

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
4 department; 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.; eliminating the Florida
8 Drug, Device, and Cosmetic Trust Fund and the Nursing
9 Student Loan Forgiveness Trust Fund as trust funds
10 under the department; amending s. 154.001, F.S.;
11 requiring decentralization of the public health
12 system; requiring centralization of statewide public
13 health services to be provided by the Department of
14 Health; allowing the department to delegate roles and
15 responsibilities or use outside contractors to
16 implement program and service activities; amending s.
17 154.01, F.S.; requiring the Department of Health to
18 contract with each county to establish and maintain a
19 county health department; defining specific services
20 to be provided by a county health department;
21 establishing criteria for county public health
22 contracts to be eligible for state block grants;
23 requiring the Department of Health to submit to the
24 Legislature a list of construction or expansion needs
25 in order of priority with annual budget requests;
26 specifying information to be included in list of
27 construction or expansion needs; repealing s. 154.03,
28 F.S., relating to cooperation between counties with

29 | the Department of Health and the Federal Government
30 | regarding expenditure of funds for the study of
31 | disease and disease prevention; amending s. 154.04,
32 | F.S.; permitting health professionals working in a
33 | county health department to function within the scope
34 | of their professional licenses and in accordance with
35 | protocols established by the county health department;
36 | deleting conditions under which a registered nurse or
37 | licensed physician can treat patients in a county
38 | health department; deleting rulemaking authority of
39 | the department; making personnel of a county health
40 | department employees of the county and subject to
41 | personnel rules and policies of the county; amending
42 | s. 154.05, F.S.; permitting two or more counties to
43 | combine and operate a county health department upon
44 | establishing an interlocal agreement; requiring
45 | interlocal agreements to specify roles and
46 | responsibilities of each county; allowing interlocal
47 | agreements for shared functions; amending s. 154.06,
48 | F.S.; providing that certain fee schedules for public
49 | health services rendered through a county health
50 | department are the responsibility of each county;
51 | deleting a requirement that fees collected for
52 | services be credited to the County Health Department
53 | Trust Fund; revising provisions relating to allocation
54 | of certain fees collected by county health
55 | departments; amending s. 154.067, F.S.; requiring each
56 | county to adopt a protocol for evaluating, treating,

57 | and reporting child abuse and neglect cases; requiring
58 | the Department of Health to develop a transition plan
59 | to decentralize public health services; requiring
60 | specific elements to be included in the plan;
61 | requiring submission of the plan to the Governor, the
62 | President of the Senate, and the Speaker of the House
63 | of Representatives by a specified date; providing for
64 | monthly reports regarding transaction activities until
65 | final implementation on a specified date; amending s.
66 | 215.5602, F.S.; conforming references; amending s.
67 | 381.001, F.S.; deleting legislative intent; requiring
68 | the Department of Health to be responsible for the
69 | state public health system; requiring the department
70 | to provide leadership for a partnership involving
71 | federal, state, and local government and the private
72 | sector to accomplish public health goals; amending s.
73 | 381.0011, F.S.; deleting duties and powers of the
74 | department; repealing s. 381.0013, F.S., relating to
75 | the department's authority to exercise the power of
76 | eminent domain; repealing s. 381.0014, F.S., relating
77 | to department rules that superseded regulations and
78 | ordinances enacted by other state departments, boards
79 | or commissions, or municipalities; repealing s.
80 | 381.0015, F.S., relating to judicial presumptions
81 | regarding the department's authority to enforce public
82 | health rules; amending s. 381.0016, F.S.; allowing a
83 | county to enact health regulations and ordinances
84 | consistent with state law; repealing s. 381.0017,

85 F.S., relating to the purchase, lease, and sale of
86 real property by the department; amending s. 381.0025,
87 F.S.; deleting penalties for a violation of ch. 381,
88 F.S., a quarantine, a department rule, an
89 impersonation of an employee of the department, or the
90 malicious dissemination of certain information;
91 providing that certain actions that interfere, hinder,
92 or oppose official duties of department employees
93 constitute a second-degree misdemeanor; providing
94 penalties; amending s. 381.003, F.S.; revising
95 provisions relating to the department's responsibility
96 for communicable disease prevention and control
97 programs; amending s. 381.0031, F.S.; permitting the
98 department to conduct studies concerning epidemiology
99 of communicable diseases of public health
100 significance; deleting noninfectious diseases from the
101 list of diseases determined to be a threat to public
102 health; amending s. 381.00315, F.S.; requiring the
103 department to establish rules for conditions and
104 procedures for imposing and releasing a quarantine;
105 requiring specific provisions to be included in rules;
106 providing that the rules established under this
107 section supersede all rules enacted by other state
108 agencies, boards, or political subdivisions; making
109 any violation of the rules established under the
110 section, a quarantine, or requirement adopted pursuant
111 to a declared public health emergency a second degree
112 misdemeanor; providing penalties; repealing s.

113 381.0032, F.S., relating to epidemiological research;
114 repealing s. 381.00325, F.S., relating to the
115 Hepatitis A awareness program; amending s. 381.0034,
116 F.S.; deleting an obsolete qualifying date reference;
117 repealing s. 381.0037, F.S., relating to legislative
118 findings and intent with respect to AIDS; amending s.
119 381.004, F.S.; deleting legislative intent; conforming
120 cross-references; amending 381.0046, F.S.; requiring
121 the department to establish dedicated HIV and AIDS
122 regional and statewide minority coordinators; deleting
123 the requirement that the statewide director report to
124 the chief of the Bureau of HIV and AIDS within the
125 department; amending s. 381.005, F.S.; deleting the
126 requirement that hospitals implement a plan to offer
127 immunizations for pneumococcal bacteria and influenza
128 virus to all patients 65 years of age or older;
129 amending s. 381.0051, F.S.; deleting legislative
130 intent for the Comprehensive Family Planning Act;
131 amending s. 381.0052, F.S., relating to the "Public
132 Health Dental Program Act"; repealing unused
133 department rulemaking authority; amending s. 381.0053,
134 F.S., relating to the comprehensive nutrition program;
135 repealing unused department rulemaking authority;
136 repealing s. 381.0054, F.S., relating to healthy
137 lifestyles promotion by the department; amending s.
138 381.0056, F.S., relating to the "School Health
139 Services Act"; deleting legislative findings; deleting
140 the requirement that school health programs funded by

141 health care districts or entities be supplementary to
142 and consistent with the act and other applicable
143 statutes; amending s. 381.0057, F.S., relating to
144 funding for school health services; deleting
145 legislative intent; amending s. 381.00591, F.S.;
146 permitting the department to apply for and become a
147 National Environmental Laboratory Accreditation
148 Program accreditation body; eliminating rulemaking
149 authority of the department to implement standards of
150 the National Environmental Laboratory Accreditation
151 Program; amending s. 381.00593, F.S.; repealing unused
152 rulemaking authority relating to the public school
153 volunteer health care practitioner program; amending
154 s. 381.0062, F.S., relating to the "Comprehensive
155 Family Planning Act"; deleting legislative intent;
156 amending s. 381.0065, F.S.; deleting legislative
157 intent; defining the term "bedroom"; conforming cross-
158 references; providing for any permit issued and
159 approved by the Department of Health for the
160 installation, modification, or repair of an onsite
161 sewage treatment and disposal system to transfer with
162 the title of the property; providing circumstances in
163 which an onsite sewage treatment and disposal system
164 is not considered abandoned; providing for the
165 validity of an onsite sewage treatment and disposal
166 system permit if rules change before final approval of
167 the constructed system; providing that a system
168 modification, replacement, or upgrade is not required

169 unless a bedroom is added to a single-family home;
170 deleting provisions requiring the department to
171 administer an evaluation and assessment program of
172 onsite sewage treatment and disposal systems and
173 requiring property owners to have such systems
174 evaluated periodically; deleting obsolete provisions;
175 creating s. 381.00651, F.S.; requiring a county or
176 municipality containing a first magnitude spring to
177 adopt by ordinance, under certain circumstances, the
178 program for the periodic evaluation and assessment of
179 onsite sewage treatment and disposal systems;
180 requiring the county or municipality to notify the
181 Secretary of State of the ordinance; authorizing a
182 county or municipality, in specified circumstances, to
183 opt out of certain requirements by a specified date;
184 authorizing a county or municipality to adopt or
185 repeal, after a specified date, an ordinance creating
186 an evaluation and assessment program; subject to
187 notification of the Secretary of State; providing
188 criteria for evaluations, qualified contractors, and
189 repair of systems; providing for certain procedures
190 and exemptions to be implemented in specified
191 circumstances; defining the term "system failure";
192 requiring that certain procedures be used for
193 conducting tank and drainfield evaluations and
194 assessments; providing requirements for county health
195 departments; requiring the county or municipality to
196 develop a system for tracking the evaluations;

197 providing criteria; requiring counties and
198 municipalities to notify the Secretary of
199 Environmental Protection and the Department of Health
200 that an evaluation program ordinance is adopted;
201 requiring the Department of Environmental Protection
202 to notify those counties or municipalities of the use
203 of, and access to, certain state and federal program
204 funds and to provide certain guidance and technical
205 assistance upon request; prohibiting the adoption of
206 certain rules by the department; providing
207 applicability; repealing s. 381.00656, F.S.;
208 eliminating the grant program for assisting owners of
209 onsite sewage treatment and disposal systems; amending
210 s. 381.0066, F.S.; lowering the fees imposed by the
211 department for certain permits; amending s. 381.0068,
212 F.S.; deleting a date by which a technical review and
213 advisory panel must be established within the
214 department for assistance with rule adoption; deleting
215 the authority of the chair of the panel to advise
216 affected persons or the Legislature of the panel's
217 position on legislation, proposed state policy, or
218 other issue; amending s. 381.00781, F.S.; eliminating
219 authority of the department to annually adjust maximum
220 fees according to the Consumer Price Index; amending
221 s. 381.0086, F.S.; revising department rulemaking
222 authority relating to migrant farmworkers and other
223 migrant labor camp or residential migrant housing
224 occupants; removing lighting and maintenance and

225 operation of roads from the list of health and safety
226 standards to be created by the department; amending s.
227 381.0098, F.S.; deleting legislative intent with
228 respect to standards for the safe packaging,
229 transport, storage, treatment, and disposal of
230 biomedical waste; amending s. 381.0101, F.S.; deleting
231 legislative intent regarding certification of
232 environmental health professionals; deleting
233 definitions; providing for the Division Director for
234 Emergency Preparedness and Community Support to serve
235 on an environmental health professionals advisory
236 board; conforming a cross-reference; repealing s.
237 381.0201, F.S.; eliminating the requirement that the
238 department provide technical and support services to
239 county health departments; amending s. 381.0203, F.S.;
240 eliminating the regulation of drugs, cosmetics, and
241 household products under ch. 499, F.S., from the
242 pharmacy services program; eliminating the
243 contraception distribution program at county health
244 departments; amending s. 381.0261, F.S.; requiring the
245 department, rather than the Agency for Health Care
246 Administration, to publish a summary of the Florida
247 Patient's Bill of Rights and Responsibilities on its
248 Internet website; deleting the requirement to print
249 and distribute the summary; repealing s. 381.0301,
250 F.S. relating to the Centers for Disease Control and
251 Prevention, the State University System, Florida
252 medical schools, and the College of Public Health of

253 the University of South Florida; deleting the
254 requirement that the College of Public Health be
255 consulted by state officials in the management of
256 public health; repealing s. 381.0302, F.S.;
257 eliminating the Florida Health Services Corps;
258 amending s. 381.0303, F.S.; eliminating the
259 requirement that the Special Needs Shelter Interagency
260 Committee submit recommendations to the Legislature;
261 repealing s. 381.04015, F.S.; eliminating the Women's
262 Health Strategy Office and Officer of Women's Health
263 Strategy; amending s. 381.0403, F.S., relating to the
264 "Community Hospital Education Act"; deleting
265 legislative findings and intent; revising the mission
266 of the program; requiring minimum funding for graduate
267 education in family practice; deleting reference to an
268 intent to establish a statewide graduate medical
269 education program; amending s. 381.0405, F.S.;
270 deleting an appropriation to the Office of Rural
271 Health; amending s. 381.0406, F.S.; deleting
272 unnecessary introductory language in provisions
273 relating to rural health networks; repealing s.
274 381.0407, F.S., to eliminate the mandatory payment of
275 claims from public health care providers and county
276 health departments by managed care plans; repealing s.
277 381.045, F.S.; eliminating department authority to
278 provide services to certain health care providers
279 infected with Hepatitis B or HIV; amending s.
280 381.06015, F.S.; deleting obsolete provision that

281 requires the department, the Agency for Health Care
282 Administration, and private consortium members seeking
283 private or federal funds to initiate certain program
284 actions relating to the Public Cord Blood Tissue Bank;
285 repealing s. 381.0605, F.S., relating to designating
286 the Agency for Health Care Administration as the state
287 agency to administer the Federal Hospital and Medical
288 Facilities Amendments of 1964; eliminating authority
289 of the Governor to provide for administration of the
290 amendments; repealing s. 381.102, F.S., to eliminate
291 the community health pilot projects; repealing s.
292 381.103, F.S., to eliminate the duties of the
293 department to assist the community health pilot
294 projects; amending s. 381.4018, F.S.; deleting
295 legislative findings and intent with respect to
296 physician workforce assessment and development;
297 conforming a cross-reference: repealing s. 381.60225,
298 F.S., to eliminate background screening requirements
299 for health care professionals and owners, operators,
300 and employees of certain health care providers,
301 services, and programs; repealing ss. 381.732 and
302 381.733, F.S., relating to the "Healthy People,
303 Healthy Communities Act"; repealing s. 381.734, F.S.,
304 to eliminate the Healthy Communities, Healthy People
305 Program; amending s. 381.7352, F.S.; deleting
306 legislative findings relating to the "Reducing Racial
307 and Ethnic Health Disparities: Closing the Gap Act";
308 amending s. 381.7353, F.S.; removing the authority of

309 the State Surgeon General to appoint an ad hoc
310 committee to study certain aspects of racial and
311 ethnic health outcome disparities and make
312 recommendations; amending s. 381.7356, F.S.; deleting
313 a provision requiring dissemination of Closing the Gap
314 grant awards to begin on a date certain; amending s.
315 381.765, F.S.; repealing unused rulemaking authority
316 relating to records and recordkeeping for department-
317 owned property; repealing s. 381.77, F.S., to
318 eliminate the annual survey of nursing home residents
319 age 55 and under; repealing s. 381.795, F.S., to
320 eliminate the requirement that the department
321 establish a program of long-term community-based
322 supports and services for individuals with traumatic
323 brain or spinal cord injuries; amending s. 381.853,
324 F.S.; deleting legislative findings relating to brain
325 tumor research; repealing s. 381.855, F.S., which
326 established the Florida Center for Universal Research
327 to Eradicate Disease; repealing s. 381.87, F.S., to
328 eliminate the osteoporosis prevention and education
329 program; repealing s. 381.895, F.S., which established
330 standards for compressed air used for recreational
331 diving; repealing s. 381.90, F.S., to eliminate the
332 Health Information Systems Council; amending s.
333 381.91, F.S., relating to the Jesse Trice Cancer
334 Program; revising legislative intent; amending
335 381.922, F.S.; conforming a reference; repealing s.
336 385.210, F.S., the Arthritis Prevention and Education

337 Act; amending s. 391.016, F.S.; clarifying the
338 purposes and functions of the Children's Medical
339 Services program; requiring the coordination and
340 maintenance of a medical home for participating
341 children; requiring the establishment and maintenance
342 of a provider service network for children with
343 special health care needs and other eligible children;
344 amending s. 391.021, F.S.; revising definitions;
345 amending s. 391.025, F.S.; revising the components of
346 the Children's Medical Services program; amending s.
347 391.026, F.S.; revising the powers and duties of the
348 department in administering the Children's Medical
349 Services network; amending s. 391.028, F.S.;
350 eliminating the central office and area offices of the
351 Children's Medical Services program; authorizing the
352 Director of Children's Medical Services to appoint
353 necessary staff and contract with providers to
354 establish a decentralized operations system to provide
355 certain program activities on a statewide basis;
356 establishing criteria for contracting for statewide
357 operation of program activities; requiring concurrence
358 of the Governor and State Surgeon General; requiring
359 competitive procurement; establishing criteria for a
360 provider service network to be considered a qualified
361 contractor; amending s. 391.029, F.S.; specifying
362 eligibility for services provided under the Children's
363 Medical Services program; clarifying who may receive
364 services under the program; deleting the requirement

365 that the department determine financial and medical
366 eligibility for program; deleting the requirement that
367 the department determine the financial ability of
368 parents to pay for services; eliminating discretion of
369 the department to pay reasonable travel expenses;
370 amending s. 391.0315, F.S.; deleting a prohibition
371 against a child eligible under Title XIX or XXI of the
372 Social Security Act from receiving services under the
373 program until the child is enrolled in Medicaid or a
374 Title XXI program; amending s. 392.51, F.S., relating
375 to tuberculosis control; removing legislative findings
376 and intent; amending s. 392.61, F.S.; eliminating the
377 requirement that the department develop a methodology
378 for distributing funds appropriated for community
379 tuberculosis control programs; amending s. 392.62,
380 F.S.; requiring a contractor to use licensed community
381 hospitals and other facilities for the care and
382 treatment of persons who have active tuberculosis or a
383 history of noncompliance with prescribed drug regimens
384 and require inpatient or other residential services;
385 removing authority of the department to operate a
386 licensed hospital to treat tuberculosis patients;
387 requiring the tuberculosis control program to fund
388 participating facilities; requiring facilities to meet
389 specific conditions; requiring the department to
390 develop a transition plan for the closure of A.G.
391 Holley State Hospital; specifying content of
392 transition plan; requiring submission of the plan to

