.—

970 (d) Upon rendering a final order of paternity or a final  
 971 order of paternity and child support, the department shall  
 972 notify the Bureau ~~Division~~ of Vital Statistics of the Department  
 973 of Health that the paternity of the child has been established.

974 Section 28. Subsection (6) of section 415.1055, Florida  
 975 Statutes, is amended to read:

976 415.1055 Notification to administrative entities.—

977 (6) If at any time during a protective investigation the  
 978 department has reasonable cause to believe that professional

979 licensure violations have occurred, the department shall notify  
 980 the Division of Health Care Regulation ~~Medical Quality Assurance~~  
 981 within the Department of Health. This notification must be in  
 982 writing.

983 Section 29. Subsections (1), (4), and (7) of section  
 984 456.001, Florida Statutes, are amended to read:

985 456.001 Definitions.—As used in this chapter, the term:

986 (1) "Board" means any board or commission, or other  
 987 statutorily created entity to the extent such entity is  
 988 authorized to exercise regulatory or rulemaking functions,  
 989 within the department, except that, for ss. 456.003-456.018,  
 990 456.022, 456.023, 456.025-456.034, and 456.039-456.082, "board"  
 991 means only a board, or other statutorily created entity to the  
 992 extent such entity is authorized to exercise regulatory or  
 993 rulemaking functions, within the Division of Health Care  
 994 Regulation ~~Medical Quality Assurance~~.

995 (4) "Health care practitioner" means any person licensed  
 996 under part III of chapter 401, chapter 457; chapter 458; chapter  
 997 459; chapter 460; chapter 461; chapter 462; chapter 463; chapter  
 998 464; chapter 465; chapter 466; chapter 467; part I, part II,  
 999 part III, part V, part X, part XIII, or part XIV of chapter 468;  
 1000 chapter 478; chapter 480; part III or part IV of chapter 483;  
 1001 chapter 484; chapter 486; chapter 490; or chapter 491.

1002 (7) "Profession" means any activity, occupation,  
 1003 profession, or vocation regulated by the department in the  
 1004 Division of Health Care Regulation ~~Medical Quality Assurance~~.

1005 Section 30. Subsection (3) of section 456.011, Florida  
 1006 Statutes, is amended to read:

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1007 456.011 Boards; organization; meetings; compensation and  
1008 travel expenses.—

1009 (3) The board shall meet at least once annually and may  
1010 meet as often as is necessary. Meetings shall be conducted  
1011 through teleconferencing or other technological means, unless  
1012 disciplinary hearings involving standard of care, sexual  
1013 misconduct, fraud, impairment, or felony convictions; licensure  
1014 denial hearings; or controversial rule hearings are being  
1015 conducted; or unless otherwise approved in advance of the  
1016 meeting by the director of the Division of Health Care  
1017 Regulation ~~Medical Quality Assurance~~. The chairperson or a  
1018 quorum of the board shall have the authority to call meetings,  
1019 except as provided above relating to in-person meetings. A  
1020 quorum shall be necessary for the conduct of official business  
1021 by the board or any committee thereof. Unless otherwise provided  
1022 by law, 51 percent or more of the appointed members of the board  
1023 or any committee, when applicable, shall constitute a quorum.  
1024 The membership of committees of the board, except as otherwise  
1025 authorized pursuant to this chapter or the applicable practice  
1026 act, shall be composed of currently appointed members of the  
1027 board. The vote of a majority of the members of the quorum shall  
1028 be necessary for any official action by the board or committee.  
1029 Three consecutive unexcused absences or absences constituting 50  
1030 percent or more of the board's meetings within any 12-month  
1031 period shall cause the board membership of the member in  
1032 question to become void, and the position shall be considered  
1033 vacant. The board, or the department when there is no board,  
1034 shall, by rule, define unexcused absences.

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1035 Section 31. Subsections (6) and (10) of section 456.013,  
1036 Florida Statutes, are amended to read:  
1037 456.013 Department; general licensing provisions.—  
1038 (6) As a condition of renewal of a license, the Board of  
1039 Medicine, the Board of Osteopathic Medicine, the Board of  
1040 Chiropractic Medicine, and the Board of Podiatric Medicine shall  
1041 each require licensees which they respectively regulate to  
1042 periodically demonstrate their professional competency by  
1043 completing at least 40 hours of continuing education every 2  
1044 years. The boards may require by rule that up to 1 hour of the  
1045 required 40 or more hours be in the area of risk management or  
1046 cost containment. This provision shall not be construed to limit  
1047 the number of hours that a licensee may obtain in risk  
1048 management or cost containment to be credited toward satisfying  
1049 the 40 or more required hours. This provision shall not be  
1050 construed to require the boards to impose any requirement on  
1051 licensees except for the completion of at least 40 hours of  
1052 continuing education every 2 years. Each of such boards shall  
1053 determine whether any specific continuing education requirements  
1054 not otherwise mandated by law shall be mandated and shall  
1055 approve criteria for, and the content of, any continuing  
1056 education mandated by such board. Notwithstanding any other  
1057 provision of law, the board, or the department when there is no  
1058 board, may approve by rule alternative methods of obtaining  
1059 continuing education credits in risk management. The alternative  
1060 methods may include attending a board meeting at which another  
1061 licensee is disciplined, serving as a volunteer expert witness  
1062 for the department in a disciplinary case, or serving as a

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1063 member of a probable cause panel following the expiration of a  
 1064 board member's term. Other boards within the Division of Health  
 1065 Care Regulation ~~Medical Quality Assurance~~, or the department if  
 1066 there is no board, may adopt rules granting continuing education  
 1067 hours in risk management for attending a board meeting at which  
 1068 another licensee is disciplined, for serving as a volunteer  
 1069 expert witness for the department in a disciplinary case, or for  
 1070 serving as a member of a probable cause panel following the  
 1071 expiration of a board member's term.