393 the Governor and Legislature; requiring full
394 implementation of the transition plan by a certain
395 date; amending s. 401.243, F.S.; repealing unused
396 rulemaking authority governing the implementation of
397 injury-prevention grant programs; amending s. 401.245,
398 F.S.; repealing unused rulemaking authority relating
399 to operating procedures for the Emergency Medical
400 Services Advisory Council; amending s. 401.271, F.S.;
401 repealing unused rulemaking authority relating to an
402 exemption for the spouse of a member of the Armed
403 Forces of the United States on active duty from
404 certification renewal provisions while the spouse is
405 absent from the state because of the member's active
406 duty with the Armed Forces; amending s. 402.45, F.S.;
407 repealing unused rulemaking authority relating to the
408 community resource mother or father program; amending
409 s. 403.863, F.S.; directing the department to contract
410 with the American Environmental Laboratory Association
411 to perform state public water supply laboratory
412 certification application review and evaluation and
413 laboratory inspections; adding certain actions to the
414 list of acts constituting grounds for which
415 disciplinary actions may be taken under the section;
416 amending ss. 400.914 and 409.256, F.S.; conforming
417 references; repealing s. 458.346, F.S., which created
418 the Public Sector Physician Advisory Committee and
419 established its responsibilities; amending s. 462.19,
420 F.S., relating to the renewal of licenses for

421 practitioners of naturopathy; repealing unused
 422 rulemaking authority; repealing s. 464.0197, F.S.,
 423 relating to state budget support for the Florida
 424 Center for Nursing; amending s. 464.208, F.S.;
 425 repealing unused rulemaking authority relating to
 426 background screening information of certified nursing
 427 assistants; repealing s. 466.00775, F.S., relating to
 428 unused rulemaking authority relating to dental health
 429 access and dental laboratory registration provisions;
 430 amending s. 514.011, F.S.; revising the definition of
 431 "public bathing place"; amending s. 514.021, F.S.;
 432 restricting rulemaking authority of the department;
 433 limiting scope of standards for public pools and
 434 public bathing places; prohibiting the department from
 435 adopting by rule any regulation regarding the design,
 436 alteration, or repair of a public pool or public
 437 bathing; eliminating authority of the department to
 438 review plans, issue approvals, and enforce occupancy
 439 provisions of the Florida Building Code; amending s.
 440 514.023, F.S.; adding public bathing places to the
 441 provisions allowing sampling of beach waters to
 442 determine water quality and allowing health advisories
 443 to be issued for elevated levels of bacteria in such
 444 waters; amending s. 514.025, F.S.; requiring county
 445 health departments to review applications and plans
 446 for the construction or placement of public pools or
 447 bathing places; providing for the department to review
 448 applications and plans if no qualified staff are

449 employed at the county health department; establishing
450 that county health departments are responsible to
451 monitor water quality in public pools and bathing
452 places; amending s. 514.03, F.S.; permitting local
453 governments or local enforcement districts to
454 determine compliance with general construction
455 provisions of the Florida Building Code; permitting
456 local governments or local enforcement districts to
457 conduct plan reviews and inspections of public pools
458 and bathing places to determine compliance;
459 eliminating an application process for review of
460 building plans for a public pool or bathing place by
461 the department; amending s. 514.031, F.S.; requiring a
462 valid permit from the county health to operate a
463 public pool; revising the list of documents that must
464 accompany an application for a permit to operate a
465 public pool; providing the county health department
466 with authority to review, approve, and deny an
467 application for a permit to operate a public pool;
468 amending s. 514.033, F.S.; deleting authority of the
469 department to establish a fee schedule; requiring fees
470 collected by the department or county health
471 department to be deposited into the County Health
472 Department Trust Fund; amending s. 514.05, F.S.;
473 requiring all amounts collected to be deposited in the
474 County Health Department Trust Fund; granting the
475 county health department the authority to close a
476 public pool that is not in compliance with chapter

477 514, F.S., or applicable rules; amending s. 514.06,
 478 F.S.; deeming a public pool or bathing place to
 479 present a significant risk to public health by failing
 480 to meet water quality and safety to be a public
 481 nuisance; allowing for a public nuisance to be abated
 482 or enjoined; amending s. 633.115, F.S.; making
 483 conforming changes; amending s. 1009.66, F.S.;
 484 reassigning responsibility for the Nursing Student
 485 Loan Forgiveness Program from the Department of Health
 486 to the Department of Education; amending s. 1009.67,
 487 F.S.; reassigning responsibility for the nursing
 488 scholarship program from the Department of Health to
 489 the Department of Education; providing type two
 490 transfers of the programs; providing for transfer of a
 491 trust fund; providing applicability to contracts;
 492 authorizing transfer of funds and positions between
 493 departments; requiring the Division of Medical Quality
 494 and Assurance to create a plan to improve efficiency
 495 of the function of the division; directing the
 496 division to take certain actions in creating the plan;
 497 directing the division to address particular topics in
 498 the plan; requiring all executive branch agencies to
 499 assist the department in creating the plan; requesting
 500 all other state agencies to assist the department in
 501 creating the plan; amending ss. 154.503, 381.0041,
 502 384.25, 392.56, 456.032, 768.28, and 775.0877, F.S.;
 503 conforming cross-references; providing effective
 504 dates.

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Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

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

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

(d) Maintain and coordinate preparedness for and responses to public health emergencies in the state ~~Promote the~~

533 ~~maintenance and improvement of the environment as it affects~~
534 ~~public health.~~

535 (e) Provide or ensure the provision of quality health care
536 and related services to identified populations in the state
537 ~~Promote the maintenance and improvement of health in the~~
538 ~~residents of the state.~~

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

543 (g) Regulate health practitioners for the preservation of
544 the health, safety, and welfare of the public ~~Provide health~~
545 ~~care and early intervention services to infants, toddlers,~~
546 ~~children, adolescents, and high-risk perinatal patients who are~~
547 ~~at risk for disabling conditions or have chronic illnesses.~~

548 ~~(h) Provide services to abused and neglected children~~
549 ~~through child protection teams and sexual abuse treatment~~
550 ~~programs.~~

551 ~~(i) Develop working associations with all agencies and~~
552 ~~organizations involved and interested in health and health care~~
553 ~~delivery.~~

554 ~~(j) Analyze trends in the evolution of health systems, and~~
555 ~~identify and promote the use of innovative, cost-effective~~
556 ~~health delivery systems.~~

557 ~~(k) Serve as the statewide repository of all aggregate~~
558 ~~data accumulated by state agencies related to health care;~~
559 ~~analyze that data and issue periodic reports and policy~~
560 ~~statements, as appropriate; require that all aggregated data be~~

561 ~~kept in a manner that promotes easy utilization by the public,~~
 562 ~~state agencies, and all other interested parties; provide~~
 563 ~~technical assistance as required; and work cooperatively with~~
 564 ~~the state's higher education programs to promote further study~~
 565 ~~and analysis of health care systems and health care outcomes.~~

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

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

574 (2)(a) The head of the Department of Health is the State
 575 Surgeon General and State Health Officer. The State Surgeon
 576 General must be a physician licensed under chapter 458 or
 577 chapter 459 who has advanced training or extensive experience in
 578 public health administration. The State Surgeon General is
 579 appointed by the Governor subject to confirmation by the Senate.
 580 The State Surgeon General serves at the pleasure of the
 581 Governor. ~~The State Surgeon General shall serve as the leading~~
 582 ~~voice on wellness and disease prevention efforts, including the~~
 583 ~~promotion of healthful lifestyles, immunization practices,~~
 584 ~~health literacy, and the assessment and promotion of the~~
 585 ~~physician and health care workforce in order to meet the health~~
 586 ~~care needs of the state. The State Surgeon General shall focus~~
 587 ~~on advocating healthy lifestyles, developing public health~~
 588 ~~policy, and building collaborative partnerships with schools,~~

589 ~~businesses, health care practitioners, community-based~~
 590 ~~organizations, and public and private institutions in order to~~
 591 ~~promote health literacy and optimum quality of life for all~~
 592 ~~Floridians.~~

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

596 (3) The following divisions of the Department of Health
 597 are established:

598 (a) Division of Administration.

599 (b) Division of Emergency Preparedness and Community
 600 Support ~~Environmental Health.~~

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

602 (d) Division of Community Health Promotion ~~Family Health~~
 603 ~~Services.~~

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

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

607 (g) Division of Medical Quality Assurance, which is
 608 responsible for the following boards and professions established
 609 within the division:

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

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

612 3. The Board of Osteopathic Medicine, created under
 613 chapter 459.

614 4. The Board of Chiropractic Medicine, created under
 615 chapter 460.

616 5. The Board of Podiatric Medicine, created under chapter

- 617 | 461.
- 618 | 6. Naturopathy, as provided under chapter 462.
- 619 | 7. The Board of Optometry, created under chapter 463.
- 620 | 8. The Board of Nursing, created under part I of chapter
- 621 | 464.
- 622 | 9. Nursing assistants, as provided under part II of
- 623 | chapter 464.
- 624 | 10. The Board of Pharmacy, created under chapter 465.
- 625 | 11. The Board of Dentistry, created under chapter 466.
- 626 | 12. Midwifery, as provided under chapter 467.
- 627 | 13. The Board of Speech-Language Pathology and Audiology,
- 628 | created under part I of chapter 468.
- 629 | 14. The Board of Nursing Home Administrators, created
- 630 | under part II of chapter 468.
- 631 | 15. The Board of Occupational Therapy, created under part
- 632 | III of chapter 468.
- 633 | 16. Respiratory therapy, as provided under part V of
- 634 | chapter 468.
- 635 | 17. Dietetics and nutrition practice, as provided under
- 636 | part X of chapter 468.
- 637 | 18. The Board of Athletic Training, created under part
- 638 | XIII of chapter 468.
- 639 | 19. The Board of Orthotists and Prosthetists, created
- 640 | under part XIV of chapter 468.
- 641 | 20. Electrolysis, as provided under chapter 478.
- 642 | 21. The Board of Massage Therapy, created under chapter
- 643 | 480.
- 644 | 22. The Board of Clinical Laboratory Personnel, created

645 under part III of chapter 483.

646 23. Medical physicists, as provided under part IV of
647 chapter 483.

648 24. The Board of Opticianry, created under part I of
649 chapter 484.

650 25. The Board of Hearing Aid Specialists, created under
651 part II of chapter 484.

652 26. The Board of Physical Therapy Practice, created under
653 chapter 486.

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

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

656 29. The Board of Clinical Social Work, Marriage and Family
657 Therapy, and Mental Health Counseling, created under chapter
658 491.

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

661 ~~(h) Division of Children's Medical Services Prevention and~~
662 ~~Intervention.~~

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

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

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

666 Section 2. Subsections (14) through (22) of section
667 20.435, Florida Statutes, are renumbered as subsection (13)
668 through (20), respectively, and present subsections (13) and
669 (17) of that section are amended to read:

670 20.435 Department of Health; trust funds.—The following
671 trust funds shall be administered by the Department of Health:

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

673 ~~(a) Funds to be credited to and uses of the trust fund~~
 674 ~~shall be administered in accordance with the provisions of~~
 675 ~~chapter 499.~~

676 ~~(b) Notwithstanding the provisions of s. 216.301 and~~
 677 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~
 678 ~~of any fiscal year shall remain in the trust fund at the end of~~
 679 ~~the year and shall be available for carrying out the purposes of~~
 680 ~~the trust fund.~~

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

682 ~~(a) Funds to be credited to and uses of the trust fund~~
 683 ~~shall be administered in accordance with the provisions of s.~~
 684 ~~1009.66.~~

685 ~~(b) Notwithstanding the provisions of s. 216.301 and~~
 686 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~
 687 ~~of any fiscal year shall remain in the trust fund at the end of~~
 688 ~~the year and shall be available for carrying out the purposes of~~
 689 ~~the trust fund.~~

690 Section 3. Effective July 1, 2013, section 154.001,
 691 Florida Statutes, is amended to read:

692 154.001 Decentralized public health system; centralized
 693 statewide public health services ~~System of coordinated county~~
 694 ~~health department services; legislative intent.-~~

695 (1) Florida's public health system shall be a
 696 decentralized, county-based system that promotes, protects,
 697 maintains, and improves ~~It is the intent of the Legislature to~~
 698 ~~promote, protect, maintain, and improve~~ the health and safety of
 699 all citizens and visitors of this state. State block grants
 700 shall be allocated on a per capita basis and provided to

701 counties to support public health functions pursuant to s.
 702 154.01. Centralized state services shall be limited to those
 703 public health functions that provide measurable improvements in
 704 efficiency, outcome, or cost-effectiveness when delivered
 705 through a unified, statewide operation. Locally defined public
 706 health needs and priorities of each county shall be specified in
 707 an annual contract between the state and each county. Counties
 708 shall be responsible for determining the most appropriate
 709 methods and manner of meeting local public health needs through
 710 ~~a system of coordinated county health department services. The~~
 711 ~~Legislature recognizes the unique partnership which necessarily~~
 712 ~~exists between the state and its counties in meeting the public~~
 713 ~~health needs of the state. To strengthen this partnership, the~~
 714 ~~Legislature intends that the public health needs of the several~~
 715 ~~counties be provided through contractual arrangements between~~
 716 ~~the state and each county. The Legislature also recognizes the~~
 717 ~~importance of meeting the educational needs of Florida's public~~
 718 ~~health professionals.~~

719 (2) The Department of Health is directly responsible for
 720 the functions specified in this section but may delegate
 721 particular roles and responsibilities or use outside
 722 contractors, as appropriate, in order to implement the following
 723 program and service activities:

- 724 (a) Laboratory services pursuant to s. 381.0202;
- 725 (b) Pharmacy services pursuant to s. 381.0203;
- 726 (c) Vital statistics pursuant to chapter 382;
- 727 (d) Children's medical services pursuant to chapter 391;
- 728 (e) Regional perinatal intensive care centers pursuant to

- 729 ss. 383.17-383.19;
- 730 (f) Child abuse death reviews pursuant to s. 383.402;
- 731 (g) Establishment of statewide standards necessary for
- 732 environmental health programs pursuant to s. 381.006;
- 733 (h) Establishment of statewide standards for food service
- 734 protection pursuant to s. 381.0072;
- 735 (i) Comprehensive Statewide Tobacco Education and Use
- 736 Prevention Program pursuant to s. 381.84;
- 737 (j) Office of Rural Health pursuant to 381.0405;
- 738 (k) Emergency medical services pursuant to chapters 395
- 739 and 401;
- 740 (l) Migrant labor camps pursuant to ss. 381.008-381.00897;
- 741 (m) Medical quality assurance pursuant to s. 20.43(3)(g);
- 742 (n) Biomedical research pursuant to s. 381.855 and s.
- 743 381.922;
- 744 (o) Tuberculosis control pursuant to s. 392.62; and.
- 745 (p) Emergency preparedness and disaster response pursuant
- 746 to ss. 381.0303 and 401.24 and chapter 252.

747 Section 4. Effective July 1, 2013, section 154.01, Florida
 748 Statutes, is amended to read:

749 154.01 County health department delivery system.—

750 (1) ~~The purposes of several counties of the state may~~
 751 ~~cooperate with the Department of Health in the establishment and~~
 752 ~~maintenance of full-time~~ county health departments shall include
 753 ~~in such counties for~~ the promotion of the public's health, the
 754 control and eradication of preventable diseases, and the
 755 provision of primary health care for special populations.

756 (2) The department shall contract with each of the 67

757 counties or with multiple counties joined through an interlocal
 758 agreement to establish and maintain the county health
 759 departments serving each county. ~~A functional system of County~~
 760 health department services shall be defined in contract and
 761 established with such resources as are available from federal,
 762 state, local, or private sources to provide ~~which shall include~~
 763 the following categories of services ~~three levels of service and~~
 764 ~~be funded as follows:~~

765 (a) "Environmental health services" are those services
 766 which are organized and operated to protect the health of the
 767 general public by monitoring and regulating activities in the
 768 environment which may contribute to the occurrence or
 769 transmission of disease. ~~Environmental health services shall be~~
 770 ~~supported by available federal, state, and local funds and shall~~
 771 ~~include those services mandated on a state or federal level.~~
 772 Examples of environmental health services include: ~~, but are not~~
 773 ~~limited to,~~ food hygiene, safe drinking water supply, sewage and
 774 solid waste disposal, swimming pools, group care facilities,
 775 migrant labor camps, toxic material control, radiological
 776 health, occupational health, and entomology.

777 (b) "Communicable disease control services" are those
 778 services which protect the health of the general public through
 779 the detection, control, and eradication of diseases which are
 780 transmitted primarily by human beings. Examples of communicable
 781 disease services shall be supported by available federal, state,
 782 and local funds and shall include those services mandated on a
 783 state or federal level. Such services include, but are not
 784 limited to, epidemiology, sexually transmissible disease

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785 detection and control, immunization, tuberculosis control, and
786 maintenance of vital statistics.

787 (c) "Primary care services" are acute care and preventive
788 services that are made available to well and sick persons who
789 are unable to obtain such services due to lack of income or
790 other barriers beyond their control. ~~These services are provided~~
791 ~~to benefit individuals, improve the collective health of the~~
792 ~~public, and prevent and control the spread of disease. Primary~~
793 ~~health care services are provided at home, in group settings, or~~
794 ~~in clinics. These services shall be supported by available~~
795 ~~federal, state, and local funds and shall include services~~
796 ~~mandated on a state or federal level.~~ Examples of primary health
797 care services include, ~~but are not limited to:~~ first contact
798 acute care services; chronic disease detection and treatment;
799 maternal and child health services; family planning; nutrition;
800 school health; supplemental food assistance for women, infants,
801 and children; home health; and dental services.

802 (3) To be eligible for state block grants, county public
803 health ~~The Department of Health shall enter into contracts with~~
804 ~~the several counties for the purposes of this part. All~~
805 contracts shall be ~~negotiated and~~ approved by the boards of
806 county commissioners or other appropriate local governing bodies
807 ~~on behalf of the department. In accordance with federal~~
808 ~~guidelines, the state may utilize federal funds for county~~
809 ~~health department services. A standard contract format shall be~~
810 ~~developed and used by the department in contract negotiations.~~
811 The contract shall include the three categories ~~levels~~ of county
812 health department services outlined in subsection (2) above and

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813 shall contain a section which stipulates, for the contract year:

814 (a) All revenue sources, including federal, state, and
 815 local general revenue, fees, and other cash contributions, which
 816 shall be used by the county health department for county health
 817 department services;

818 (b) The types of services to be provided in each category
 819 ~~level~~ of service;

820 (c) The estimated number of clients, where applicable, who
 821 will be served, by type of service;

822 (d) The estimated number of services, where applicable,
 823 that will be provided, by type of service;

824 (e) The estimated number of staff positions (full-time
 825 equivalent positions) who will work in each type of service
 826 area; and

827 (f) The estimated expenditures for each type of service
 828 and for each level of service.