1072 (10) Notwithstanding any law to the contrary, an elected  
 1073 official who is licensed under a practice act administered by  
 1074 the Division of Health Care Regulation ~~Medical Quality Assurance~~  
 1075 may hold employment for compensation with any public agency  
 1076 concurrent with such public service. Such dual service must be  
 1077 disclosed according to any disclosure required by applicable  
 1078 law.

1079 Section 32. Subsection (8) of section 456.025, Florida  
 1080 Statutes, is amended to read:

1081 456.025 Fees; receipts; disposition.—

1082 (8) All moneys collected by the department from fees or  
 1083 fines or from costs awarded to the agency by a court shall be  
 1084 paid into a trust fund used by the department to implement this  
 1085 chapter. The Legislature shall appropriate funds from this trust  
 1086 fund sufficient to carry out this chapter and the provisions of  
 1087 law with respect to professions regulated by the Division of  
 1088 Health Care Regulation ~~Medical Quality Assurance~~ within the  
 1089 department and the boards. The department may contract with  
 1090 public and private entities to receive and deposit revenue

1091 | pursuant to this section. The department shall maintain separate  
 1092 | accounts in the trust fund used by the department to implement  
 1093 | this chapter for every profession within the department. To the  
 1094 | maximum extent possible, the department shall directly charge  
 1095 | all expenses to the account of each regulated profession. For  
 1096 | the purpose of this subsection, direct charge expenses include,  
 1097 | but are not limited to, costs for investigations, examinations,  
 1098 | and legal services. For expenses that cannot be charged  
 1099 | directly, the department shall provide for the proportionate  
 1100 | allocation among the accounts of expenses incurred by the  
 1101 | department in the performance of its duties with respect to each  
 1102 | regulated profession. The regulation by the department of  
 1103 | professions, as defined in this chapter, shall be financed  
 1104 | solely from revenue collected by it from fees and other charges  
 1105 | and deposited in the Health Care Regulation ~~Medical Quality~~  
 1106 | ~~Assurance~~ Trust Fund, and all such revenue is hereby  
 1107 | appropriated to the department. However, it is legislative  
 1108 | intent that each profession shall operate within its anticipated  
 1109 | fees. The department may not expend funds from the account of a  
 1110 | profession to pay for the expenses incurred on behalf of another  
 1111 | profession, except that the Board of Nursing must pay for any  
 1112 | costs incurred in the regulation of certified nursing  
 1113 | assistants. The department shall maintain adequate records to  
 1114 | support its allocation of agency expenses. The department shall  
 1115 | provide any board with reasonable access to these records upon  
 1116 | request. On or before October 1 of each year, the department  
 1117 | shall provide each board an annual report of revenue and direct  
 1118 | and allocated expenses related to the operation of that



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1119 | profession. The board shall use these reports and the  
1120 | department's adopted long-range plan to determine the amount of  
1121 | license fees. A condensed version of this information, with the  
1122 | department's recommendations, shall be included in the annual  
1123 | report to the Legislature prepared under s. 456.026.

1124 |       Section 33. Subsection (1) of section 456.032, Florida  
1125 | Statutes, is amended to read:

1126 |       456.032 Hepatitis B or HIV carriers.—

1127 |       (1) The department and each appropriate board within the  
1128 | Division of Health Care Regulation ~~Medical Quality Assurance~~  
1129 | shall have the authority to establish procedures to handle,  
1130 | counsel, and provide other services to health care professionals  
1131 | within their respective boards who are infected with hepatitis B  
1132 | or the human immunodeficiency virus.

1133 |       Section 34. Subsection (1) of section 456.037, Florida  
1134 | Statutes, is amended to read:

1135 |       456.037 Business establishments; requirements for active  
1136 | status licenses; delinquency; discipline; applicability.—

1137 |       (1) A business establishment regulated by the Division of  
1138 | Health Care Regulation ~~Medical Quality Assurance~~ pursuant to  
1139 | this chapter may provide regulated services only if the business  
1140 | establishment has an active status license. A business  
1141 | establishment that provides regulated services without an active  
1142 | status license is in violation of this section and s. 456.072,  
1143 | and the board, or the department if there is no board, may  
1144 | impose discipline on the business establishment.

1145 |       Section 35. Section 456.061, Florida Statutes, is amended  
1146 | to read:

1147 456.061 Practitioner disclosure of confidential  
 1148 information; immunity from civil or criminal liability.—

1149 (1) A practitioner regulated through the Division of  
 1150 Health Care Regulation ~~Medical Quality Assurance~~ of the  
 1151 department shall not be civilly or criminally liable for the  
 1152 disclosure of otherwise confidential information to a sexual  
 1153 partner or a needle-sharing partner under the following  
 1154 circumstances:

1155 (a) If a patient of the practitioner who has tested  
 1156 positive for human immunodeficiency virus discloses to the  
 1157 practitioner the identity of a sexual partner or a needle-  
 1158 sharing partner;

1159 (b) The practitioner recommends the patient notify the  
 1160 sexual partner or the needle-sharing partner of the positive  
 1161 test and refrain from engaging in sexual or drug activity in a  
 1162 manner likely to transmit the virus and the patient refuses, and  
 1163 the practitioner informs the patient of his or her intent to  
 1164 inform the sexual partner or needle-sharing partner; and

1165 (c) If pursuant to a perceived civil duty or the ethical  
 1166 guidelines of the profession, the practitioner reasonably and in  
 1167 good faith advises the sexual partner or the needle-sharing  
 1168 partner of the patient of the positive test and facts concerning  
 1169 the transmission of the virus.

1170  
 1171 However, any notification of a sexual partner or a needle-  
 1172 sharing partner pursuant to this section shall be done in  
 1173 accordance with protocols developed pursuant to rule of the  
 1174 Department of Health.

1175 (2) Notwithstanding the foregoing, a practitioner  
 1176 regulated through the Division of Health Care Regulation ~~Medical~~  
 1177 ~~Quality Assurance~~ of the department shall not be civilly or  
 1178 criminally liable for failure to disclose information relating  
 1179 to a positive test result for human immunodeficiency virus of a  
 1180 patient to a sexual partner or a needle-sharing partner.

1181 Section 36. Subsection (3) of section 456.065, Florida  
 1182 Statutes, is amended to read:

1183 456.065 Unlicensed practice of a health care profession;  
 1184 intent; cease and desist notice; penalties; enforcement;  
 1185 citations; fees; allocation and disposition of moneys  
 1186 collected.—

1187 (3) Because all enforcement costs should be covered by  
 1188 professions regulated by the department, the department shall  
 1189 impose, upon initial licensure and each licensure renewal, a  
 1190 special fee of \$5 per licensee to fund efforts to combat  
 1191 unlicensed activity. Such fee shall be in addition to all other  
 1192 fees collected from each licensee. The department shall make  
 1193 direct charges to the Health Care Regulation ~~Medical Quality~~  
 1194 ~~Assurance~~ Trust Fund by profession. The department shall seek  
 1195 board advice regarding enforcement methods and strategies. The  
 1196 department shall directly credit the Health Care Regulation  
 1197 ~~Medical Quality Assurance~~ Trust Fund, by profession, with the  
 1198 revenues received from the department's efforts to enforce  
 1199 licensure provisions. The department shall include all financial  
 1200 and statistical data resulting from unlicensed activity  
 1201 enforcement as a separate category in the quarterly management  
 1202 report provided for in s. 456.025. For an unlicensed activity

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1203 account, a balance which remains at the end of a renewal cycle  
 1204 may, with concurrence of the applicable board and the  
 1205 department, be transferred to the operating fund account of that  
 1206 profession. The department shall also use these funds to inform  
 1207 and educate consumers generally on the importance of using  
 1208 licensed health care practitioners.

1209 Section 37. Paragraph (k) of subsection (1) of section  
 1210 456.072, Florida Statutes, is amended to read:

1211 456.072 Grounds for discipline; penalties; enforcement.—

1212 (1) The following acts shall constitute grounds for which  
 1213 the disciplinary actions specified in subsection (2) may be  
 1214 taken:

1215 (k) Failing to perform any statutory or legal obligation  
 1216 placed upon a licensee. For purposes of this section, failing to  
 1217 repay a student loan issued or guaranteed by the state or the  
 1218 Federal Government in accordance with the terms of the loan or  
 1219 failing to comply with service scholarship obligations shall be  
 1220 considered a failure to perform a statutory or legal obligation,  
 1221 and the minimum disciplinary action imposed shall be a  
 1222 suspension of the license until new payment terms are agreed  
 1223 upon or the scholarship obligation is resumed, followed by  
 1224 probation for the duration of the student loan or remaining  
 1225 scholarship obligation period, and a fine equal to 10 percent of  
 1226 the defaulted loan amount. Fines collected shall be deposited  
 1227 into the Health Care Regulation ~~Medical Quality Assurance~~ Trust  
 1228 Fund.

1229 Section 38. Subsection (2) and paragraph (a) of subsection  
 1230 (3) of section 456.076, Florida Statutes, is amended to read:

1231 456.076 Treatment programs for impaired practitioners.—  
 1232 (2) The department shall retain one or more impaired  
 1233 practitioner consultants. The consultant shall be a licensee  
 1234 under the jurisdiction of the Division of Health Care Regulation  
 1235 ~~Medical Quality Assurance~~ within the department who must be a  
 1236 practitioner or recovered practitioner licensed under chapter  
 1237 458, chapter 459, or part I of chapter 464, or an entity  
 1238 employing a medical director who must be a practitioner or  
 1239 recovered practitioner licensed under chapter 458, chapter 459,  
 1240 or part I of chapter 464. The consultant shall assist the  
 1241 probable cause panel and department in carrying out the  
 1242 responsibilities of this section. This shall include working  
 1243 with department investigators to determine whether a  
 1244 practitioner is, in fact, impaired. The consultant may contract  
 1245 for services to be provided, for appropriate compensation, if  
 1246 requested by the school, for students enrolled in schools for  
 1247 licensure as allopathic physicians or physician assistants under  
 1248 chapter 458, osteopathic physicians or physician assistants  
 1249 under chapter 459, nurses under chapter 464, or pharmacists  
 1250 under chapter 465 who are alleged to be impaired as a result of  
 1251 the misuse or abuse of alcohol or drugs, or both, or due to a  
 1252 mental or physical condition. The department is not responsible  
 1253 under any circumstances for paying the costs of care provided by  
 1254 approved treatment providers, and the department is not  
 1255 responsible for paying the costs of consultants' services  
 1256 provided for students. A medical school accredited by the  
 1257 Liaison Committee on Medical Education of the Commission on  
 1258 Osteopathic College Accreditation, or other school providing for

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1259 | the education of students enrolled in preparation for licensure  
 1260 | as allopathic physicians under chapter 458 or osteopathic  
 1261 | physicians under chapter 459, which is governed by accreditation  
 1262 | standards requiring notice and the provision of due process  
 1263 | procedures to students, is not liable in any civil action for  
 1264 | referring a student to the consultant retained by the department  
 1265 | or for disciplinary actions that adversely affect the status of  
 1266 | a student when the disciplinary actions are instituted in  
 1267 | reasonable reliance on the recommendations, reports, or  
 1268 | conclusions provided by such consultant, if the school, in  
 1269 | referring the student or taking disciplinary action, adheres to  
 1270 | the due process procedures adopted by the applicable  
 1271 | accreditation entities and if the school committed no  
 1272 | intentional fraud in carrying out the provisions of this  
 1273 | section.