829

830 The contract shall also provide for financial and service
 831 reporting for each type of service according to standard service
 832 and reporting procedures established by the department.

833 (4) The facilities and equipment available for use by a
 834 ~~use and maintenance of~~ county health department ~~facilities and~~
 835 ~~equipment~~ shall be determined by each county, subject to the
 836 provisions of the contract between the Department of Health and
 837 the each county. ~~However, the counties may retain ownership of~~
 838 ~~such facilities and equipment and the right to use such~~
 839 ~~facilities and equipment as the need arises, to the extent that~~
 840 ~~such use would not impose an unwarranted interference with the~~

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841 ~~operation of the county health department pursuant to the~~
842 ~~provisions of the contract. In all cases, such facilities shall~~
843 ~~be used primarily for purposes related to public health.~~

844 Ownership of county health department facilities and equipment
845 may be relinquished by a county to the Department of Health by
846 mutual consent of the parties in the contract.

847 (5) To assist counties ~~In order~~ to provide for the
848 effective delivery of health services, ~~in keeping with expanding~~
849 ~~needs or modernization, the Legislature may authorize funding~~
850 ~~for construction or expansion projects to county health~~
851 ~~departments or other nonprofit primary health care providers who~~
852 ~~are under contract with the department.~~ the department shall
853 submit to the Legislature a list of construction or expansion
854 needs ~~arranged~~ in a recommended order of priority ~~to the~~
855 ~~Legislature~~ in conjunction with each annual budget request. The
856 report of construction or expansion needs shall specify the
857 following information ~~The priority list shall be based on the~~
858 ~~following criteria:~~

859 (a) The current capacity of the county health department
860 facilities and the number of patients served in the most recent
861 year for which data is available ~~health facility to efficiently~~
862 ~~provide the full set of authorized services for the number of~~
863 ~~patients who can be served with available funds;~~

864 (b) The capacity of the health facility to meet the
865 anticipated growth in demand for service over the next 10 years;
866 and

867 (c) The adequacy of the facility to ensure patient and
868 staff safety, provide privacy during eligibility determination

869 and examination, and enable an efficient movement of patients
870 through service areas.

871 (6) (a) The department shall include the estimated cost of
872 the construction or renovation of each county health department
873 on the list. This cost must be based on a professional
874 assessment of the square footage needed to meet the demand for
875 service and the prevailing cost of construction in the county in
876 which the county health department is to be built, including the
877 cost of land, the cost for obtaining necessary permits, and the
878 cost of outfitting the facility. Funds appropriated for
879 construction and renovation of a county health department
880 facility may only be released by the department if the board of
881 county commissioners of the county for which funds have been
882 appropriated agrees that any county health department facility
883 which is constructed or renovated, in whole or in part, with
884 funds appropriated under this section will be used only for
885 county health department services, unless otherwise authorized
886 by the department, that the county will not charge rent for use
887 of the facility by the county health department, and that the
888 county will not attempt to sell such facility without the
889 concurrence of the department.

890 (b) Any dispute arising under this subsection shall be
891 resolved pursuant to chapter 120.

892

893 Funds appropriated by the Legislature for county health
894 department construction or expansion projects shall be accounted
895 for separately in the County Health Department Trust Fund from
896 revenues appropriated for county health department services and

897 | under the terms and conditions established by the Legislature.

898 | Section 5. Effective July 1, 2013, section 154.03, Florida
 899 | Statutes, is repealed.

900 | Section 6. Effective July 1, 2013, section 154.04, Florida
 901 | Statutes, is amended to read:

902 | 154.04 Personnel of county health departments; duties;
 903 | compensation.—

904 | (1) (a) The personnel of a ~~minimum~~ county health department
 905 | shall consist, at a minimum, of a county health department
 906 | director or administrator and a full-time public health nurse, a
 907 | public health environmental specialist, and a clerk. ~~All such~~
 908 | ~~personnel shall be selected from those especially trained in~~
 909 | ~~public health administration and practice, so far as the same~~
 910 | ~~shall relate to the duties of their respective positions.~~

911 | (b) The county health department director shall be a
 912 | physician licensed under chapter 458 or chapter 459 who is
 913 | trained in public health administration and shall be appointed
 914 | by ~~the State Surgeon General after the concurrence of~~ the boards
 915 | of county commissioners of the respective counties. A county
 916 | health department administrator trained in public health
 917 | administration may be appointed by ~~the State Surgeon General~~
 918 | ~~after the concurrence of~~ the boards of county commissioners of
 919 | the respective counties.

920 | (c)1. Licensed health professionals working in a county
 921 | health department are authorized to function within the scope of
 922 | their individual licenses and under medical protocols
 923 | established in accordance with subparagraph 2. ~~A registered~~
 924 | ~~nurse or licensed physician assistant working in a county health~~

925 ~~department is authorized to assess a patient and order~~
 926 ~~medications, provided that:~~

927 ~~a. No licensed physician is on the premises;~~

928 ~~b. The patient is assessed and medication ordered in~~
 929 ~~accordance with rules promulgated by the department and pursuant~~
 930 ~~to a protocol approved by a physician who supervises the patient~~
 931 ~~care activities of the registered nurse or licensed physician~~
 932 ~~assistant;~~

933 ~~e. The patient is being assessed by the registered nurse~~
 934 ~~or licensed physician assistant as a part of a program approved~~
 935 ~~by the department; and~~

936 ~~d. The medication ordered appears on a formulary approved~~
 937 ~~by the department and is prepackaged and prelabeled with dosage~~
 938 ~~instructions and distributed from a source authorized under~~
 939 ~~chapter 499 to repackage and distribute drugs, which source is~~
 940 ~~under the supervision of a consultant pharmacist employed by the~~
 941 ~~department.~~

942 2. Each county health department shall adopt written
 943 protocols which provide for supervision of the registered nurse
 944 or licensed physician assistant by a physician licensed pursuant
 945 to chapter 458 or chapter 459 and for the procedures by which
 946 patients may be assessed, and medications ordered and delivered,
 947 by the registered nurse or licensed physician assistant. Such
 948 protocols shall be signed by the supervising physician, the
 949 director of the county health department, and the registered
 950 nurse or licensed physician assistant.

951 3. Each county health department shall maintain and have
 952 available for inspection by representatives of the Department of

953 Health all medical records and patient care protocols, including
 954 records of medications delivered to patients, in accordance with
 955 rules of the department.

956 ~~4. The Department of Health shall adopt rules which~~
 957 ~~establish the conditions under which a registered nurse or~~
 958 ~~licensed physician assistant may assess patients and order and~~
 959 ~~deliver medications, based upon written protocols of supervision~~
 960 ~~by a physician licensed pursuant to chapter 458 or chapter 459,~~
 961 ~~and which establish the formulary from which medications may be~~
 962 ~~ordered.~~

963 ~~5. The department shall require that a consultant~~
 964 ~~pharmacist conduct a periodic inspection of each county health~~
 965 ~~department in meeting the requirements of this paragraph.~~

966 ~~4.6.~~ A county health department shall ~~may~~ establish or
 967 contract with peer review committees or organizations to review
 968 the quality of communicable disease control and primary care
 969 services provided by the county health department.

970 (2) The personnel of the county health department shall be
 971 employed by each respective county and subject to the personnel
 972 rules and policies of that county ~~by the Department of Health.~~
 973 ~~The compensation of such personnel shall be determined under the~~
 974 ~~rules of the Department of Management Services. Such employees~~
 975 ~~shall engage in the prevention of disease and the promotion of~~
 976 ~~health under the supervision of the Department of Health.~~

977 Section 7. Effective July 1, 2013, section 154.05, Florida
 978 Statutes, is amended to read:

979 154.05 Cooperation and agreements between counties.—Two or
 980 more counties may combine for the operation of a in the

981 ~~establishment and maintenance of a single full-time county~~
982 ~~health department~~ when such counties establish an interlocal
983 agreement. Such an agreement shall specify the roles and
984 responsibilities of each county, including the method of
985 governance and executive direction; the manner by which each
986 county's public health needs will be addressed; the inventory of
987 necessary facilities, equipment, and personnel; and any other
988 infrastructure as may be needed. Two or more counties may enter
989 into interlocal agreements to share or co-administer specific
990 functions. County interlocal agreements may be terminated only
991 at the end of a contract year. The parties shall give written
992 notice to the department no less than 90 days before the
993 termination. ~~for the counties which combine for that purpose;~~
994 ~~and, pursuant to such combination or agreement, such counties~~
995 ~~may cooperate with one another and the Department of Health and~~
996 ~~contribute to a joint fund in carrying out the purpose and~~
997 ~~intent of this chapter. The duration and nature of such~~
998 ~~agreement shall be evidenced by resolutions of the boards of~~
999 ~~county commissioners of such counties and shall be submitted to~~
1000 ~~and approved by the department. In the event of any such~~
1001 ~~agreement, a full-time county health department shall be~~
1002 ~~established and maintained by the department in and for the~~
1003 ~~benefit of the counties which have entered into such an~~
1004 ~~agreement; and, in such case, the funds raised by taxation~~
1005 ~~pursuant to this chapter by each such county shall be paid to~~
1006 ~~the Chief Financial Officer for the account of the department~~
1007 ~~and shall be known as the full-time county health department~~
1008 ~~trust fund of the counties so cooperating. Such trust funds~~

1009 ~~shall be used and expended by the department for the purposes~~
 1010 ~~specified in this chapter in each county which has entered into~~
 1011 ~~such agreement. In case such an agreement is entered into~~
 1012 ~~between two or more counties, the work contemplated by this~~
 1013 ~~chapter shall be done by a single full-time county health~~
 1014 ~~department in the counties so cooperating; and the nature,~~
 1015 ~~extent, and location of such work shall be under the control and~~
 1016 ~~direction of the department.~~

1017 Section 8. Effective July 1, 2013, section 154.06, Florida
 1018 Statutes, is amended to read:

1019 154.06 Fees and services rendered; authority.—

1020 (1) Except for fees established by the department for
 1021 services provided pursuant to s. 154.002, The Department of
 1022 ~~Health may establish by rule fee schedules for public health~~
 1023 ~~services rendered through the county health departments~~ shall be
 1024 the responsibility of each county and. ~~Such rules may include~~
 1025 ~~provisions for fee assessments, copayments, sliding fee scales,~~
 1026 ~~fee waivers, and fee exemptions. In addition, the department~~
 1027 ~~shall adopt by rule a uniform statewide fee schedule for all~~
 1028 ~~regulatory activities performed through the environmental health~~
 1029 ~~program. Each county may establish, and each county health~~
 1030 ~~department may collect, fees for primary care services, provided~~
 1031 ~~that a schedule of such fees is established by resolution of the~~
 1032 ~~board of county commissioners or by rule of the department,~~
 1033 ~~respectively. Fees for primary care services and communicable~~
 1034 ~~disease control services may not be less than Medicaid~~
 1035 ~~reimbursement rates unless otherwise required by federal or~~
 1036 ~~state law or regulation.~~

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1037 (2) All funds collected under this section shall be
 1038 expended solely for the purpose of providing health services and
 1039 facilities within the county or counties served by the county
 1040 health department. ~~Fees collected by county health departments~~
 1041 ~~pursuant to department rules shall be deposited with the Chief~~
 1042 ~~Financial Officer and credited to the County Health Department~~
 1043 ~~Trust Fund. Fees collected by the county health department for~~
 1044 ~~public health services or personal health services shall be~~
 1045 ~~allocated to the state and the county based upon the pro rata~~
 1046 ~~share of funding for each such service. The board of county~~
 1047 ~~commissioners, if it has so contracted, shall provide for the~~
 1048 ~~transmittal of funds collected for its pro rata share of~~
 1049 ~~personal health services or primary care services rendered under~~
 1050 ~~the provisions of this section to the State Treasury for credit~~
 1051 ~~to the County Health Department Trust Fund, but in any event the~~
 1052 ~~proceeds from such fees may only be used to fund county health~~
 1053 ~~department services.~~

1054 (3) The foregoing provisions notwithstanding, any county
 1055 which charges fees for any services delivered through county
 1056 health departments prior to July 1, 1983, and which has pledged
 1057 or committed the fees yet to be collected toward the retirement
 1058 of outstanding obligations relating to county health department
 1059 facilities may be exempted from the provisions of subsection (1)
 1060 until such commitment or obligation has been satisfied or
 1061 discharged.

1062 Section 9. Effective July 1, 2013, section 154.067,
 1063 Florida Statutes, is amended to read:

1064 154.067 Child abuse and neglect cases; duties.—~~The~~

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1065 ~~Department of Health shall adopt a rule requiring~~ Every county
 1066 health department shall, ~~as described in s. 154.01,~~ to adopt a
 1067 protocol that, at a minimum, requires ~~the county health~~
 1068 ~~department to:~~

1069 (1) ~~Incorporate in its health department policy a policy~~
 1070 ~~that~~ Every staff member to acknowledge, in writing, has an
 1071 affirmative duty to report, pursuant to chapter 39, any actual
 1072 or suspected case of child abuse, abandonment, or neglect; and

1073 (2) Designation of ~~In any case involving suspected child~~
 1074 ~~abuse, abandonment, or neglect, designate, at the request of the~~
 1075 ~~department,~~ a staff physician to act as a liaison between the
 1076 county health department, and the Department of Children and
 1077 Family Services, and the child protection team regarding
 1078 investigations of ~~office that is investigating the suspected~~
 1079 ~~abuse, abandonment, or neglect, and the child protection team,~~
 1080 as defined in s. 39.01, ~~when the case is referred to such a~~
 1081 ~~team.~~

1082 Section 10. The Department of Health shall develop a
 1083 transition plan to decentralize public health services and
 1084 submit the plan to the Governor, the President of the Senate,
 1085 and the Speaker of the House of Representatives no later than
 1086 October 1, 2012. The plan shall include specific steps to
 1087 transfer duties, resources, and personnel to county health
 1088 departments; develop contracts with each county; communicate the
 1089 process, timeline, and effect of the organizational changes to
 1090 stakeholders and the general public; assess any fiscal impact of
 1091 the transition; and provide monthly reports regarding transition
 1092 activities to the President of the Senate and the Speaker of the

1093 House of Representatives until the plan is fully implemented on
 1094 January 1, 2014.

1095 Section 11. Subsections (10) and (12) of section 215.5602,
 1096 Florida Statutes, are amended to read:

1097 215.5602 James and Esther King Biomedical Research
 1098 Program.—

1099 (10) The council shall submit an annual progress report on
 1100 the state of biomedical research in this state to ~~the Florida~~
 1101 ~~Center for Universal Research to Eradicate Disease and to the~~
 1102 Governor, the State Surgeon General, the President of the
 1103 Senate, and the Speaker of the House of Representatives by
 1104 February 1. The report must include:

1105 (a) A list of research projects supported by grants or
 1106 fellowships awarded under the program.

1107 (b) A list of recipients of program grants or fellowships.

1108 (c) A list of publications in peer reviewed journals
 1109 involving research supported by grants or fellowships awarded
 1110 under the program.

1111 (d) The total amount of biomedical research funding
 1112 currently flowing into the state.

1113 (e) New grants for biomedical research which were funded
 1114 based on research supported by grants or fellowships awarded
 1115 under the program.

1116 (f) Progress in the prevention, diagnosis, treatment, and
 1117 cure of diseases related to tobacco use, including cancer,
 1118 cardiovascular disease, stroke, and pulmonary disease.

1119 (12) ~~From funds appropriated to accomplish the goals of~~
 1120 ~~this section, up to \$250,000 shall be available for the~~

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1121 ~~operating costs of the Florida Center for Universal Research to~~
 1122 ~~Eradicate Disease.~~ Beginning in the 2011-2012 fiscal year and
 1123 thereafter, \$25 million from the revenue deposited into the
 1124 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)
 1125 shall be reserved for research of tobacco-related or cancer-
 1126 related illnesses. Of the revenue deposited in the Health Care
 1127 Trust Fund pursuant to this section, \$25 million shall be
 1128 transferred to the Biomedical Research Trust Fund within the
 1129 Department of Health. Subject to annual appropriations in the
 1130 General Appropriations Act, \$5 million shall be appropriated to
 1131 the James and Esther King Biomedical Research Program, \$5
 1132 million shall be appropriated to the William G. "Bill" Bankhead,
 1133 Jr., and David Coley Cancer Research Program created under s.
 1134 381.922, \$5 million shall be appropriated to the H. Lee Moffitt
 1135 Cancer Center and Research Institute established under s.
 1136 1004.43, \$5 million shall be appropriated to the Sylvester
 1137 Comprehensive Cancer Center of the University of Miami, and \$5
 1138 million shall be appropriated to the ~~University of Florida~~
 1139 Shands Cancer Hospital Center.