1274 |         (3) (a) Whenever the department receives a written or oral  
 1275 | legally sufficient complaint alleging that a licensee under the  
 1276 | jurisdiction of the Division of Health Care Regulation ~~Medical~~  
 1277 | ~~Quality Assurance~~ within the department is impaired as a result  
 1278 | of the misuse or abuse of alcohol or drugs, or both, or due to a  
 1279 | mental or physical condition which could affect the licensee's  
 1280 | ability to practice with skill and safety, and no complaint  
 1281 | against the licensee other than impairment exists, the reporting  
 1282 | of such information shall not constitute grounds for discipline  
 1283 | pursuant to s. 456.072 or the corresponding grounds for  
 1284 | discipline within the applicable practice act if the probable  
 1285 | cause panel of the appropriate board, or the department when  
 1286 | there is no board, finds:

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1287 1. The licensee has acknowledged the impairment problem.

1288 2. The licensee has voluntarily enrolled in an  
1289 appropriate, approved treatment program.

1290 3. The licensee has voluntarily withdrawn from practice or  
1291 limited the scope of practice as required by the consultant, in  
1292 each case, until such time as the panel, or the department when  
1293 there is no board, is satisfied the licensee has successfully  
1294 completed an approved treatment program.

1295 4. The licensee has executed releases for medical records,  
1296 authorizing the release of all records of evaluations,  
1297 diagnoses, and treatment of the licensee, including records of  
1298 treatment for emotional or mental conditions, to the consultant.  
1299 The consultant shall make no copies or reports of records that  
1300 do not regard the issue of the licensee's impairment and his or  
1301 her participation in a treatment program.

1302 Section 39. Subsection (8) of section 458.331, Florida  
1303 Statutes, is amended to read:

1304 458.331 Grounds for disciplinary action; action by the  
1305 board and department.—

1306 (8) If any physician regulated by the Division of Health  
1307 Care Regulation ~~Medical Quality Assurance~~ is guilty of such  
1308 unprofessional conduct, negligence, or mental or physical  
1309 incapacity or impairment that the division determines that the  
1310 physician is unable to practice with reasonable skill and safety  
1311 and presents a danger to patients, the division shall be  
1312 authorized to maintain an action in circuit court enjoining such  
1313 physician from providing medical services to the public until  
1314 the physician demonstrates the ability to practice with

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1315 reasonable skill and safety and without danger to patients.

1316 Section 40. Subsection (8) of section 459.015, Florida  
 1317 Statutes, is amended to read:

1318 459.015 Grounds for disciplinary action; action by the  
 1319 board and department.—

1320 (8) If any osteopathic physician regulated by the Division  
 1321 of Health Care Regulation ~~Medical Quality Assurance~~ is guilty of  
 1322 such unprofessional conduct, negligence, or mental or physical  
 1323 incapacity or impairment that the division determines that the  
 1324 osteopathic physician is unable to practice with reasonable  
 1325 skill and safety and presents a danger to patients, the division  
 1326 shall be authorized to maintain an action in circuit court  
 1327 enjoining such osteopathic physician from providing medical  
 1328 services to the public until the osteopathic physician  
 1329 demonstrates the ability to practice with reasonable skill and  
 1330 safety and without danger to patients.

1331 Section 41. Section 462.09, Florida Statutes, is amended  
 1332 to read:

1333 462.09 Disposition of fees.—All fees received under this  
 1334 chapter shall be deposited into the Health Care Regulation  
 1335 ~~Medical Quality Assurance~~ Trust Fund. The Legislature shall  
 1336 appropriate funds from this trust fund sufficient to carry out  
 1337 the provisions of this chapter. The department shall prepare and  
 1338 submit a proposed budget in accordance with law.

1339 Section 42. Subsection (3) of section 464.0195, Florida  
 1340 Statutes, is amended to read:

1341 464.0195 Florida Center for Nursing; goals.—

1342 (3) The Board of Nursing shall include on its initial and



1343 renewal application forms a question asking each nurse to  
 1344 voluntarily contribute to funding the Florida Center for Nursing  
 1345 in addition to paying the fees imposed at the time of licensure  
 1346 and licensure renewal. Revenues collected from nurses over and  
 1347 above the required fees shall be transferred from the Health  
 1348 Care Regulation ~~Medical Quality Assurance~~ Trust Fund to the  
 1349 Grants and Donations Trust Fund within the Department of Health  
 1350 and shall be used solely to support and maintain the goals and  
 1351 functions of the center. Before giving a nurse the opportunity  
 1352 to contribute to funding the center at the time of licensure  
 1353 renewal, the Board of Nursing shall provide the nurse with a  
 1354 summary of the center's work, a link to the center's Internet  
 1355 website, and the following statement: "The Florida Center for  
 1356 Nursing's operating revenues are derived in part from your  
 1357 donation. In order for the Florida Center for Nursing to  
 1358 continue its work on behalf of nurses, please donate."

1359 Section 43. Section 467.0135, Florida Statutes, is amended  
 1360 to read:

1361 467.0135 Fees.—The department shall establish fees for  
 1362 application, examination, initial licensure, renewal of  
 1363 licensure, licensure by endorsement, inactive status, delinquent  
 1364 status, and reactivation of an inactive license. The appropriate  
 1365 fee must be paid at the time of application and is payable to  
 1366 the Department of Health, in accordance with rules adopted by  
 1367 the department. A fee is nonrefundable, unless otherwise  
 1368 provided by rule. A fee may not exceed:

- 1369 (1) Five hundred dollars for examination.
- 1370 (2) Five hundred dollars for initial licensure.