1140 Section 12. Section 381.001, Florida Statutes, is amended
 1141 to read:

1142 381.001 ~~Legislative intent;~~ Public health system.—

1143 ~~(1) It is the intent of the Legislature that~~ The
 1144 Department of Health is ~~be~~ responsible for the state's public
 1145 health system which shall be designed to promote, protect, and
 1146 improve the health of all people in the state. ~~The mission of~~
 1147 ~~the state's public health system is to foster the conditions in~~
 1148 ~~which people can be healthy, by assessing state and community~~

1149 ~~health needs and priorities through data collection,~~
 1150 ~~epidemiologic studies, and community participation; by~~
 1151 ~~developing comprehensive public health policies and objectives~~
 1152 ~~aimed at improving the health status of people in the state; and~~
 1153 ~~by ensuring essential health care and an environment which~~
 1154 ~~enhances the health of the individual and the community. The~~
 1155 department shall provide leadership for ~~Legislature recognizes~~
 1156 ~~that the state's public health system must be founded on an~~
 1157 active partnership working toward shared public health goals and
 1158 involving between federal, state, and local governments and the
 1159 private sector ~~government and between the public and private~~
 1160 ~~sectors, and, therefore, assessment, policy development, and~~
 1161 ~~service provision must be shared by all of these entities to~~
 1162 ~~achieve its mission.~~

1163 ~~(2) It is the intent of the Legislature that the~~
 1164 ~~department, in carrying out the mission of public health, focus~~
 1165 ~~attention on identifying, assessing, and controlling the~~
 1166 ~~presence and spread of communicable diseases; on monitoring and~~
 1167 ~~regulating factors in the environment which may impair the~~
 1168 ~~public's health, with particular attention to preventing~~
 1169 ~~contamination of drinking water, the air people breathe, and the~~
 1170 ~~food people consume; and ensuring availability of and access to~~
 1171 ~~preventive and primary health care, including, but not limited~~
 1172 ~~to, acute and episodic care, prenatal and postpartum care, child~~
 1173 ~~health, family planning, school health, chronic disease~~
 1174 ~~prevention, child and adult immunization, dental health,~~
 1175 ~~nutrition, and health education and promotion services.~~

1176 ~~(3) It is, furthermore, the intent of the Legislature that~~

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1177 ~~the public health system include comprehensive planning, data~~
 1178 ~~collection, technical support, and health resource development~~
 1179 ~~functions. These functions include, but are not limited to,~~
 1180 ~~state laboratory and pharmacy services, the state vital~~
 1181 ~~statistics system, the Florida Center for Health Information and~~
 1182 ~~Policy Analysis, emergency medical services coordination and~~
 1183 ~~support, and recruitment, retention, and development of~~
 1184 ~~preventive and primary health care professionals and managers.~~

1185 ~~(4) It is, furthermore, the intent of the Legislature that~~
 1186 ~~the department provide public health services through the 67~~
 1187 ~~county health departments in partnership with county~~
 1188 ~~governments, as specified in part I of chapter 154, and in so~~
 1189 ~~doing make every attempt possible to solicit the support and~~
 1190 ~~involvement of private and not-for-profit health care agencies~~
 1191 ~~in fulfilling the public health mission.~~

1192 Section 13. Section 381.0011, Florida Statutes, is amended
 1193 to read:

1194 381.0011 Duties and powers of the Department of Health.—It
 1195 is the duty of the Department of Health to:

1196 (1) ~~Assess the public health status and needs of the state~~
 1197 ~~through statewide data collection and other appropriate means,~~
 1198 ~~with special attention to future needs that may result from~~
 1199 ~~population growth, technological advancements, new societal~~
 1200 ~~priorities, or other changes.~~

1201 ~~(2) Formulate general policies affecting the public health~~
 1202 ~~of the state.~~

1203 (2) ~~(3)~~ Administer and enforce laws and rules relating to
 1204 sanitation, control of communicable diseases, illnesses and

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1205 hazards to health among humans and from animals to humans, and
 1206 the general health of the people of the state.

1207 (3)-(4) Coordinate with ~~Cooperate with and accept~~
 1208 ~~assistance from~~ federal, state, and local officials for the
 1209 prevention and suppression of communicable and other diseases,
 1210 illnesses, injuries, and hazards to human health.

1211 ~~(5) Declare, enforce, modify, and abolish quarantine of~~
 1212 ~~persons, animals, and premises as the circumstances indicate for~~
 1213 ~~controlling communicable diseases or providing protection from~~
 1214 ~~unsafe conditions that pose a threat to public health, except as~~
 1215 ~~provided in ss. 384.28 and 392.545-392.60.~~

1216 ~~(a) The department shall adopt rules to specify the~~
 1217 ~~conditions and procedures for imposing and releasing a~~
 1218 ~~quarantine. The rules must include provisions related to:~~

1219 1. ~~The closure of premises.~~

1220 2. ~~The movement of persons or animals exposed to or~~
 1221 ~~infected with a communicable disease.~~

1222 3. ~~The tests or treatment, including vaccination, for~~
 1223 ~~communicable disease required prior to employment or admission~~
 1224 ~~to the premises or to comply with a quarantine.~~

1225 4. ~~Testing or destruction of animals with or suspected of~~
 1226 ~~having a disease transmissible to humans.~~

1227 5. ~~Access by the department to quarantined premises.~~

1228 6. ~~The disinfection of quarantined animals, persons, or~~
 1229 ~~premises.~~

1230 7. ~~Methods of quarantine.~~

1231 ~~(b) Any health regulation that restricts travel or trade~~
 1232 ~~within the state may not be adopted or enforced in this state~~

1233 ~~except by authority of the department.~~

1234 (4)~~(6)~~ Provide for a thorough investigation and study of
 1235 the incidence, causes, modes of propagation and transmission,
 1236 and means of prevention, control, and cure of diseases,
 1237 illnesses, and hazards to human health.

1238 (5)~~(7)~~ Provide for the dissemination of information to the
 1239 public relative to the prevention, control, and cure of
 1240 diseases, illnesses, and hazards to human health. ~~The department~~
 1241 ~~shall conduct a workshop before issuing any health alert or~~
 1242 ~~advisory relating to food borne illness or communicable disease~~
 1243 ~~in public lodging or food service establishments in order to~~
 1244 ~~inform persons, trade associations, and businesses of the risk~~
 1245 ~~to public health and to seek the input of affected persons,~~
 1246 ~~trade associations, and businesses on the best methods of~~
 1247 ~~informing and protecting the public, except in an emergency, in~~
 1248 ~~which case the workshop must be held within 14 days after the~~
 1249 ~~issuance of the emergency alert or advisory.~~

1250 (6)~~(8)~~ Act as registrar of vital statistics.

1251 ~~(9) Cooperate with and assist federal health officials in~~
 1252 ~~enforcing public health laws and regulations.~~

1253 ~~(10) Cooperate with other departments, local officials,~~
 1254 ~~and private boards and organizations for the improvement and~~
 1255 ~~preservation of the public health.~~

1256 ~~(11) Maintain a statewide injury-prevention program.~~

1257 ~~(12) Adopt rules pursuant to ss. 120.536(1) and 120.54 to~~
 1258 ~~implement the provisions of law conferring duties upon it. This~~
 1259 ~~subsection does not authorize the department to require a permit~~
 1260 ~~or license unless such requirement is specifically provided by~~

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1261 ~~law.~~

1262 ~~(7)~~ ~~(13)~~ Manage and coordinate emergency preparedness and

1263 disaster response functions to: investigate and control the

1264 spread of disease; coordinate the availability and staffing of

1265 special needs shelters; support patient evacuation; ensure the

1266 safety of food and drugs; provide critical incident stress

1267 debriefing; and provide surveillance and control of

1268 radiological, chemical, biological, and other environmental

1269 hazards.

1270 ~~(14)~~ ~~Perform any other duties prescribed by law.~~

1271 Section 14. Section 381.0013, Florida Statutes, is

1272 repealed.

1273 Section 15. Section 381.0014, Florida Statutes, is

1274 repealed.

1275 Section 16. Section 381.0015, Florida Statutes, is

1276 repealed.

1277 Section 17. Section 381.0016, Florida Statutes, is amended

1278 to read:

1279 381.0016 County and municipal regulations and ordinances.—

1280 Any county or municipality may enact, in a manner prescribed by

1281 law, health regulations and ordinances not inconsistent with

1282 state public health laws and rules adopted by the department.

1283 Section 18. Section 381.0017, Florida Statutes, is

1284 repealed.

1285 Section 19. Section 381.0025, Florida Statutes, is amended

1286 to read:

1287 381.0025 Penalties.—

1288 ~~(1)~~ ~~Any person who violates any of the provisions of this~~

1289 ~~chapter, any quarantine, or any rule adopted by the department~~
 1290 ~~under the provisions of this chapter is guilty of a misdemeanor~~
 1291 ~~of the second degree, punishable as provided in s. 775.082 or s.~~
 1292 ~~775.083.~~

1293 (2) Any person who interferes with, hinders, or opposes
 1294 any employee of the department in the discharge of his or her
 1295 duties pursuant to the provisions of s. 381.00315 ~~this chapter,~~
 1296 part I of chapter 386, chapter 513, or chapter 514 ~~commits, or~~
 1297 ~~who impersonates an employee of the department, is guilty of a~~
 1298 ~~misdemeanor of the second degree, punishable as provided in s.~~
 1299 ~~775.082 or s. 775.083.~~

1300 (3) ~~Any person who maliciously disseminates any false~~
 1301 ~~rumor or report concerning the existence of any infectious or~~
 1302 ~~contagious disease is guilty of a misdemeanor of the second~~
 1303 ~~degree, punishable as provided in s. 775.082 or s. 775.083.~~

1304 Section 20. Paragraph (d) of subsection (1) of section
 1305 381.003, Florida Statutes, is amended to read:

1306 381.003 Communicable disease and AIDS prevention and
 1307 control.—

1308 (1) The department shall conduct a communicable disease
 1309 prevention and control program as part of fulfilling its public
 1310 health mission. A communicable disease is any disease caused by
 1311 transmission of a specific infectious agent, or its toxic
 1312 products, from an infected person, an infected animal, or the
 1313 environment to a susceptible host, either directly or
 1314 indirectly. The communicable disease program must include, but
 1315 need not be limited to:

1316 (d) Programs for the prevention, control, and reporting of

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1317 communicable diseases of public health significance as provided
1318 for in this chapter.

1319 Section 21. Section 381.0031, Florida Statutes, is amended
1320 to read:

1321 381.0031 Epidemiological research; report of diseases of
1322 public health significance to department.-

1323 (1) The department may conduct studies concerning the
1324 epidemiology of communicable diseases of public health
1325 significance affecting people in Florida.

1326 (2) Any practitioner licensed in this state to practice
1327 medicine, osteopathic medicine, chiropractic medicine,
1328 naturopathy, or veterinary medicine; any hospital licensed under
1329 part I of chapter 395; or any laboratory licensed under chapter
1330 483 that diagnoses or suspects the existence of a communicable
1331 disease of public health significance shall immediately report
1332 the fact to the Department of Health.

1333 (3)~~(2)~~ Periodically the department shall issue a list of
1334 infectious ~~or noninfectious~~ diseases determined by it to be a
1335 threat to public health and therefore of significance to public
1336 health and shall furnish a copy of the list to the practitioners
1337 listed in subsection (2) ~~(1)~~.

1338 (4)~~(3)~~ Reports required by this section must be in
1339 accordance with methods specified by rule of the department.

1340 (5)~~(4)~~ Information submitted in reports required by this
1341 section is confidential, exempt from the provisions of s.
1342 119.07(1), and is to be made public only when necessary to
1343 public health. A report so submitted is not a violation of the
1344 confidential relationship between practitioner and patient.

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1345 ~~(6)~~⁽⁵⁾ The department may obtain and inspect copies of
1346 medical records, records of laboratory tests, and other medical-
1347 related information for reported cases of communicable diseases
1348 of public health significance described in subsection (2). The
1349 department shall examine the records of a person who has a
1350 communicable disease of public health significance only for
1351 purposes of preventing and eliminating outbreaks of disease and
1352 making epidemiological investigations of reported cases of
1353 communicable diseases of public health significance,
1354 notwithstanding any other law to the contrary. Health care
1355 practitioners, licensed health care facilities, and laboratories
1356 shall allow the department to inspect and obtain copies of such
1357 medical records and medical-related information, notwithstanding
1358 any other law to the contrary. Release of medical records and
1359 medical-related information to the department by a health care
1360 practitioner, licensed health care facility, or laboratory, or
1361 by an authorized employee or agent thereof, does not constitute
1362 a violation of the confidentiality of patient records. A health
1363 care practitioner, health care facility, or laboratory, or any
1364 employee or agent thereof, may not be held liable in any manner
1365 for damages and is not subject to criminal penalties for
1366 providing patient records to the department as authorized by
1367 this section.

1368 ~~(7)~~⁽⁶⁾ The department may adopt rules related to reporting
1369 communicable diseases of significance to public health, which
1370 must specify the information to be included in the report, who
1371 is required to report, the method and time period for reporting,
1372 requirements for enforcement, and required followup activities

1373 by the department which are necessary to protect public health.

1374 (8) This section does not affect s. 384.25.

1375 Section 22. Subsection (1) of section 381.00315, Florida
 1376 Statutes, is amended, and subsection (4) is added to that
 1377 section, to read:

1378 381.00315 Public health advisories; public health
 1379 emergencies and quarantines.—The State Health Officer is
 1380 responsible for declaring public health emergencies and
 1381 quarantines and issuing public health advisories.

1382 (1) As used in this section, the term:

1383 (a) "Public health advisory" means any warning or report
 1384 giving information to the public about a potential public health
 1385 threat. Prior to issuing any public health advisory, the State
 1386 Health Officer must consult with any state or local agency
 1387 regarding areas of responsibility which may be affected by such
 1388 advisory. Upon determining that issuing a public health advisory
 1389 is necessary to protect the public health and safety, and prior
 1390 to issuing the advisory, the State Health Officer must notify
 1391 each county health department within the area which is affected
 1392 by the advisory of the State Health Officer's intent to issue
 1393 the advisory. The State Health Officer is authorized to take any
 1394 action appropriate to enforce any public health advisory.

1395 (b) "Public health emergency" means any occurrence, or
 1396 threat thereof, whether natural or man made, which results or
 1397 may result in substantial injury or harm to the public health
 1398 from infectious disease, chemical agents, nuclear agents,
 1399 biological toxins, or situations involving mass casualties or
 1400 natural disasters. Prior to declaring a public health emergency,

1401 the State Health Officer shall, to the extent possible, consult
1402 with the Governor and shall notify the Chief of Domestic
1403 Security. The declaration of a public health emergency shall
1404 continue until the State Health Officer finds that the threat or
1405 danger has been dealt with to the extent that the emergency
1406 conditions no longer exist and he or she terminates the
1407 declaration. However, a declaration of a public health emergency
1408 may not continue for longer than 60 days unless the Governor
1409 concurs in the renewal of the declaration. The State Health
1410 Officer, upon declaration of a public health emergency, may take
1411 actions that are necessary to protect the public health. Such
1412 actions include, but are not limited to:

1413 1. Directing manufacturers of prescription drugs or over-
1414 the-counter drugs who are permitted under chapter 499 and
1415 wholesalers of prescription drugs located in this state who are
1416 permitted under chapter 499 to give priority to the shipping of
1417 specified drugs to pharmacies and health care providers within
1418 geographic areas that have been identified by the State Health
1419 Officer. The State Health Officer must identify the drugs to be
1420 shipped. Manufacturers and wholesalers located in the state must
1421 respond to the State Health Officer's priority shipping
1422 directive before shipping the specified drugs.

1423 2. Notwithstanding chapters 465 and 499 and rules adopted
1424 thereunder, directing pharmacists employed by the department to
1425 compound bulk prescription drugs and provide these bulk
1426 prescription drugs to physicians and nurses of county health
1427 departments or any qualified person authorized by the State
1428 Health Officer for administration to persons as part of a

1429 prophylactic or treatment regimen.

1430 3. Notwithstanding s. 456.036, temporarily reactivating

1431 the inactive license of the following health care practitioners,

1432 when such practitioners are needed to respond to the public

1433 health emergency: physicians licensed under chapter 458 or

1434 chapter 459; physician assistants licensed under chapter 458 or

1435 chapter 459; licensed practical nurses, registered nurses, and

1436 advanced registered nurse practitioners licensed under part I of

1437 chapter 464; respiratory therapists licensed under part V of

1438 chapter 468; and emergency medical technicians and paramedics

1439 certified under part III of chapter 401. Only those health care

1440 practitioners specified in this paragraph who possess an

1441 unencumbered inactive license and who request that such license

1442 be reactivated are eligible for reactivation. An inactive

1443 license that is reactivated under this paragraph shall return to

1444 inactive status when the public health emergency ends or prior

1445 to the end of the public health emergency if the State Health

1446 Officer determines that the health care practitioner is no

1447 longer needed to provide services during the public health

1448 emergency. Such licenses may only be reactivated for a period

1449 not to exceed 90 days without meeting the requirements of s.

1450 456.036 or chapter 401, as applicable.

1451 4. Ordering an individual to be examined, tested,

1452 vaccinated, treated, or quarantined for communicable diseases

1453 that have significant morbidity or mortality and present a

1454 severe danger to public health. Individuals who are unable or

1455 unwilling to be examined, tested, vaccinated, or treated for

1456 reasons of health, religion, or conscience may be subjected to

1457 quarantine.

1458 a. Examination, testing, vaccination, or treatment may be
 1459 performed by any qualified person authorized by the State Health
 1460 Officer.

1461 b. If the individual poses a danger to the public health,
 1462 the State Health Officer may subject the individual to
 1463 quarantine. If there is no practical method to quarantine the
 1464 individual, the State Health Officer may use any means necessary
 1465 to vaccinate or treat the individual.

1466
 1467 Any order of the State Health Officer given to effectuate this
 1468 paragraph shall be immediately enforceable by a law enforcement
 1469 officer under s. 381.0012.

1470 (4) The department shall adopt rules to specify the
 1471 conditions and procedures for imposing and releasing a
 1472 quarantine. The rules must include provisions related to:

1473 (a) The closure of premises.

1474 (b) The movement of persons or animals exposed to or
 1475 infected with a communicable disease.

1476 (c) The tests or treatment, including vaccination, for
 1477 communicable disease required prior to employment or admission
 1478 to the premises or to comply with a quarantine.

1479 (d) Testing or destruction of animals with or suspected of
 1480 having a disease transmissible to humans.

1481 (e) Access by the department to quarantined premises.

1482 (f) The disinfection of quarantined animals, persons, or
 1483 premises.

1484 (g) Methods of quarantine.

1485 (5) The rules adopted under this section and actions taken
 1486 by the department pursuant to a declared public health emergency
 1487 or quarantine shall supersede all rules enacted by other state
 1488 departments, boards or commissions, and ordinances and
 1489 regulations enacted by political subdivisions of the state. Any
 1490 person who violates any rule adopted under this section, any
 1491 quarantine, or any requirement adopted by the department
 1492 pursuant to a declared public health emergency, commits a
 1493 misdemeanor of the second degree, punishable as provided in s.
 1494 775.082 or s. 775.083.

1495 Section 23. Section 381.0032, Florida Statutes, is
 1496 repealed.

1497 Section 24. Section 381.00325, Florida Statutes, is
 1498 repealed.

1499 Section 25. Subsection (1) of section 381.0034, Florida
 1500 Statutes, is amended to read:

1501 381.0034 Requirement for instruction on HIV and AIDS.—

1502 (1) ~~As of July 1, 1991,~~ The Department of Health shall
 1503 require each person licensed or certified under chapter 401,
 1504 chapter 467, part IV of chapter 468, or chapter 483, as a
 1505 condition of biennial relicensure, to complete an educational
 1506 course approved by the department on the modes of transmission,
 1507 infection control procedures, clinical management, and
 1508 prevention of human immunodeficiency virus and acquired immune
 1509 deficiency syndrome. Such course shall include information on
 1510 current Florida law on acquired immune deficiency syndrome and
 1511 its impact on testing, confidentiality of test results, and
 1512 treatment of patients. Each such licensee or certificateholder

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1513 shall submit confirmation of having completed said course, on a
1514 form provided by the department, when submitting fees or
1515 application for each biennial renewal.