1371 (3) Five hundred dollars for renewal of licensure.  
 1372 (4) Two hundred dollars for application, which fee is  
 1373 nonrefundable.  
 1374 (5) Five hundred dollars for reactivation of an inactive  
 1375 license.  
 1376 (6) Five hundred dollars for licensure by endorsement.  
 1377  
 1378 A fee for inactive status, reactivation of an inactive license,  
 1379 or delinquency may not exceed the fee established by the  
 1380 department for biennial renewal of an active license. All fees  
 1381 collected under this section shall be deposited in the Health  
 1382 Care Regulation ~~Medical Quality Assurance~~ Trust Fund.  
 1383 Section 44. Section 458.346, Florida Statutes, is  
 1384 repealed.  
 1385 Section 45. Section 474.221, Florida Statutes, is amended  
 1386 to read:  
 1387 474.221 Impaired practitioner provisions; applicability.—  
 1388 Notwithstanding the transfer of the Division of Health Care  
 1389 Regulation ~~Medical Quality Assurance~~ to the Department of Health  
 1390 or any other provision of law to the contrary, veterinarians  
 1391 licensed under this chapter shall be governed by the treatment  
 1392 of impaired practitioner provisions of s. 456.076 as if they  
 1393 were under the jurisdiction of the Division of Health Care  
 1394 Regulation ~~Medical Quality Assurance~~, except that for  
 1395 veterinarians the Department of Business and Professional  
 1396 Regulation shall, at its option, exercise any of the powers  
 1397 granted to the Department of Health by that section, and "board"  
 1398 shall mean board as defined in this chapter.

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

1399 Section 46. Subsection (5) of section 480.044, Florida  
 1400 Statutes, is amended to read:

1401 480.044 Fees; disposition.—

1402 (5) All moneys collected by the department from fees  
 1403 authorized by this act shall be paid into the Health Care  
 1404 Regulation ~~Medical Quality Assurance~~ Trust Fund in the  
 1405 department and shall be applied in accordance with the  
 1406 provisions of s. 456.025. The Legislature may appropriate any  
 1407 excess moneys from this fund to the General Revenue Fund.

1408 Section 47. Paragraph (j) of subsection (4) and subsection  
 1409 (8) of section 483.901, Florida Statutes, is amended to read:

1410 483.901 Medical physicists; definitions; licensure.—

1411 (4) COUNCIL.—The Advisory Council of Medical Physicists is  
 1412 created in the Department of Health to advise the department in  
 1413 regulating the practice of medical physics in this state.

1414 (j) Members of the council may not receive compensation  
 1415 for their services; however, they are entitled to reimbursement,  
 1416 from funds deposited in the Health Care Regulation ~~Medical~~  
 1417 ~~Quality Assurance~~ Trust Fund, for necessary travel expenses as  
 1418 specified in s. 112.061 for each day they engage in the business  
 1419 of the council.

1420 (8) DISPOSITION OF FEES.—The department shall deposit all  
 1421 funds received into the Health Care Regulation ~~Medical Quality~~  
 1422 ~~Assurance~~ Trust Fund.

1423 Section 48. Subsection (2) of section 490.0085, Florida  
 1424 Statutes, is amended to read:

1425 490.0085 Continuing education; approval of providers,  
 1426 programs, and courses; proof of completion.—

1427 (2) The department or, in the case of psychologists, the  
 1428 board has the authority to set a fee not to exceed \$500 for each  
 1429 applicant who applies for or renews provider status. Such fees  
 1430 shall be deposited into the Health Care Regulation ~~Medical~~  
 1431 ~~Quality Assurance~~ Trust Fund.

1432 Section 49. Subsection (2) of section 491.0085, Florida  
 1433 Statutes, is amended to read:

1434 491.0085 Continuing education and laws and rules courses;  
 1435 approval of providers, programs, and courses; proof of  
 1436 completion.—

1437 (2) The department or the board has the authority to set a  
 1438 fee not to exceed \$200 for each applicant who applies for or  
 1439 renews provider status. Such fees shall be deposited into the  
 1440 Health Care Regulation ~~Medical Quality Assurance~~ Trust Fund.

1441 Section 50. Subsection (2) of section 553.73, Florida  
 1442 Statutes, is amended to read:

1443 553.73 Florida Building Code.—

1444 (2) The Florida Building Code shall contain provisions or  
 1445 requirements for public and private buildings, structures, and  
 1446 facilities relative to structural, mechanical, electrical,  
 1447 plumbing, sanitation, energy, and gas systems, existing  
 1448 buildings, historical buildings, manufactured buildings,  
 1449 elevators, coastal construction, lodging facilities, food sales  
 1450 and food service facilities, health care facilities, including  
 1451 assisted living facilities, adult day care facilities, hospice  
 1452 residential and inpatient facilities and units, and facilities  
 1453 for the control of radiation hazards, public or private  
 1454 educational facilities, swimming pools, and correctional

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1455 facilities and enforcement of and compliance with such  
1456 provisions or requirements. Further, the Florida Building Code  
1457 must provide for uniform implementation of ss. 515.25, 515.27,  
1458 and 515.29 by including standards and criteria for residential  
1459 swimming pool barriers, pool covers, latching devices, door and  
1460 window exit alarms, and other equipment required therein, which  
1461 are consistent with the intent of s. 515.23. Technical  
1462 provisions to be contained within the Florida Building Code are  
1463 restricted to requirements related to the types of materials  
1464 used and construction methods and standards employed in order to  
1465 meet criteria specified in the Florida Building Code. Provisions  
1466 relating to the personnel, supervision or training of personnel,  
1467 or any other professional qualification requirements relating to  
1468 contractors or their workforce may not be included within the  
1469 Florida Building Code, and subsections (4), (6), (7), (8), and  
1470 (9) are not to be construed to allow the inclusion of such  
1471 provisions within the Florida Building Code by amendment. This  
1472 restriction applies to both initial development and amendment of  
1473 the Florida Building Code.

1474 Section 51. Subsections (1) and (2) of section 633.115,  
1475 Florida Statutes, are amended to read:

1476 633.115 Fire and Emergency Incident Information Reporting  
1477 Program; duties; fire reports.—

1478 (1) (a) The Fire and Emergency Incident Information  
1479 Reporting Program is created within the Division of State Fire  
1480 Marshal. The program shall:

1481 1. Establish and maintain an electronic communication  
1482 system capable of transmitting fire and emergency incident

1483 information to and between fire protection agencies.

1484       2. Initiate a Fire and Emergency Incident Information

1485 Reporting System that shall be responsible for:

1486       a. Receiving fire and emergency incident information from

1487 fire protection agencies.

1488       b. Preparing and disseminating annual reports to the

1489 Governor, the President of the Senate, the Speaker of the House

1490 of Representatives, fire protection agencies, and, upon request,

1491 the public. Each report shall include, but not be limited to,

1492 the information listed in the National Fire Incident Reporting

1493 System.

1494       c. Upon request, providing other states and federal

1495 agencies with fire and emergency incident data of this state.

1496       3. Adopt rules to effectively and efficiently implement,

1497 administer, manage, maintain, and use the Fire and Emergency

1498 Incident Information Reporting Program. The rules shall be

1499 considered minimum requirements and shall not preclude a fire

1500 protection agency from implementing its own requirements which

1501 shall not conflict with the rules of the Division of State Fire

1502 Marshal.

1503       4. By rule, establish procedures and a format for each

1504 fire protection agency to voluntarily monitor its records and

1505 submit reports to the program.

1506       5. Establish an electronic information database which is

1507 accessible and searchable by fire protection agencies.

1508       (b) The Division of State Fire Marshal shall consult with

1509 the Division of Forestry of the Department of Agriculture and

1510 Consumer Services and the Bureau of Emergency Preparedness and

1511 Response ~~Medical Services~~ of the Department of Health to  
 1512 coordinate data, ensure accuracy of the data, and limit  
 1513 duplication of efforts in data collection, analysis, and  
 1514 reporting.

1515 (2) The Fire and Emergency Incident Information System  
 1516 Technical Advisory Panel is created within the Division of State  
 1517 Fire Marshal. The panel shall advise, review, and recommend to  
 1518 the State Fire Marshal with respect to the requirements of this  
 1519 section. The membership of the panel shall consist of the  
 1520 following 15 members:

1521 (a) The current 13 members of the Firefighters Employment,  
 1522 Standards, and Training Council as established in s. 633.31.

1523 (b) One member from the Division of Forestry of the  
 1524 Department of Agriculture and Consumer Services, appointed by  
 1525 the division director.

1526 (c) One member from the Bureau of Emergency Preparedness  
 1527 and Response ~~Medical Services~~ of the Department of Health,  
 1528 appointed by the bureau chief.

1529 Section 52. Section 766.113, Florida Statutes, is amended  
 1530 to read:

1531 766.113 Settlement agreements; prohibition on restricting  
 1532 disclosure to Division of Health Care Regulation ~~Medical Quality~~  
 1533 ~~Assurance~~.—

1534 (1) Each final settlement agreement relating to medical  
 1535 negligence shall include the following statement: "The decision  
 1536 to settle a case may reflect the economic practicalities  
 1537 pertaining to the cost of litigation and is not, alone, an  
 1538 admission that the insured failed to meet the required standard

1539 of care applicable to the patient's treatment. The decision to  
 1540 settle a case may be made by the insurance company without  
 1541 consulting its client for input, unless otherwise provided by  
 1542 the insurance policy."

1543 (2) A settlement agreement involving a claim for medical  
 1544 negligence shall not prohibit any party to the agreement from  
 1545 discussing with or reporting to the Division of Health Care  
 1546 Regulation ~~Medical Quality Assurance~~ the events giving rise to  
 1547 the claim.

1548 Section 53. Paragraph (a) of subsection (5) of section  
 1549 766.206, Florida Statutes, is amended to read:

1550 766.206 Presuit investigation of medical negligence claims  
 1551 and defenses by court.—

1552 (5) (a) If the court finds that the corroborating written  
 1553 medical expert opinion attached to any notice of claim or intent  
 1554 or to any response rejecting a claim lacked reasonable  
 1555 investigation or that the medical expert submitting the opinion  
 1556 did not meet the expert witness qualifications as set forth in  
 1557 s. 766.102(5), the court shall report the medical expert issuing  
 1558 such corroborating opinion to the Division of Health Care  
 1559 Regulation ~~Medical Quality Assurance~~ or its designee. If such  
 1560 medical expert is not a resident of the state, the division  
 1561 shall forward such report to the disciplining authority of that  
 1562 medical expert.