1516 Section 26. Section 381.0037, Florida Statutes, is
1517 repealed.

1518 Section 27. Subsections (2) through (11) of section
1519 381.004, Florida Statutes, are renumbered as subsections (1)
1520 through (10), respectively, and present subsection (1),
1521 paragraph (a) of present subsection (3), paragraph (d) of
1522 present subsection (5), present subsection (7), and paragraph
1523 (c) of present subsection (11) of that section are amended to
1524 read:

1525 381.004 HIV testing.—

1526 ~~(1) LEGISLATIVE INTENT. The Legislature finds that the use~~
1527 ~~of tests designed to reveal a condition indicative of human~~
1528 ~~immunodeficiency virus infection can be a valuable tool in~~
1529 ~~protecting the public health. The Legislature finds that despite~~
1530 ~~existing laws, regulations, and professional standards which~~
1531 ~~require or promote the informed, voluntary, and confidential use~~
1532 ~~of tests designed to reveal human immunodeficiency virus~~
1533 ~~infection, many members of the public are deterred from seeking~~
1534 ~~such testing because they misunderstand the nature of the test~~
1535 ~~or fear that test results will be disclosed without their~~
1536 ~~consent. The Legislature finds that the public health will be~~
1537 ~~served by facilitating informed, voluntary, and confidential use~~
1538 ~~of tests designed to detect human immunodeficiency virus~~
1539 ~~infection.~~

1540 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED

1541 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

1542 (a) No person in this state shall order a test designed to
 1543 identify the human immunodeficiency virus, or its antigen or
 1544 antibody, without first obtaining the informed consent of the
 1545 person upon whom the test is being performed, except as
 1546 specified in paragraph (h). Informed consent shall be preceded
 1547 by an explanation of the right to confidential treatment of
 1548 information identifying the subject of the test and the results
 1549 of the test to the extent provided by law. Information shall
 1550 also be provided on the fact that a positive HIV test result
 1551 will be reported to the county health department with sufficient
 1552 information to identify the test subject and on the availability
 1553 and location of sites at which anonymous testing is performed.
 1554 As required in paragraph (3) (c) ~~(4) (e)~~, each county health
 1555 department shall maintain a list of sites at which anonymous
 1556 testing is performed, including the locations, phone numbers,
 1557 and hours of operation of the sites. Consent need not be in
 1558 writing provided there is documentation in the medical record
 1559 that the test has been explained and the consent has been
 1560 obtained.

1561 (4) (5) HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS;
 1562 REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM
 1563 REGISTRATION.—No county health department and no other person in
 1564 this state shall conduct or hold themselves out to the public as
 1565 conducting a testing program for acquired immune deficiency
 1566 syndrome or human immunodeficiency virus status without first
 1567 registering with the Department of Health, reregistering each
 1568 year, complying with all other applicable provisions of state

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1569 law, and meeting the following requirements:

1570 (d) The program must meet all the informed consent
 1571 criteria contained in subsection (2) ~~(3)~~.

1572 (7) EXEMPTIONS.—Except as provided in paragraph (3) (d)
 1573 ~~(4) (d)~~ and ss. 627.429 and 641.3007, insurers and others
 1574 participating in activities related to the insurance application
 1575 and underwriting process shall be exempt from this section.

1576 (10) ~~(11)~~ TESTING AS A CONDITION OF TREATMENT OR
 1577 ADMISSION.—

1578 (c) Any violation of this subsection or the rules
 1579 implementing it shall be punishable as provided in subsection
 1580 (5) ~~(6)~~.

1581 Section 28. Subsection (2) of section 381.0046, Florida
 1582 Statutes, is amended to read:

1583 381.0046 Statewide HIV and AIDS prevention campaign.—

1584 (2) The Department of Health shall establish dedicated
 1585 ~~four~~ positions within the department for HIV and AIDS regional
 1586 minority coordinators and ~~one position for~~ a statewide HIV and
 1587 AIDS minority coordinator. The coordinators shall facilitate
 1588 statewide efforts to implement and coordinate HIV and AIDS
 1589 prevention and treatment programs. ~~The statewide coordinator~~
 1590 ~~shall report directly to the chief of the Bureau of HIV and AIDS~~
 1591 ~~within the Department of Health.~~

1592 Section 29. Subsection (3) of section 381.005, Florida
 1593 Statutes, is renumbered as subsection (2), and present
 1594 subsection (2) of that section is amended to read:

1595 381.005 Primary and preventive health services.—

1596 ~~(2) Between October 1, or earlier if the vaccination is~~

1597 ~~available, and February 1 of each year, subject to the~~
 1598 ~~availability of an adequate supply of the necessary vaccine,~~
 1599 ~~each hospital licensed pursuant to chapter 395 shall implement a~~
 1600 ~~program to offer immunizations against the influenza virus and~~
 1601 ~~pneumococcal bacteria to all patients age 65 or older, in~~
 1602 ~~accordance with the recommendations of the Advisory Committee on~~
 1603 ~~Immunization Practices of the United States Centers for Disease~~
 1604 ~~Control and Prevention and subject to the clinical judgment of~~
 1605 ~~the responsible practitioner.~~

1606 Section 30. Subsections (3) through (7) of section
 1607 381.0051, Florida Statutes, are renumbered as subsections (2)
 1608 through (6), respectively, and present subsection (2) of that
 1609 section is amended to read:

1610 381.0051 Family planning.—

1611 ~~(2) LEGISLATIVE INTENT. It is the intent of the~~
 1612 ~~Legislature to make available to citizens of the state of~~
 1613 ~~childbearing age comprehensive medical knowledge, assistance,~~
 1614 ~~and services relating to the planning of families and maternal~~
 1615 ~~health care.~~

1616 Section 31. Subsection (5) of section 381.0052, Florida
 1617 Statutes, is amended to read:

1618 381.0052 Dental health.—

1619 ~~(5) The department may adopt rules to implement this~~
 1620 ~~section.~~

1621 Section 32. Subsection (4) of section 381.0053, Florida
 1622 Statutes, is amended to read:

1623 381.0053 Comprehensive nutrition program.—

1624 ~~(4) The department may promulgate rules to implement the~~

1625 ~~provisions of this section.~~

1626 Section 33. Section 381.0054, Florida Statutes, is
 1627 repealed.

1628 Section 34. Subsections (3) through (11) of section
 1629 381.0056, Florida Statutes are renumbered as subsections (2)
 1630 through (9), respectively, and present subsections (2), (3), and
 1631 (11) of that section are amended to read:

1632 381.0056 School health services program.—

1633 ~~(2) The Legislature finds that health services conducted~~
 1634 ~~as a part of the total school health program should be carried~~
 1635 ~~out to appraise, protect, and promote the health of students.~~
 1636 ~~School health services supplement, rather than replace, parental~~
 1637 ~~responsibility and are designed to encourage parents to devote~~
 1638 ~~attention to child health, to discover health problems, and to~~
 1639 ~~encourage use of the services of their physicians, dentists, and~~
 1640 ~~community health agencies.~~

1641 (2)(3) As ~~When~~ used in ~~or for~~ purposes of this section:

1642 (a) "Emergency health needs" means onsite management and
 1643 aid for illness or injury pending the student's return to the
 1644 classroom or release to a parent, guardian, designated friend,
 1645 or designated health care provider.

1646 (b) "Entity" or "health care entity" means a unit of local
 1647 government or a political subdivision of the state; a hospital
 1648 licensed under chapter 395; a health maintenance organization
 1649 certified under chapter 641; a health insurer authorized under
 1650 the Florida Insurance Code; a community health center; a migrant
 1651 health center; a federally qualified health center; an
 1652 organization that meets the requirements for nonprofit status

1653 | under s. 501(c)(3) of the Internal Revenue Code; a private
 1654 | industry or business; or a philanthropic foundation that agrees
 1655 | to participate in a public-private partnership with a county
 1656 | health department, local school district, or school in the
 1657 | delivery of school health services, and agrees to the terms and
 1658 | conditions for the delivery of such services as required by this
 1659 | section and as documented in the local school health services
 1660 | plan.

1661 | (c) "Invasive screening" means any screening procedure in
 1662 | which the skin or any body orifice is penetrated.

1663 | (d) "Physical examination" means a thorough evaluation of
 1664 | the health status of an individual.

1665 | (e) "School health services plan" means the document that
 1666 | describes the services to be provided, the responsibility for
 1667 | provision of the services, the anticipated expenditures to
 1668 | provide the services, and evidence of cooperative planning by
 1669 | local school districts and county health departments.

1670 | (f) "Screening" means presumptive identification of
 1671 | unknown or unrecognized diseases or defects by the application
 1672 | of tests that can be given with ease and rapidity to apparently
 1673 | healthy persons.

1674 | ~~(11) School health programs funded by health care~~
 1675 | ~~districts or entities defined in subsection (3) must be~~
 1676 | ~~supplementary to and consistent with the requirements of this~~
 1677 | ~~section and ss. 381.0057 and 381.0059.~~

1678 | Section 35. Subsections (2) through (7) of section
 1679 | 381.0057, Florida Statutes, are renumbered as subsections (1)
 1680 | through (6), respectively, and present subsections (1), (4), and

1681 (6) of that section are amended to read:

1682 381.0057 Funding for school health services.—

1683 ~~(1) It is the intent of the Legislature that funds in~~
 1684 ~~addition to those provided under the School Health Services Act~~
 1685 ~~be provided to those school districts and schools where there is~~
 1686 ~~a high incidence of medically underserved high-risk children,~~
 1687 ~~low birthweight babies, infant mortality, or teenage pregnancy.~~
 1688 ~~The purpose of this funding is to phase in those programs which~~
 1689 ~~offer the greatest potential for promoting the health of~~
 1690 ~~students and reducing teenage pregnancy.~~

1691 (3) ~~(4)~~ Any school district, school, or laboratory school
 1692 which desires to receive state funding under the provisions of
 1693 this section shall submit a proposal to the joint committee
 1694 established in subsection (2) ~~(3)~~. The proposal shall state the
 1695 goals of the program, provide specific plans for reducing
 1696 teenage pregnancy, and describe all of the health services to be
 1697 available to students with funds provided pursuant to this
 1698 section, including a combination of initiatives such as health
 1699 education, counseling, extracurricular, and self-esteem
 1700 components. School health services shall not promote elective
 1701 termination of pregnancy as a part of counseling services. Only
 1702 those program proposals which have been developed jointly by
 1703 county health departments and local school districts or schools,
 1704 and which have community and parental support, shall be eligible
 1705 for funding. Funding shall be available specifically for
 1706 implementation of one of the following programs:

1707 (a) School health improvement pilot project.—The program
 1708 shall include basic health care to an elementary school, middle

1709 school, and high school feeder system. Program services shall
 1710 include, but not be limited to:

1711 1. Planning, implementing, and evaluating school health
 1712 services. Staffing shall include a full-time, trained school
 1713 health aide in each elementary, middle, and high school; one
 1714 full-time nurse to supervise the aides in the elementary and
 1715 middle schools; and one full-time nurse in each high school.

1716 2. Providing student health appraisals and identification
 1717 of actual or potential health problems by screenings, nursing
 1718 assessments, and record reviews.

1719 3. Expanding screening activities.

1720 4. Improving the student utilization of school health
 1721 services.

1722 5. Coordinating health services for students with parents
 1723 or guardians and other agencies in the community.

1724 (b) Student support services team program.—The program
 1725 shall include a multidisciplinary team composed of a
 1726 psychologist, social worker, and nurse whose responsibilities
 1727 are to provide basic support services and to assist, in the
 1728 school setting, children who exhibit mild to severely complex
 1729 health, behavioral, or learning problems affecting their school
 1730 performance. Support services shall include, but not be limited
 1731 to: evaluation and treatment for minor illnesses and injuries,
 1732 referral and followup for serious illnesses and emergencies,
 1733 onsite care and consultation, referral to a physician, and
 1734 followup care for pregnancy or chronic diseases and disorders as
 1735 well as emotional or mental problems. Services also shall
 1736 include referral care for drug and alcohol abuse and sexually

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1737 transmitted diseases, sports and employment physicals,
1738 immunizations, and in addition, effective preventive services
1739 aimed at delaying early sexual involvement and aimed at
1740 pregnancy, acquired immune deficiency syndrome, sexually
1741 transmitted diseases, and destructive lifestyle conditions, such
1742 as alcohol and drug abuse. Moneys for this program shall be used
1743 to fund three teams, each consisting of one half-time
1744 psychologist, one full-time nurse, and one full-time social
1745 worker. Each team shall provide student support services to an
1746 elementary school, middle school, and high school that are a
1747 part of one feeder school system and shall coordinate all
1748 activities with the school administrator and guidance counselor
1749 at each school. A program which places all three teams in middle
1750 schools or high schools may also be proposed.

1751 (c) Full service schools.—The full-service schools shall
1752 integrate the services of the Department of Health that are
1753 critical to the continuity-of-care process. The department shall
1754 provide services to students on the school grounds. Department
1755 personnel shall provide their specialized services as an
1756 extension of the educational environment. Such services may
1757 include nutritional services, medical services, aid to dependent
1758 children, parenting skills, counseling for abused children, and
1759 education for the students' parents or guardians.

1760
1761 Funding may also be available for any other program that is
1762 comparable to a program described in this subsection but is
1763 designed to meet the particular needs of the community.

1764 (5)~~(6)~~ Each school district or school program that is

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1765 funded through the provisions of this section shall provide a
 1766 mechanism through which a parent may, by written request, exempt
 1767 a child from all or certain services provided by a school health
 1768 services program described in subsection (3) ~~(4)~~.

1769 Section 36. Section 381.00591, Florida Statutes, is
 1770 amended to read:

1771 381.00591 Department of Health; National Environmental
 1772 Laboratory accreditation; application; ~~rules.~~—The Department of
 1773 Health may apply for and become a National Environmental
 1774 Laboratory Accreditation Program accreditation body ~~accrediting~~
 1775 ~~authority. The department, as an accrediting entity, may adopt~~
 1776 ~~rules pursuant to ss. 120.536(1) and 120.54, to implement~~
 1777 ~~standards of the National Environmental Laboratory Accreditation~~
 1778 ~~Program, including requirements for proficiency testing~~
 1779 ~~providers and other rules that are not inconsistent with this~~
 1780 ~~section, including rules pertaining to fees, application~~
 1781 ~~procedures, standards applicable to environmental or public~~
 1782 ~~water supply laboratories, and compliance.~~

1783 Section 37. Subsection (9) of section 381.00593, Florida
 1784 Statutes, is renumbered as subsection (8), and present
 1785 subsection (8) of that section is amended to read:

1786 381.00593 Public school volunteer health care practitioner
 1787 program.—

1788 ~~(8) The Department of Health, in cooperation with the~~
 1789 ~~Department of Education, may adopt rules necessary to implement~~
 1790 ~~this section. The rules shall include the forms to be completed~~
 1791 ~~and procedures to be followed by applicants and school personnel~~
 1792 ~~under the program.~~

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1793 Section 38. Subsections (2) through (6) of section
 1794 381.0062, Florida Statutes, are renumbered as subsections (1)
 1795 through (6), respectively, and present subsection (1) of that
 1796 section is amended to read:

1797 381.0062 Supervision; private and certain public water
 1798 systems.—

1799 ~~(1) LEGISLATIVE INTENT. It is the intent of the~~
 1800 ~~Legislature to protect the public's health by establishing~~
 1801 ~~standards for the construction, modification, and operation of~~
 1802 ~~public and private water systems to assure consumers that the~~
 1803 ~~water provided by those systems is potable.~~

1804 Section 39. Section 381.0065, Florida Statutes, is amended
 1805 to read:

1806 381.0065 Onsite sewage treatment and disposal systems;
 1807 regulation.—

1808 (1) LEGISLATIVE INTENT.—

1809 ~~(a) It is the intent of the Legislature that proper~~
 1810 ~~management of onsite sewage treatment and disposal systems is~~
 1811 ~~paramount to the health, safety, and welfare of the public. It~~
 1812 ~~is further the intent of the Legislature that the department~~
 1813 ~~shall administer an evaluation program to ensure the operational~~
 1814 ~~condition of the system and identify any failure with the~~
 1815 ~~system.~~

1816 ~~(b)~~ It is the intent of the Legislature that where a
 1817 publicly owned or investor-owned sewerage system is not
 1818 available, the department shall issue permits for the
 1819 construction, installation, modification, abandonment, or repair
 1820 of onsite sewage treatment and disposal systems under conditions

1821 as described in this section and rules adopted under this
 1822 section. It is further the intent of the Legislature that the
 1823 installation and use of onsite sewage treatment and disposal
 1824 systems not adversely affect the public health or significantly
 1825 degrade the groundwater or surface water.

1826 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the
 1827 term:

1828 (a) "Available," as applied to a publicly owned or
 1829 investor-owned sewerage system, means that the publicly owned or
 1830 investor-owned sewerage system is capable of being connected to
 1831 the plumbing of an establishment or residence, is not under a
 1832 Department of Environmental Protection moratorium, and has
 1833 adequate permitted capacity to accept the sewage to be generated
 1834 by the establishment or residence; and:

1835 1. For a residential subdivision lot, a single-family
 1836 residence, or an establishment, any of which has an estimated
 1837 sewage flow of 1,000 gallons per day or less, a gravity sewer
 1838 line to maintain gravity flow from the property's drain to the
 1839 sewer line, or a low pressure or vacuum sewage collection line
 1840 in those areas approved for low pressure or vacuum sewage
 1841 collection, exists in a public easement or right-of-way that
 1842 abuts the property line of the lot, residence, or establishment.

1843 2. For an establishment with an estimated sewage flow
 1844 exceeding 1,000 gallons per day, a sewer line, force main, or
 1845 lift station exists in a public easement or right-of-way that
 1846 abuts the property of the establishment or is within 50 feet of
 1847 the property line of the establishment as accessed via existing
 1848 rights-of-way or easements.

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1849 3. For proposed residential subdivisions with more than 50
1850 lots, for proposed commercial subdivisions with more than 5
1851 lots, and for areas zoned or used for an industrial or
1852 manufacturing purpose or its equivalent, a sewerage system
1853 exists within one-fourth mile of the development as measured and
1854 accessed via existing easements or rights-of-way.

1855 4. For repairs or modifications within areas zoned or used
1856 for an industrial or manufacturing purpose or its equivalent, a
1857 sewerage system exists within 500 feet of an establishment's or
1858 residence's sewer stub-out as measured and accessed via existing
1859 rights-of-way or easements.

1860 (b)1. "Bedroom" means a room that may be used for sleeping
1861 and that:

1862 a. For site-built dwellings, has a minimum of 70 square
1863 feet of air-conditioned space;

1864 b. For manufactured homes, is constructed according to
1865 standards of the United States Department of Housing and Urban
1866 Development and has a minimum of 50 square feet of floor area;

1867 c. Is located along an exterior wall;

1868 d. Has a closet and a door or an entrance where a door
1869 could be reasonably installed; and

1870 e. Has an emergency means of escape and rescue opening to
1871 the outside.

1872 2. A room may not be considered a bedroom if it is used to
1873 access another room except a bathroom or closet.

1874 3. The term "bedroom" does not include a hallway,
1875 bathroom, kitchen, living room, family room, dining room, den,
1876 breakfast nook, pantry, laundry room, sunroom, recreation room,

1877 media/video room, or exercise room.

1878 (b) "Blackwater" means that part of domestic sewage
 1879 carried off by toilets, urinals, and kitchen drains.

1880 (c) "Domestic sewage" means human body waste and
 1881 wastewater, including bath and toilet waste, residential laundry
 1882 waste, residential kitchen waste, and other similar waste from
 1883 appurtenances at a residence or establishment.

1884 (d) "Graywater" means that part of domestic sewage that is
 1885 not blackwater, including waste from the bath, lavatory,
 1886 laundry, and sink, except kitchen sink waste.

1887 (e) "Florida Keys" means those islands of the state
 1888 located within the boundaries of Monroe County.

1889 (f) "Injection well" means an open vertical hole at least
 1890 90 feet in depth, cased and grouted to at least 60 feet in depth
 1891 which is used to dispose of effluent from an onsite sewage
 1892 treatment and disposal system.

1893 (g) "Innovative system" means an onsite sewage treatment
 1894 and disposal system that, in whole or in part, employs
 1895 materials, devices, or techniques that are novel or unique and
 1896 that have not been successfully field-tested under sound
 1897 scientific and engineering principles under climatic and soil
 1898 conditions found in this state.

1899 (h) "Lot" means a parcel or tract of land described by
 1900 reference to recorded plats or by metes and bounds, or the least
 1901 fractional part of subdivided lands having limited fixed
 1902 boundaries or an assigned number, letter, or any other legal
 1903 description by which it can be identified.

1904 (i) "Mean annual flood line" means the elevation

1905 determined by calculating the arithmetic mean of the elevations
 1906 of the highest yearly flood stage or discharge for the period of
 1907 record, to include at least the most recent 10-year period. If
 1908 at least 10 years of data is not available, the mean annual
 1909 flood line shall be as determined based upon the data available
 1910 and field verification conducted by a certified professional
 1911 surveyor and mapper with experience in the determination of
 1912 flood water elevation lines or, at the option of the applicant,
 1913 by department personnel. Field verification of the mean annual
 1914 flood line shall be performed using a combination of those
 1915 indicators listed in subparagraphs 1.-7. that are present on the
 1916 site, and that reflect flooding that recurs on an annual basis.
 1917 In those situations where any one or more of these indicators
 1918 reflect a rare or aberrant event, such indicator or indicators
 1919 shall not be utilized in determining the mean annual flood line.
 1920 The indicators that may be considered are:

- 1921 1. Water stains on the ground surface, trees, and other
- 1922 fixed objects;
- 1923 2. Hydric adventitious roots;
- 1924 3. Drift lines;
- 1925 4. Rafted debris;
- 1926 5. Aquatic mosses and liverworts;
- 1927 6. Moss collars; and
- 1928 7. Lichen lines.

1929 (j) "Onsite sewage treatment and disposal system" means a
 1930 system that contains a standard subsurface, filled, or mound
 1931 drainfield system; an aerobic treatment unit; a graywater system
 1932 tank; a laundry wastewater system tank; a septic tank; a grease

1933 | interceptor; a pump tank; a solids or effluent pump; a
 1934 | waterless, incinerating, or organic waste-composting toilet; or
 1935 | a sanitary pit privy that is installed or proposed to be
 1936 | installed beyond the building sewer on land of the owner or on
 1937 | other land to which the owner has the legal right to install a
 1938 | system. The term includes any item placed within, or intended to
 1939 | be used as a part of or in conjunction with, the system. This
 1940 | term does not include package sewage treatment facilities and
 1941 | other treatment works regulated under chapter 403.

1942 | (k) "Permanent nontidal surface water body" means a
 1943 | perennial stream, a perennial river, an intermittent stream, a
 1944 | perennial lake, a submerged marsh or swamp, a submerged wooded
 1945 | marsh or swamp, a spring, or a seep, as identified on the most
 1946 | recent quadrangle map, 7.5 minute series (topographic), produced
 1947 | by the United States Geological Survey, or products derived from
 1948 | that series. "Permanent nontidal surface water body" shall also
 1949 | mean an artificial surface water body that does not have an
 1950 | impermeable bottom and side and that is designed to hold, or
 1951 | does hold, visible standing water for at least 180 days of the
 1952 | year. However, a nontidal surface water body that is drained,
 1953 | either naturally or artificially, where the intent or the result
 1954 | is that such drainage be temporary, shall be considered a
 1955 | permanent nontidal surface water body. A nontidal surface water
 1956 | body that is drained of all visible surface water, where the
 1957 | lawful intent or the result of such drainage is that such
 1958 | drainage will be permanent, shall not be considered a permanent
 1959 | nontidal surface water body. The boundary of a permanent
 1960 | nontidal surface water body shall be the mean annual flood line.

1961 (1) "Potable water line" means any water line that is
 1962 connected to a potable water supply source, but the term does
 1963 not include an irrigation line with any of the following types
 1964 of backflow devices:

1965 1. For irrigation systems into which chemicals are not
 1966 injected, any atmospheric or pressure vacuum breaker or double
 1967 check valve or any detector check assembly.

1968 2. For irrigation systems into which chemicals such as
 1969 fertilizers, pesticides, or herbicides are injected, any reduced
 1970 pressure backflow preventer.

1971 (m) "Septage" means a mixture of sludge, fatty materials,
 1972 human feces, and wastewater removed during the pumping of an
 1973 onsite sewage treatment and disposal system.

1974 (n) "Subdivision" means, for residential use, any tract or
 1975 plot of land divided into two or more lots or parcels of which
 1976 at least one is 1 acre or less in size for sale, lease, or rent.
 1977 A subdivision for commercial or industrial use is any tract or
 1978 plot of land divided into two or more lots or parcels of which
 1979 at least one is 5 acres or less in size and which is for sale,
 1980 lease, or rent. A subdivision shall be deemed to be proposed
 1981 until such time as an application is submitted to the local
 1982 government for subdivision approval or, in those areas where no
 1983 local government subdivision approval is required, until such
 1984 time as a plat of the subdivision is recorded.

1985 (o) "Tidally influenced surface water body" means a body
 1986 of water that is subject to the ebb and flow of the tides and
 1987 has as its boundary a mean high-water line as defined by s.
 1988 177.27(15).

1989 (p) "Toxic or hazardous chemical" means a substance that
 1990 poses a serious danger to human health or the environment.

1991 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The
 1992 department shall:

1993 (a) Adopt rules to administer ss. 381.0065-381.0067,
 1994 including definitions that are consistent with the definitions
 1995 in this section, decreases to setback requirements where no
 1996 health hazard exists, increases for the lot-flow allowance for
 1997 performance-based systems, requirements for separation from
 1998 water table elevation during the wettest season, requirements
 1999 for the design and construction of any component part of an
 2000 onsite sewage treatment and disposal system, application and
 2001 permit requirements for persons who maintain an onsite sewage
 2002 treatment and disposal system, requirements for maintenance and
 2003 service agreements for aerobic treatment units and performance-
 2004 based treatment systems, and recommended standards, including
 2005 disclosure requirements, for voluntary system inspections to be
 2006 performed by individuals who are authorized by law to perform
 2007 such inspections and who shall inform a person having ownership,
 2008 control, or use of an onsite sewage treatment and disposal
 2009 system of the inspection standards and of that person's
 2010 authority to request an inspection based on all or part of the
 2011 standards.

2012 (b) Perform application reviews and site evaluations,
 2013 issue permits, and conduct inspections and complaint
 2014 investigations associated with the construction, installation,
 2015 maintenance, modification, abandonment, operation, use, or
 2016 repair of an onsite sewage treatment and disposal system for a

2017 residence or establishment with an estimated domestic sewage
 2018 flow of 10,000 gallons or less per day, or an estimated
 2019 commercial sewage flow of 5,000 gallons or less per day, which
 2020 is not currently regulated under chapter 403.

2021 (c) Develop a comprehensive program to ensure that onsite
 2022 sewage treatment and disposal systems regulated by the
 2023 department are sized, designed, constructed, installed,
 2024 repaired, modified, abandoned, used, operated, and maintained in
 2025 compliance with this section and rules adopted under this
 2026 section to prevent groundwater contamination and surface water
 2027 contamination and to preserve the public health. The department
 2028 is the final administrative interpretive authority regarding
 2029 rule interpretation. In the event of a conflict regarding rule
 2030 interpretation, the Division Director for Emergency Preparedness
 2031 and Community Support ~~Environmental Health~~ of the department, or
 2032 his or her designee, shall timely assign a staff person to
 2033 resolve the dispute.

2034 (d) Grant variances in hardship cases under the conditions
 2035 prescribed in this section and rules adopted under this section.

2036 (e) Permit the use of a limited number of innovative
 2037 systems for a specific period of time, when there is compelling
 2038 evidence that the system will function properly and reliably to
 2039 meet the requirements of this section and rules adopted under
 2040 this section.

2041 (f) Issue annual operating permits under this section.

2042 (g) Establish and collect fees as established under s.
 2043 381.0066 for services provided with respect to onsite sewage
 2044 treatment and disposal systems.

2045 (h) Conduct enforcement activities, including imposing
 2046 fines, issuing citations, suspensions, revocations, injunctions,
 2047 and emergency orders for violations of this section, part I of
 2048 chapter 386, or part III of chapter 489 or for a violation of
 2049 any rule adopted under this section, part I of chapter 386, or
 2050 part III of chapter 489.

2051 (i) Provide or conduct education and training of
 2052 department personnel, service providers, and the public
 2053 regarding onsite sewage treatment and disposal systems.

2054 (j) Supervise research on, demonstration of, and training
 2055 on the performance, environmental impact, and public health
 2056 impact of onsite sewage treatment and disposal systems within
 2057 this state. Research fees collected under s. 381.0066(2)(k)
 2058 ~~381.0066(2)(l)~~ must be used to develop and fund hands-on
 2059 training centers designed to provide practical information about
 2060 onsite sewage treatment and disposal systems to septic tank
 2061 contractors, master septic tank contractors, contractors,
 2062 inspectors, engineers, and the public and must also be used to
 2063 fund research projects which focus on improvements of onsite
 2064 sewage treatment and disposal systems, including use of
 2065 performance-based standards and reduction of environmental
 2066 impact. Research projects shall be initially approved by the
 2067 technical review and advisory panel and shall be applicable to
 2068 and reflect the soil conditions specific to Florida. Such
 2069 projects shall be awarded through competitive negotiation, using
 2070 the procedures provided in s. 287.055, to public or private
 2071 entities that have experience in onsite sewage treatment and
 2072 disposal systems in Florida and that are principally located in

2073 Florida. Research projects may ~~shall~~ not be awarded to firms or
 2074 entities that employ or are associated with persons who serve on
 2075 either the technical review and advisory panel or the research
 2076 review and advisory committee.

2077 (k) Approve the installation of individual graywater
 2078 disposal systems in which blackwater is treated by a central
 2079 sewerage system.

2080 (l) Regulate and permit the sanitation, handling,
 2081 treatment, storage, reuse, and disposal of byproducts from any
 2082 system regulated under this chapter and not regulated by the
 2083 Department of Environmental Protection.

2084 (m) Permit and inspect portable or temporary toilet
 2085 services and holding tanks. The department shall review
 2086 applications, perform site evaluations, and issue permits for
 2087 the temporary use of holding tanks, privies, portable toilet
 2088 services, or any other toilet facility that is intended for use
 2089 on a permanent or nonpermanent basis, including facilities
 2090 placed on construction sites when workers are present. The
 2091 department may specify standards for the construction,
 2092 maintenance, use, and operation of any such facility for
 2093 temporary use.

2094 (n) Regulate and permit maintenance entities for
 2095 performance-based treatment systems and aerobic treatment unit
 2096 systems. To ensure systems are maintained and operated according
 2097 to manufacturer's specifications and designs, the department
 2098 shall establish by rule minimum qualifying criteria for
 2099 maintenance entities. The criteria shall include: training,
 2100 access to approved spare parts and components, access to

2101 manufacturer's maintenance and operation manuals, and service
 2102 response time. The maintenance entity shall employ a contractor
 2103 licensed under s. 489.105(3)(m), or part III of chapter 489, or
 2104 a state-licensed wastewater plant operator, who is responsible
 2105 for maintenance and repair of all systems under contract.

2106 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may
 2107 not construct, repair, modify, abandon, or operate an onsite
 2108 sewage treatment and disposal system without first obtaining a
 2109 permit approved by the department. The department may issue
 2110 permits to carry out this section, but may ~~shall~~ not make the
 2111 issuance of such permits contingent upon prior approval by the
 2112 Department of Environmental Protection, except that the issuance
 2113 of a permit for work seaward of the coastal construction control
 2114 line established under s. 161.053 shall be contingent upon
 2115 receipt of any required coastal construction control line permit
 2116 from the Department of Environmental Protection. A construction
 2117 permit is valid for 18 months from the issuance date and may be
 2118 extended by the department for one 90-day period under rules
 2119 adopted by the department. A repair permit is valid for 90 days
 2120 from the date of issuance. An operating permit must be obtained
 2121 prior to the use of any aerobic treatment unit or if the
 2122 establishment generates commercial waste. Buildings or
 2123 establishments that use an aerobic treatment unit or generate
 2124 commercial waste shall be inspected by the department at least
 2125 annually to assure compliance with the terms of the operating
 2126 permit. The operating permit for a commercial wastewater system
 2127 is valid for 1 year from the date of issuance and must be
 2128 renewed annually. The operating permit for an aerobic treatment

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2129 unit is valid for 2 years from the date of issuance and must be
2130 renewed every 2 years. If all information pertaining to the
2131 siting, location, and installation conditions or repair of an
2132 onsite sewage treatment and disposal system remains the same, a
2133 construction or repair permit for the onsite sewage treatment
2134 and disposal system may be transferred to another person, if the
2135 transferee files, within 60 days after the transfer of
2136 ownership, an amended application providing all corrected
2137 information and proof of ownership of the property. There is no
2138 fee associated with the processing of this supplemental
2139 information. A person may not contract to construct, modify,
2140 alter, repair, service, abandon, or maintain any portion of an
2141 onsite sewage treatment and disposal system without being
2142 registered under part III of chapter 489. A property owner who
2143 personally performs construction, maintenance, or repairs to a
2144 system serving his or her own owner-occupied single-family
2145 residence is exempt from registration requirements for
2146 performing such construction, maintenance, or repairs on that
2147 residence, but is subject to all permitting requirements. A
2148 municipality or political subdivision of the state may not issue
2149 a building or plumbing permit for any building that requires the
2150 use of an onsite sewage treatment and disposal system unless the
2151 owner or builder has received a construction permit for such
2152 system from the department. A building or structure may not be
2153 occupied and a municipality, political subdivision, or any state
2154 or federal agency may not authorize occupancy until the
2155 department approves the final installation of the onsite sewage
2156 treatment and disposal system. A municipality or political

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2157 subdivision of the state may not approve any change in occupancy
2158 or tenancy of a building that uses an onsite sewage treatment
2159 and disposal system until the department has reviewed the use of
2160 the system with the proposed change, approved the change, and
2161 amended the operating permit.

2162 (a) Subdivisions and lots in which each lot has a minimum
2163 area of at least one-half acre and either a minimum dimension of
2164 100 feet or a mean of at least 100 feet of the side bordering
2165 the street and the distance formed by a line parallel to the
2166 side bordering the street drawn between the two most distant
2167 points of the remainder of the lot may be developed with a water
2168 system regulated under s. 381.0062 and onsite sewage treatment
2169 and disposal systems, provided the projected daily sewage flow
2170 does not exceed an average of 1,500 gallons per acre per day,
2171 and provided satisfactory drinking water can be obtained and all
2172 distance and setback, soil condition, water table elevation, and
2173 other related requirements of this section and rules adopted
2174 under this section can be met.

2175 (b) Subdivisions and lots using a public water system as
2176 defined in s. 403.852 may use onsite sewage treatment and
2177 disposal systems, provided there are no more than four lots per
2178 acre, provided the projected daily sewage flow does not exceed
2179 an average of 2,500 gallons per acre per day, and provided that
2180 all distance and setback, soil condition, water table elevation,
2181 and other related requirements that are generally applicable to
2182 the use of onsite sewage treatment and disposal systems are met.

2183 (c) Notwithstanding paragraphs (a) and (b), for
2184 subdivisions platted of record on or before October 1, 1991,

2185 when a developer or other appropriate entity has previously made
 2186 or makes provisions, including financial assurances or other
 2187 commitments, acceptable to the Department of Health, that a
 2188 central water system will be installed by a regulated public
 2189 utility based on a density formula, private potable wells may be
 2190 used with onsite sewage treatment and disposal systems until the
 2191 agreed-upon densities are reached. In a subdivision regulated by
 2192 this paragraph, the average daily sewage flow may not exceed
 2193 2,500 gallons per acre per day. This section does not affect the
 2194 validity of existing prior agreements. After October 1, 1991,
 2195 the exception provided under this paragraph is not available to
 2196 a developer or other appropriate entity.