1563 Section 54. Subsections (2) and (5) of section 766.305,  
 1564 Florida Statutes, are amended to read:

1565 766.305 Filing of claims and responses; medical  
 1566 disciplinary review.—



1567           (2) The claimant shall furnish the division with as many  
 1568 copies of the petition as required for service upon the  
 1569 association, any physician and hospital named in the petition,  
 1570 and the Division of Health Care Regulation ~~Medical Quality~~  
 1571 ~~Assurance~~, along with a \$15 filing fee payable to the Division  
 1572 of Administrative Hearings. Upon receipt of the petition, the  
 1573 division shall immediately serve the association, by service  
 1574 upon the agent designated to accept service on behalf of the  
 1575 association, by registered or certified mail, and shall mail  
 1576 copies of the petition, by registered or certified mail, to any  
 1577 physician, health care provider, and hospital named in the  
 1578 petition, and shall furnish a copy by regular mail to the  
 1579 Division of Health Care Regulation ~~Medical Quality Assurance~~ and  
 1580 the Agency for Health Care Administration.

1581           (5) Upon receipt of such petition, the Division of Health  
 1582 Care Regulation ~~Medical Quality Assurance~~ shall review the  
 1583 information therein and determine whether it involved conduct by  
 1584 a physician licensed under chapter 458 or an osteopathic  
 1585 physician licensed under chapter 459 that is subject to  
 1586 disciplinary action, in which case the provisions of s. 456.073  
 1587 shall apply.

1588           Section 55. Paragraph (c) of subsection (10) of section  
 1589 768.28, Florida Statutes, is amended to read:

1590           768.28 Waiver of sovereign immunity in tort actions;  
 1591 recovery limits; limitation on attorney fees; statute of  
 1592 limitations; exclusions; indemnification; risk management  
 1593 programs.—

1594           (10)

1595 (c) For purposes of this section, regional poison control  
 1596 centers created in accordance with s. 395.1027 and coordinated  
 1597 and supervised under the Division of Children's Medical Services  
 1598 ~~Prevention and Intervention~~ of the Department of Health, or any  
 1599 of their employees or agents, shall be considered agents of the  
 1600 State of Florida, Department of Health. Any contracts with  
 1601 poison control centers must provide, to the extent permitted by  
 1602 law, for the indemnification of the state by the agency for any  
 1603 liabilities incurred up to the limits set out in this chapter.

1604 Section 56. Subsections (4), (5), (6), (8), (9), (10),  
 1605 (11), and (12) of section 1009.66, Florida Statutes, are amended  
 1606 to read:

1607 1009.66 Nursing Student Loan Forgiveness Program.—

1608 (4) From the funds available, the Department of Education  
 1609 ~~Health~~ may make loan principal repayments of up to \$4,000 a year  
 1610 for up to 4 years on behalf of selected graduates of an  
 1611 accredited or approved nursing program. All repayments shall be  
 1612 contingent upon continued proof of employment in the designated  
 1613 facilities in this state and shall be made directly to the  
 1614 holder of the loan. The state shall bear no responsibility for  
 1615 the collection of any interest charges or other remaining  
 1616 balance. In the event that the designated facilities are  
 1617 changed, a nurse shall continue to be eligible for loan  
 1618 forgiveness as long as he or she continues to work in the  
 1619 facility for which the original loan repayment was made and  
 1620 otherwise meets all conditions of eligibility.

1621 (5) There is created the Nursing Student Loan Forgiveness  
 1622 Trust Fund to be administered by the Department of Education

1623 ~~Health~~ pursuant to this section and s. 1009.67 and department  
 1624 rules. The Chief Financial Officer shall authorize expenditures  
 1625 from the trust fund upon receipt of vouchers approved by the  
 1626 Department of Education ~~Health~~. All moneys collected from the  
 1627 private health care industry and other private sources for the  
 1628 purposes of this section shall be deposited into the Nursing  
 1629 Student Loan Forgiveness Trust Fund. Any balance in the trust  
 1630 fund at the end of any fiscal year shall remain therein and  
 1631 shall be available for carrying out the purposes of this section  
 1632 and s. 1009.67.

1633 (6) In addition to licensing fees imposed under part I of  
 1634 chapter 464, there is hereby levied and imposed an additional  
 1635 fee of \$5, which fee shall be paid upon licensure or renewal of  
 1636 nursing licensure. Revenues collected from the fee imposed in  
 1637 this subsection shall be deposited in the Nursing Student Loan  
 1638 Forgiveness Trust Fund of the Department of Education ~~Health~~ and  
 1639 will be used solely for the purpose of carrying out the  
 1640 provisions of this section and s. 1009.67. Up to 50 percent of  
 1641 the revenues appropriated to implement this subsection may be  
 1642 used for the nursing scholarship program established pursuant to  
 1643 s. 1009.67.

1644 ~~(8) The Department of Health may solicit technical~~  
 1645 ~~assistance relating to the conduct of this program from the~~  
 1646 ~~Department of Education.~~

1647 (8) ~~(9)~~ The Department of Education ~~Health~~ is authorized to  
 1648 recover from the Nursing Student Loan Forgiveness Trust Fund its  
 1649 costs for administering the Nursing Student Loan Forgiveness  
 1650 Program.

1651            (9)~~(10)~~ The Department of Education ~~Health~~ may adopt rules  
 1652 necessary to administer this program.

1653            (10)~~(11)~~ This section shall be implemented only as  
 1654 specifically funded.

1655            (11)~~(12)~~ Students receiving a nursing scholarship pursuant  
 1656 to s. 1009.67 are not eligible to participate in the Nursing  
 1657 Student Loan Forgiveness Program.

1658            Section 57. Section 1009.67, Florida Statutes, is amended  
 1659 to read:

1660            1009.67 Nursing scholarship program.—

1661            (1) There is established within the Department of  
 1662 Education ~~Health~~ a scholarship program for the purpose of  
 1663 attracting capable and promising students to the nursing  
 1664 profession.

1665            (2) A scholarship applicant shall be enrolled in an  
 1666 approved nursing program leading to the award of an associate  
 1667 degree, a baccalaureate degree, or a graduate degree in nursing.