2197 (d) Paragraphs (a) and (b) do not apply to any proposed
 2198 residential subdivision with more than 50 lots or to any
 2199 proposed commercial subdivision with more than 5 lots where a
 2200 publicly owned or investor-owned sewerage system is available.
 2201 It is the intent of this paragraph not to allow development of
 2202 additional proposed subdivisions in order to evade the
 2203 requirements of this paragraph.

2204 (e) Onsite sewage treatment and disposal systems must not
 2205 be placed closer than:

- 2206 1. Seventy-five feet from a private potable well.
- 2207 2. Two hundred feet from a public potable well serving a
 2208 residential or nonresidential establishment having a total
 2209 sewage flow of greater than 2,000 gallons per day.
- 2210 3. One hundred feet from a public potable well serving a
 2211 residential or nonresidential establishment having a total
 2212 sewage flow of less than or equal to 2,000 gallons per day.

- 2213 4. Fifty feet from any nonpotable well.
- 2214 5. Ten feet from any storm sewer pipe, to the maximum
 2215 extent possible, but in no instance shall the setback be less
 2216 than 5 feet.
- 2217 6. Seventy-five feet from the mean high-water line of a
 2218 tidally influenced surface water body.
- 2219 7. Seventy-five feet from the mean annual flood line of a
 2220 permanent nontidal surface water body.
- 2221 8. Fifteen feet from the design high-water line of
 2222 retention areas, detention areas, or swales designed to contain
 2223 standing or flowing water for less than 72 hours after a
 2224 rainfall or the design high-water level of normally dry drainage
 2225 ditches or normally dry individual lot stormwater retention
 2226 areas.
- 2227 (f) Except as provided under paragraphs (e) and (t), no
 2228 limitations shall be imposed by rule, relating to the distance
 2229 between an onsite disposal system and any area that either
 2230 permanently or temporarily has visible surface water.
- 2231 (g) All provisions of this section and rules adopted under
 2232 this section relating to soil condition, water table elevation,
 2233 distance, and other setback requirements must be equally applied
 2234 to all lots, with the following exceptions:
- 2235 1. Any residential lot that was platted and recorded on or
 2236 after January 1, 1972, or that is part of a residential
 2237 subdivision that was approved by the appropriate permitting
 2238 agency on or after January 1, 1972, and that was eligible for an
 2239 onsite sewage treatment and disposal system construction permit
 2240 on the date of such platting and recording or approval shall be

2241 eligible for an onsite sewage treatment and disposal system
 2242 construction permit, regardless of when the application for a
 2243 permit is made. If rules in effect at the time the permit
 2244 application is filed cannot be met, residential lots platted and
 2245 recorded or approved on or after January 1, 1972, shall, to the
 2246 maximum extent possible, comply with the rules in effect at the
 2247 time the permit application is filed. At a minimum, however,
 2248 those residential lots platted and recorded or approved on or
 2249 after January 1, 1972, but before January 1, 1983, shall comply
 2250 with those rules in effect on January 1, 1983, and those
 2251 residential lots platted and recorded or approved on or after
 2252 January 1, 1983, shall comply with those rules in effect at the
 2253 time of such platting and recording or approval. In determining
 2254 the maximum extent of compliance with current rules that is
 2255 possible, the department shall allow structures and
 2256 appurtenances thereto which were authorized at the time such
 2257 lots were platted and recorded or approved.

2258 2. Lots platted before 1972 are subject to a 50-foot
 2259 minimum surface water setback and are not subject to lot size
 2260 requirements. The projected daily flow for onsite sewage
 2261 treatment and disposal systems for lots platted before 1972 may
 2262 not exceed:

2263 a. Two thousand five hundred gallons per acre per day for
 2264 lots served by public water systems as defined in s. 403.852.

2265 b. One thousand five hundred gallons per acre per day for
 2266 lots served by water systems regulated under s. 381.0062.

2267 (h) 1. The department may grant variances in hardship
 2268 cases which may be less restrictive than the provisions

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2269 | specified in this section. If a variance is granted and the
2270 | onsite sewage treatment and disposal system construction permit
2271 | has been issued, the variance may be transferred with the system
2272 | construction permit, if the transferee files, within 60 days
2273 | after the transfer of ownership, an amended construction permit
2274 | application providing all corrected information and proof of
2275 | ownership of the property and if the same variance would have
2276 | been required for the new owner of the property as was
2277 | originally granted to the original applicant for the variance.
2278 | There is no fee associated with the processing of this
2279 | supplemental information. A variance may not be granted under
2280 | this section until the department is satisfied that:

2281 | a. The hardship was not caused intentionally by the action
2282 | of the applicant;

2283 | b. No reasonable alternative, taking into consideration
2284 | factors such as cost, exists for the treatment of the sewage;
2285 | and

2286 | c. The discharge from the onsite sewage treatment and
2287 | disposal system will not adversely affect the health of the
2288 | applicant or the public or significantly degrade the groundwater
2289 | or surface waters.

2290 |
2291 | Where soil conditions, water table elevation, and setback
2292 | provisions are determined by the department to be satisfactory,
2293 | special consideration must be given to those lots platted before
2294 | 1972.

2295 | 2. The department shall appoint and staff a variance
2296 | review and advisory committee, which shall meet monthly to

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2297 recommend agency action on variance requests. The committee
2298 shall make its recommendations on variance requests at the
2299 meeting in which the application is scheduled for consideration,
2300 except for an extraordinary change in circumstances, the receipt
2301 of new information that raises new issues, or when the applicant
2302 requests an extension. The committee shall consider the criteria
2303 in subparagraph 1. in its recommended agency action on variance
2304 requests and shall also strive to allow property owners the full
2305 use of their land where possible. The committee consists of the
2306 following:

2307 a. The Division Director for Emergency Preparedness and
2308 Community Support ~~Environmental Health~~ of the department or his
2309 or her designee.

2310 b. A representative from the county health departments.

2311 c. A representative from the home building industry
2312 recommended by the Florida Home Builders Association.

2313 d. A representative from the septic tank industry
2314 recommended by the Florida Onsite Wastewater Association.

2315 e. A representative from the Department of Environmental
2316 Protection.

2317 f. A representative from the real estate industry who is
2318 also a developer in this state who develops lots using onsite
2319 sewage treatment and disposal systems, recommended by the
2320 Florida Association of Realtors.

2321 g. A representative from the engineering profession
2322 recommended by the Florida Engineering Society.

2323

2324 Members shall be appointed for a term of 3 years, with such

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2325 appointments being staggered so that the terms of no more than
2326 two members expire in any one year. Members shall serve without
2327 remuneration, but if requested, shall be reimbursed for per diem
2328 and travel expenses as provided in s. 112.061.

2329 (i) A construction permit may not be issued for an onsite
2330 sewage treatment and disposal system in any area zoned or used
2331 for industrial or manufacturing purposes, or its equivalent,
2332 where a publicly owned or investor-owned sewage treatment system
2333 is available, or where a likelihood exists that the system will
2334 receive toxic, hazardous, or industrial waste. An existing
2335 onsite sewage treatment and disposal system may be repaired if a
2336 publicly owned or investor-owned sewerage system is not
2337 available within 500 feet of the building sewer stub-out and if
2338 system construction and operation standards can be met. This
2339 paragraph does not require publicly owned or investor-owned
2340 sewerage treatment systems to accept anything other than
2341 domestic wastewater.

2342 1. A building located in an area zoned or used for
2343 industrial or manufacturing purposes, or its equivalent, when
2344 such building is served by an onsite sewage treatment and
2345 disposal system, must not be occupied until the owner or tenant
2346 has obtained written approval from the department. The
2347 department shall not grant approval when the proposed use of the
2348 system is to dispose of toxic, hazardous, or industrial
2349 wastewater or toxic or hazardous chemicals.

2350 2. Each person who owns or operates a business or facility
2351 in an area zoned or used for industrial or manufacturing
2352 purposes, or its equivalent, or who owns or operates a business

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2353 that has the potential to generate toxic, hazardous, or
2354 industrial wastewater or toxic or hazardous chemicals, and uses
2355 an onsite sewage treatment and disposal system that is installed
2356 on or after July 5, 1989, must obtain an annual system operating
2357 permit from the department. A person who owns or operates a
2358 business that uses an onsite sewage treatment and disposal
2359 system that was installed and approved before July 5, 1989, need
2360 not obtain a system operating permit. However, upon change of
2361 ownership or tenancy, the new owner or operator must notify the
2362 department of the change, and the new owner or operator must
2363 obtain an annual system operating permit, regardless of the date
2364 that the system was installed or approved.

2365 3. The department shall periodically review and evaluate
2366 the continued use of onsite sewage treatment and disposal
2367 systems in areas zoned or used for industrial or manufacturing
2368 purposes, or its equivalent, and may require the collection and
2369 analyses of samples from within and around such systems. If the
2370 department finds that toxic or hazardous chemicals or toxic,
2371 hazardous, or industrial wastewater have been or are being
2372 disposed of through an onsite sewage treatment and disposal
2373 system, the department shall initiate enforcement actions
2374 against the owner or tenant to ensure adequate cleanup,
2375 treatment, and disposal.

2376 (j) An onsite sewage treatment and disposal system for a
2377 single-family residence that is designed by a professional
2378 engineer registered in the state and certified by such engineer
2379 as complying with performance criteria adopted by the department
2380 must be approved by the department subject to the following:

2381 1. The performance criteria applicable to engineer-
2382 designed systems must be limited to those necessary to ensure
2383 that such systems do not adversely affect the public health or
2384 significantly degrade the groundwater or surface water. Such
2385 performance criteria shall include consideration of the quality
2386 of system effluent, the proposed total sewage flow per acre,
2387 wastewater treatment capabilities of the natural or replaced
2388 soil, water quality classification of the potential surface-
2389 water-receiving body, and the structural and maintenance
2390 viability of the system for the treatment of domestic
2391 wastewater. However, performance criteria shall address only the
2392 performance of a system and not a system's design.

2393 2. The technical review and advisory panel shall assist
2394 the department in the development of performance criteria
2395 applicable to engineer-designed systems.

2396 3. A person electing to utilize an engineer-designed
2397 system shall, upon completion of the system design, submit such
2398 design, certified by a registered professional engineer, to the
2399 county health department. The county health department may
2400 utilize an outside consultant to review the engineer-designed
2401 system, with the actual cost of such review to be borne by the
2402 applicant. Within 5 working days after receiving an engineer-
2403 designed system permit application, the county health department
2404 shall request additional information if the application is not
2405 complete. Within 15 working days after receiving a complete
2406 application for an engineer-designed system, the county health
2407 department either shall issue the permit or, if it determines
2408 that the system does not comply with the performance criteria,

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2409 shall notify the applicant of that determination and refer the
2410 application to the department for a determination as to whether
2411 the system should be approved, disapproved, or approved with
2412 modification. The department engineer's determination shall
2413 prevail over the action of the county health department. The
2414 applicant shall be notified in writing of the department's
2415 determination and of the applicant's rights to pursue a variance
2416 or seek review under the provisions of chapter 120.

2417 4. The owner of an engineer-designed performance-based
2418 system must maintain a current maintenance service agreement
2419 with a maintenance entity permitted by the department. The
2420 maintenance entity shall obtain a biennial system operating
2421 permit from the department for each system under service
2422 contract. The department shall inspect the system at least
2423 annually, or on such periodic basis as the fee collected
2424 permits, and may collect system-effluent samples if appropriate
2425 to determine compliance with the performance criteria. The fee
2426 for the biennial operating permit shall be collected beginning
2427 with the second year of system operation. The maintenance entity
2428 shall inspect each system at least twice each year and shall
2429 report quarterly to the department on the number of systems
2430 inspected and serviced.

2431 5. If an engineer-designed system fails to properly
2432 function or fails to meet performance standards, the system
2433 shall be re-engineered, if necessary, to bring the system into
2434 compliance with the provisions of this section.

2435 (k) An innovative system may be approved in conjunction
2436 with an engineer-designed site-specific system which is

2437 certified by the engineer to meet the performance-based criteria
 2438 adopted by the department.

2439 (1) For the Florida Keys, the department shall adopt a
 2440 special rule for the construction, installation, modification,
 2441 operation, repair, maintenance, and performance of onsite sewage
 2442 treatment and disposal systems which considers the unique soil
 2443 conditions and water table elevations, densities, and setback
 2444 requirements. On lots where a setback distance of 75 feet from
 2445 surface waters, saltmarsh, and buttonwood association habitat
 2446 areas cannot be met, an injection well, approved and permitted
 2447 by the department, may be used for disposal of effluent from
 2448 onsite sewage treatment and disposal systems. The following
 2449 additional requirements apply to onsite sewage treatment and
 2450 disposal systems in Monroe County:

2451 1. The county, each municipality, and those special
 2452 districts established for the purpose of the collection,
 2453 transmission, treatment, or disposal of sewage shall ensure, in
 2454 accordance with the specific schedules adopted by the
 2455 Administration Commission under s. 380.0552, the completion of
 2456 onsite sewage treatment and disposal system upgrades to meet the
 2457 requirements of this paragraph.

2458 2. Onsite sewage treatment and disposal systems must cease
 2459 discharge by December 31, 2015, or must comply with department
 2460 rules and provide the level of treatment which, on a permitted
 2461 annual average basis, produces an effluent that contains no more
 2462 than the following concentrations:

- 2463 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- 2464 b. Suspended Solids of 10 mg/l.

2465 c. Total Nitrogen, expressed as N, of 10 mg/l.

2466 d. Total Phosphorus, expressed as P, of 1 mg/l.

2467

2468 In addition, onsite sewage treatment and disposal systems
 2469 discharging to an injection well must provide basic disinfection
 2470 as defined by department rule.

2471 3. On or after July 1, 2010, all new, modified, and
 2472 repaired onsite sewage treatment and disposal systems must
 2473 provide the level of treatment described in subparagraph 2.
 2474 However, in areas scheduled to be served by central sewer by
 2475 December 31, 2015, if the property owner has paid a connection
 2476 fee or assessment for connection to the central sewer system, an
 2477 onsite sewage treatment and disposal system may be repaired to
 2478 the following minimum standards:

2479 a. The existing tanks must be pumped and inspected and
 2480 certified as being watertight and free of defects in accordance
 2481 with department rule; and

2482 b. A sand-lined drainfield or injection well in accordance
 2483 with department rule must be installed.

2484 4. Onsite sewage treatment and disposal systems must be
 2485 monitored for total nitrogen and total phosphorus concentrations
 2486 as required by department rule.

2487 5. The department shall enforce proper installation,
 2488 operation, and maintenance of onsite sewage treatment and
 2489 disposal systems pursuant to this chapter, including ensuring
 2490 that the appropriate level of treatment described in
 2491 subparagraph 2. is met.

2492 6. The authority of a local government, including a

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2493 special district, to mandate connection of an onsite sewage
2494 treatment and disposal system is governed by s. 4, chapter 99-
2495 395, Laws of Florida.

2496 (m) No product sold in the state for use in onsite sewage
2497 treatment and disposal systems may contain any substance in
2498 concentrations or amounts that would interfere with or prevent
2499 the successful operation of such system, or that would cause
2500 discharges from such systems to violate applicable water quality
2501 standards. The department shall publish criteria for products
2502 known or expected to meet the conditions of this paragraph. In
2503 the event a product does not meet such criteria, such product
2504 may be sold if the manufacturer satisfactorily demonstrates to
2505 the department that the conditions of this paragraph are met.

2506 (n) Evaluations for determining the seasonal high-water
2507 table elevations or the suitability of soils for the use of a
2508 new onsite sewage treatment and disposal system shall be
2509 performed by department personnel, professional engineers
2510 registered in the state, or such other persons with expertise,
2511 as defined by rule, in making such evaluations. Evaluations for
2512 determining mean annual flood lines shall be performed by those
2513 persons identified in paragraph (2) (j) ~~(2) (i)~~. The department
2514 shall accept evaluations submitted by professional engineers and
2515 such other persons as meet the expertise established by this
2516 section or by rule unless the department has a reasonable
2517 scientific basis for questioning the accuracy or completeness of
2518 the evaluation.

2519 (o) The department shall appoint a research review and
2520 advisory committee, which shall meet at least semiannually. The

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2521 | committee shall advise the department on directions for new
 2522 | research, review and rank proposals for research contracts, and
 2523 | review draft research reports and make comments. The committee
 2524 | is comprised of:

2525 | 1. A representative of the Division of Emergency
 2526 | Preparedness and Community Support ~~Environmental Health~~ of the
 2527 | Department of Health.

2528 | 2. A representative from the septic tank industry.

2529 | 3. A representative from the home building industry.

2530 | 4. A representative from an environmental interest group.

2531 | 5. A representative from the State University System, from
 2532 | a department knowledgeable about onsite sewage treatment and
 2533 | disposal systems.

2534 | 6. A professional engineer registered in this state who
 2535 | has work experience in onsite sewage treatment and disposal
 2536 | systems.

2537 | 7. A representative from local government who is
 2538 | knowledgeable about domestic wastewater treatment.

2539 | 8. A representative from the real estate profession.

2540 | 9. A representative from the restaurant industry.

2541 | 10. A consumer.

2542 |

2543 | Members shall be appointed for a term of 3 years, with the
 2544 | appointments being staggered so that the terms of no more than
 2545 | four members expire in any one year. Members shall serve without
 2546 | remuneration, but are entitled to reimbursement for per diem and
 2547 | travel expenses as provided in s. 112.061.

2548 | (p) An application for an onsite sewage treatment and

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2549 disposal system permit shall be completed in full, signed by the
2550 owner or the owner's authorized representative, or by a
2551 contractor licensed under chapter 489, and shall be accompanied
2552 by all required exhibits and fees. No specific documentation of
2553 property ownership shall be required as a prerequisite to the
2554 review of an application or the issuance of a permit. The
2555 issuance of a permit does not constitute determination by the
2556 department of property ownership.

2557 (q) The department may not require any form of subdivision
2558 analysis of property by an owner, developer, or subdivider prior
2559 to submission of an application for an onsite sewage treatment
2560 and disposal system.

2561 (r) Nothing in this section limits the power of a
2562 municipality or county to enforce other laws for the protection
2563 of the public health and safety.

2564 (s) In the siting of onsite sewage treatment and disposal
2565 systems, including drainfields, shoulders, and slopes, guttering
2566 shall not be required on single-family residential dwelling
2567 units for systems located greater than 5 feet from the roof drip
2568 line of the house. If guttering is used on residential dwelling
2569 units, the downspouts shall be directed away from the
2570 drainfield.