1668            (3) A scholarship may be awarded for no more than 2 years,  
 1669 in an amount not to exceed \$8,000 per year. However, registered  
 1670 nurses pursuing a graduate degree for a faculty position or to  
 1671 practice as an advanced registered nurse practitioner may  
 1672 receive up to \$12,000 per year. These amounts shall be adjusted  
 1673 by the amount of increase or decrease in the consumer price  
 1674 index for urban consumers published by the United States  
 1675 Department of Commerce.

1676            (4) Credit for repayment of a scholarship shall be as  
 1677 follows:

1678            (a) For each full year of scholarship assistance, the

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1679 recipient agrees to work for 12 months in a faculty position in  
 1680 a college of nursing or Florida College System institution  
 1681 nursing program in this state or at a health care facility in a  
 1682 medically underserved area as designated ~~approved~~ by the  
 1683 Department of Health. Scholarship recipients who attend school  
 1684 on a part-time basis shall have their employment service  
 1685 obligation prorated in proportion to the amount of scholarship  
 1686 payments received.

1687 (b) Eligible health care facilities include nursing homes  
 1688 and hospitals in this state, state-operated medical or health  
 1689 care facilities, public schools, county health departments,  
 1690 federally sponsored community health centers, colleges of  
 1691 nursing in universities in this state, and Florida College  
 1692 System institution nursing programs in this state, family  
 1693 practice teaching hospitals as defined in s. 395.805, or  
 1694 specialty children's hospitals as described in s. 409.9119. The  
 1695 recipient shall be encouraged to complete the service obligation  
 1696 at a single employment site. If continuous employment at the  
 1697 same site is not feasible, the recipient may apply to the  
 1698 department for a transfer to another approved health care  
 1699 facility.

1700 (c) Any recipient who does not complete an appropriate  
 1701 program of studies, who does not become licensed, who does not  
 1702 accept employment as a nurse at an approved health care  
 1703 facility, or who does not complete 12 months of approved  
 1704 employment for each year of scholarship assistance received  
 1705 shall repay to the Department of Education ~~Health~~, on a schedule  
 1706 to be determined by the department, the entire amount of the

1707 scholarship plus 18 percent interest accruing from the date of  
 1708 the scholarship payment. Moneys repaid shall be deposited into  
 1709 the Nursing Student Loan Forgiveness Trust Fund established in  
 1710 s. 1009.66. However, the department may provide additional time  
 1711 for repayment if the department finds that circumstances beyond  
 1712 the control of the recipient caused or contributed to the  
 1713 default.

1714 (5) Scholarship payments shall be transmitted to the  
 1715 recipient upon receipt of documentation that the recipient is  
 1716 enrolled in an approved nursing program. The Department of  
 1717 Education ~~Health~~ shall develop a formula to prorate payments to  
 1718 scholarship recipients so as not to exceed the maximum amount  
 1719 per academic year.

1720 (6) The Department of Education ~~Health~~ shall adopt rules,  
 1721 including rules to address extraordinary circumstances that may  
 1722 cause a recipient to default on either the school enrollment or  
 1723 employment contractual agreement, to implement this section.

1724 (7) The Department of Education ~~Health~~ may recover from  
 1725 the Nursing Student Loan Forgiveness Trust Fund its costs for  
 1726 administering the nursing scholarship program.

1727 Section 58. Department of Health; type two transfer.-

1728 (1) All powers, duties, functions, records, offices,  
 1729 personnel, associated administrative support positions,  
 1730 property, pending issues, existing contracts, administrative  
 1731 authority, administrative rules, and unexpended balances of  
 1732 appropriations, allocations, and other funds relating to the  
 1733 Nursing Student Loan Forgiveness Program and the nursing  
 1734 scholarship program in the Department of Health are transferred

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1735 by type two transfers, as defined in s. 20.06(2), Florida  
1736 Statutes, to the Department of Education.

1737 (2) The Nursing Student Loan Forgiveness Trust Fund is  
1738 transferred from the Department of Health to the Department of  
1739 Education.

1740 (3) Any binding contract or interagency agreement related  
1741 to the Nursing Student Loan Forgiveness Program existing before  
1742 July 1, 2012, between the Department of Health, or an entity or  
1743 agent of the agency, and any other agency, entity, or person  
1744 shall continue as a binding contract or agreement for the  
1745 remainder of the term of such contract or agreement on the  
1746 successor department, agency, or entity responsible for the  
1747 program, activity, or functions relative to the contract or  
1748 agreement.

1749 (4) Notwithstanding s. 216.292 and pursuant to s. 216.351,  
1750 Florida Statutes, upon approval by the Legislative Budget  
1751 Commission, the Executive Office of the Governor may transfer  
1752 funds and positions between agencies to implement this act.

1753 (5) The transfer of any program, activity, duty, or  
1754 function under this act includes the transfer of any records and  
1755 unexpended balances of appropriations, allocations, or other  
1756 funds related to such program, activity, duty, or function.  
1757 Unless otherwise provided, the successor organization to any  
1758 program, activity, duty, or function transferred under this act  
1759 shall become the custodian of any property of the organization  
1760 that was responsible for the program, activity, duty, or  
1761 function immediately before the transfer.

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1762           Section 59. In the interim between this act becoming law  
1763 and the 2013 Regular Session of the Legislature or an earlier  
1764 special session addressing this issue, the Division of Statutory  
1765 Revision shall provide the relevant substantive committees of  
1766 the Senate and the House of Representatives with assistance,  
1767 upon request, to enable such committees to prepare draft  
1768 legislation to conform the Florida Statutes and any legislation  
1769 enacted during the 2012 legislative session to the provisions of  
1770 this act.

1771           Section 60. This act shall take effect May 1, 2012.