2571 (t) Notwithstanding the provisions of subparagraph (g)1.,
2572 onsite sewage treatment and disposal systems located in
2573 floodways of the Suwannee and Aucilla Rivers must adhere to the
2574 following requirements:

2575 1. The absorption surface of the drainfield shall not be
2576 subject to flooding based on 10-year flood elevations. Provided,

2577 however, for lots or parcels created by the subdivision of land
 2578 in accordance with applicable local government regulations prior
 2579 to January 17, 1990, if an applicant cannot construct a
 2580 drainfield system with the absorption surface of the drainfield
 2581 at an elevation equal to or above 10-year flood elevation, the
 2582 department shall issue a permit for an onsite sewage treatment
 2583 and disposal system within the 10-year floodplain of rivers,
 2584 streams, and other bodies of flowing water if all of the
 2585 following criteria are met:

- 2586 a. The lot is at least one-half acre in size;
- 2587 b. The bottom of the drainfield is at least 36 inches
 2588 above the 2-year flood elevation; and
- 2589 c. The applicant installs either: a waterless,
 2590 incinerating, or organic waste composting toilet and a graywater
 2591 system and drainfield in accordance with department rules; an
 2592 aerobic treatment unit and drainfield in accordance with
 2593 department rules; a system approved by the State Health Office
 2594 that is capable of reducing effluent nitrate by at least 50
 2595 percent; or a system approved by the county health department
 2596 pursuant to department rule other than a system using
 2597 alternative drainfield materials. The United States Department
 2598 of Agriculture Soil Conservation Service soil maps, State of
 2599 Florida Water Management District data, and Federal Emergency
 2600 Management Agency Flood Insurance maps are resources that shall
 2601 be used to identify flood-prone areas.

2602 2. The use of fill or mounding to elevate a drainfield
 2603 system out of the 10-year floodplain of rivers, streams, or
 2604 other bodies of flowing water shall not be permitted if such a

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2605 system lies within a regulatory floodway of the Suwannee and
 2606 Aucilla Rivers. In cases where the 10-year flood elevation does
 2607 not coincide with the boundaries of the regulatory floodway, the
 2608 regulatory floodway will be considered for the purposes of this
 2609 subsection to extend at a minimum to the 10-year flood
 2610 elevation.

2611 (u) The owner of an aerobic treatment unit system shall
 2612 maintain a current maintenance service agreement with an aerobic
 2613 treatment unit maintenance entity permitted by the department.
 2614 The maintenance entity shall obtain a system operating permit
 2615 from the department for each aerobic treatment unit under
 2616 service contract. The maintenance entity shall inspect each
 2617 aerobic treatment unit system at least twice each year and shall
 2618 report quarterly to the department on the number of aerobic
 2619 treatment unit systems inspected and serviced. The owner shall
 2620 allow the department to inspect during reasonable hours each
 2621 aerobic treatment unit system at least annually, and such
 2622 inspection may include collection and analysis of system-
 2623 effluent samples for performance criteria established by rule of
 2624 the department.

2625 (v) The department may require the submission of detailed
 2626 system construction plans that are prepared by a professional
 2627 engineer registered in this state. The department shall
 2628 establish by rule criteria for determining when such a
 2629 submission is required.

2630 (w) Any permit issued and approved by the department for
 2631 the installation, modification, or repair of an onsite sewage
 2632 treatment and disposal system shall transfer with the title to

2633 the property in a real estate transaction. A title may not be
 2634 encumbered at the time of transfer by new permit requirements by
 2635 a governmental entity for an onsite sewage treatment and
 2636 disposal system that differ from the permitting requirements in
 2637 effect at the time the system was permitted, modified, or
 2638 repaired. An inspection of a system may not be mandated by any
 2639 governmental entity at the point of sale in a real estate
 2640 transaction.

2641 (x)1. An onsite sewage treatment and disposal system is
 2642 not considered abandoned if the system is disconnected from a
 2643 structure that was made unusable or destroyed following a
 2644 disaster and was properly functioning at the time of
 2645 disconnection and not adversely affected by the disaster. The
 2646 onsite sewage treatment and disposal system may be reconnected
 2647 to a rebuilt structure if:

2648 a. The reconnection of the system is to the same type and
 2649 approximate size of structure that existed prior to the
 2650 disaster;

2651 b. The system is not a sanitary nuisance; and

2652 c. The system has not been altered without prior
 2653 authorization.

2654 2. An onsite sewage treatment and disposal system that
 2655 serves a property that is foreclosed upon is not considered
 2656 abandoned.

2657 (y) If an onsite sewage treatment and disposal system
 2658 permittee receives, relies upon, and undertakes construction of
 2659 a system based upon a validly issued construction permit under
 2660 rules applicable at the time of construction but a change to a

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2661 rule occurs after the approval of the system for construction
2662 but before the final approval of the system, the rules
2663 applicable and in effect at the time of construction approval
2664 apply at the time of final approval if fundamental site
2665 conditions have not changed between the time of construction
2666 approval and final approval.

2667 (z) A modification, replacement, or upgrade of an onsite
2668 sewage treatment and disposal system is not required for a
2669 remodeling addition to a single-family home if a bedroom is not
2670 added.

2671 ~~(5) EVALUATION AND ASSESSMENT.—~~

2672 ~~(a) Beginning July 1, 2011, the department shall~~
2673 ~~administer an onsite sewage treatment and disposal system~~
2674 ~~evaluation program for the purpose of assessing the fundamental~~
2675 ~~operational condition of systems and identifying any failures~~
2676 ~~within the systems. The department shall adopt rules~~
2677 ~~implementing the program standards, procedures, and~~
2678 ~~requirements, including, but not limited to, a schedule for a 5-~~
2679 ~~year evaluation cycle, requirements for the pump out of a system~~
2680 ~~or repair of a failing system, enforcement procedures for~~
2681 ~~failure of a system owner to obtain an evaluation of the system,~~
2682 ~~and failure of a contractor to timely submit evaluation results~~
2683 ~~to the department and the system owner. The department shall~~
2684 ~~ensure statewide implementation of the evaluation and assessment~~
2685 ~~program by January 1, 2016.~~

2686 ~~(b) Owners of an onsite sewage treatment and disposal~~
2687 ~~system, excluding a system that is required to obtain an~~
2688 ~~operating permit, shall have the system evaluated at least once~~

2689 ~~every 5 years to assess the fundamental operational condition of~~
 2690 ~~the system, and identify any failure within the system.~~

2691 ~~(c) All evaluation procedures must be documented and~~
 2692 ~~nothing in this subsection limits the amount of detail an~~
 2693 ~~evaluator may provide at his or her professional discretion. The~~
 2694 ~~evaluation must include a tank and drainfield evaluation, a~~
 2695 ~~written assessment of the condition of the system, and, if~~
 2696 ~~necessary, a disclosure statement pursuant to the department's~~
 2697 ~~procedure.~~

2698 ~~(d)1. Systems being evaluated that were installed prior to~~
 2699 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~
 2700 ~~bottom of the drainfield to the wettest season water table~~
 2701 ~~elevation as defined by department rule. All drainfield repairs,~~
 2702 ~~replacements or modifications to systems installed prior to~~
 2703 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
 2704 ~~the bottom of the drainfield to the wettest season water table~~
 2705 ~~elevation as defined by department rule.~~

2706 ~~2. Systems being evaluated that were installed on or after~~
 2707 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~
 2708 ~~the bottom of the drainfield to the wettest season water table~~
 2709 ~~elevation as defined by department rule. All drainfield repairs,~~
 2710 ~~replacements or modification to systems developed on or after~~
 2711 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~
 2712 ~~the bottom of the drainfield to the wettest season water table~~
 2713 ~~elevation.~~

2714 ~~(e) If documentation of a tank pump-out or a permitted new~~
 2715 ~~installation, repair, or modification of the system within the~~
 2716 ~~previous 5 years is provided, and states the capacity of the~~

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2717 ~~tank and indicates that the condition of the tank is not a~~
2718 ~~sanitary or public health nuisance pursuant to department rule,~~
2719 ~~a pump-out of the system is not required.~~

2720 ~~(f) Owners are responsible for paying the cost of any~~
2721 ~~required pump-out, repair, or replacement pursuant to department~~
2722 ~~rule, and may not request partial evaluation or the omission of~~
2723 ~~portions of the evaluation.~~

2724 ~~(g) Each evaluation or pump-out required under this~~
2725 ~~subsection must be performed by a septic tank contractor or~~
2726 ~~master septic tank contractor registered under part III of~~
2727 ~~chapter 489, a professional engineer with wastewater treatment~~
2728 ~~system experience licensed pursuant to chapter 471, or an~~
2729 ~~environmental health professional certified under chapter 381 in~~
2730 ~~the area of onsite sewage treatment and disposal system~~
2731 ~~evaluation.~~

2732 ~~(h) The evaluation report fee collected pursuant to s.~~
2733 ~~381.0066(2)(b) shall be remitted to the department by the~~
2734 ~~evaluator at the time the report is submitted.~~

2735 ~~(i) Prior to any evaluation deadline, the department must~~
2736 ~~provide a minimum of 60 days' notice to owners that their~~
2737 ~~systems must be evaluated by that deadline. The department may~~
2738 ~~include a copy of any homeowner educational materials developed~~
2739 ~~pursuant to this section which provides information on the~~
2740 ~~proper maintenance of onsite sewage treatment and disposal~~
2741 ~~systems.~~

2742 (5) ~~(6)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-

2743 (a) Department personnel who have reason to believe
2744 noncompliance exists, may at any reasonable time, enter the

2745 premises permitted under ss. 381.0065-381.0066, or the business
 2746 premises of any septic tank contractor or master septic tank
 2747 contractor registered under part III of chapter 489, or any
 2748 premises that the department has reason to believe is being
 2749 operated or maintained not in compliance, to determine
 2750 compliance with the provisions of this section, part I of
 2751 chapter 386, or part III of chapter 489 or rules or standards
 2752 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
 2753 part III of chapter 489. As used in this paragraph, the term
 2754 "premises" does not include a residence or private building. To
 2755 gain entry to a residence or private building, the department
 2756 must obtain permission from the owner or occupant or secure an
 2757 inspection warrant from a court of competent jurisdiction.

2758 (b)1. The department may issue citations that may contain
 2759 an order of correction or an order to pay a fine, or both, for
 2760 violations of ss. 381.0065-381.0067, part I of chapter 386, or
 2761 part III of chapter 489 or the rules adopted by the department,
 2762 when a violation of these sections or rules is enforceable by an
 2763 administrative or civil remedy, or when a violation of these
 2764 sections or rules is a misdemeanor of the second degree. A
 2765 citation issued under ss. 381.0065-381.0067, part I of chapter
 2766 386, or part III of chapter 489 constitutes a notice of proposed
 2767 agency action.

2768 2. A citation must be in writing and must describe the
 2769 particular nature of the violation, including specific reference
 2770 to the provisions of law or rule allegedly violated.

2771 3. The fines imposed by a citation issued by the
 2772 department may not exceed \$500 for each violation. Each day the

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2773 violation exists constitutes a separate violation for which a
2774 citation may be issued.

2775 4. The department shall inform the recipient, by written
2776 notice pursuant to ss. 120.569 and 120.57, of the right to an
2777 administrative hearing to contest the citation within 21 days
2778 after the date the citation is received. The citation must
2779 contain a conspicuous statement that if the recipient fails to
2780 pay the fine within the time allowed, or fails to appear to
2781 contest the citation after having requested a hearing, the
2782 recipient has waived the recipient's right to contest the
2783 citation and must pay an amount up to the maximum fine.

2784 5. The department may reduce or waive the fine imposed by
2785 the citation. In determining whether to reduce or waive the
2786 fine, the department must consider the gravity of the violation,
2787 the person's attempts at correcting the violation, and the
2788 person's history of previous violations including violations for
2789 which enforcement actions were taken under ss. 381.0065-
2790 381.0067, part I of chapter 386, part III of chapter 489, or
2791 other provisions of law or rule.

2792 6. Any person who willfully refuses to sign and accept a
2793 citation issued by the department commits a misdemeanor of the
2794 second degree, punishable as provided in s. 775.082 or s.
2795 775.083.

2796 7. The department, pursuant to ss. 381.0065-381.0067, part
2797 I of chapter 386, or part III of chapter 489, shall deposit any
2798 fines it collects in the county health department trust fund for
2799 use in providing services specified in those sections.

2800 8. This section provides an alternative means of enforcing

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2801 ss. 381.0065-381.0067, part I of chapter 386, and part III of
 2802 chapter 489. This section does not prohibit the department from
 2803 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
 2804 III of chapter 489, or its rules, by any other means. However,
 2805 the department must elect to use only a single method of
 2806 enforcement for each violation.

2807 (6)~~(7)~~ LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective
 2808 January 1, 2016, the land application of septage from onsite
 2809 sewage treatment and disposal systems is prohibited. ~~By February~~
 2810 ~~1, 2011, the department, in consultation with the Department of~~
 2811 ~~Environmental Protection, shall provide a report to the~~
 2812 ~~Governor, the President of the Senate, and the Speaker of the~~
 2813 ~~House of Representatives, recommending alternative methods to~~
 2814 ~~establish enhanced treatment levels for the land application of~~
 2815 ~~septage from onsite sewage and disposal systems. The report~~
 2816 ~~shall include, but is not limited to, a schedule for the~~
 2817 ~~reduction in land application, appropriate treatment levels,~~
 2818 ~~alternative methods for treatment and disposal, enhanced~~
 2819 ~~application site permitting requirements including any~~
 2820 ~~requirements for nutrient management plans, and the range of~~
 2821 ~~costs to local governments, affected businesses, and individuals~~
 2822 ~~for alternative treatment and disposal methods. The report shall~~
 2823 ~~also include any recommendations for legislation or rule~~
 2824 ~~authority needed to reduce land application of septage.~~

2825 Section 40. Section 381.00651, Florida Statutes, is
 2826 created to read:

2827 381.00651 Periodic evaluation and assessment of onsite
 2828 sewage treatment and disposal systems.—

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2829 (1) (a) For the purposes of this subsection, the term
2830 "first magnitude spring" means a spring that has a median water
2831 discharge of greater than or equal to 100 cubic feet per second
2832 for the period of record, as determined by the Department of
2833 Environmental Protection.

2834 (b) A county or municipality containing a first magnitude
2835 spring that has not adopted an onsite sewage treatment and
2836 disposal system evaluation and assessment program or that does
2837 not opt out of this section shall develop and adopt by ordinance
2838 a local onsite sewage treatment and disposal system evaluation
2839 and assessment program that meets the requirements of this
2840 section within all or part of its geographic area. A county or
2841 municipality that does not contain a first magnitude spring may
2842 develop and adopt by local ordinance an onsite sewage treatment
2843 and disposal system evaluation and assessment program that meets
2844 the requirements of this section within all or part of its
2845 geographic area. A county or municipality that has adopted an
2846 onsite sewage treatment and disposal system evaluation and
2847 assessment program before July 1, 2011, may continue to enforce
2848 its program without having to meet the requirements of this
2849 section if the program does not require an evaluation of the
2850 system at the point of sale in a real estate transaction.

2851 (c) By a majority vote of the local governing body, a
2852 county or municipality containing a first magnitude spring may
2853 opt out of the requirements of this section at any time before
2854 January 1, 2013, by adopting a separate resolution. The
2855 resolution shall be directed to and filed with the Secretary of
2856 State and shall state the intent of the county or municipality

2857 not to adopt an onsite sewage treatment and disposal system
 2858 evaluation and assessment program. Absent an interlocal
 2859 agreement or county charter provision to the contrary, a
 2860 municipality may elect to opt out of the requirements of this
 2861 section notwithstanding the decision of the governing body of
 2862 the county in which the municipality is located. A county or
 2863 municipality may subsequently adopt an ordinance imposing an
 2864 onsite sewage treatment and disposal system evaluation and
 2865 assessment program if the program meets the requirements of this
 2866 section.

2867 (d) A county or municipality may repeal an ordinance
 2868 adopted pursuant to this section only if the county or
 2869 municipality notifies the Secretary of State by letter of the
 2870 repeal. A county or municipality may not adopt an onsite sewer
 2871 treatment and disposal system evaluation and assessment program
 2872 except pursuant to this section.

2873 (2) An onsite sewage treatment and disposal system
 2874 evaluation and assessment program adopted pursuant to this
 2875 section shall provide for the following:

2876 (a) Evaluations.—An evaluation of each onsite sewage
 2877 treatment and disposal system within all or part of the county's
 2878 or municipality's jurisdiction must take place once every 5
 2879 years to assess the fundamental operational condition of the
 2880 system and to identify system failures. The ordinance may not
 2881 mandate an evaluation at the point of sale in a real estate
 2882 transaction and may not require a soil examination. The location
 2883 of the system shall be identified. A tank and drainfield
 2884 evaluation and a written assessment of the overall condition of

2885 the system pursuant to the assessment procedure prescribed in
 2886 paragraph (3)(d) are required.

2887 (b) Qualified contractors.—Each evaluation required under
 2888 this subsection must be performed by a qualified contractor who
 2889 may be a septic tank contractor or master septic tank contractor
 2890 registered under part III of chapter 489, a professional
 2891 engineer having wastewater treatment system experience and
 2892 licensed under chapter 471, or an environmental health
 2893 professional certified under this chapter in the area of onsite
 2894 sewage treatment and disposal system evaluation. Evaluations and
 2895 pump-outs may also be performed by an authorized employee
 2896 working under the supervision of an individual specified in this
 2897 paragraph; however, all evaluation forms must be signed by a
 2898 qualified contractor in writing or by electronic signature.

2899 (c) Repair of systems.—The local ordinance may not require
 2900 a repair, modification, or replacement of a system as a result
 2901 of an evaluation unless the evaluation identifies a system
 2902 failure. For purposes of this subsection, the term "system
 2903 failure" means a condition existing within an onsite sewage
 2904 treatment and disposal system that results in the discharge of
 2905 untreated or partially treated wastewater onto the ground
 2906 surface or into surface water or that results in the failure of
 2907 building plumbing to discharge properly and presents a sanitary
 2908 nuisance. A system is not in failure if the system does not have
 2909 a minimum separation distance between the drainfield and the
 2910 wettest season water table or if an obstruction in a sanitary
 2911 line or an effluent screen or filter prevents effluent from
 2912 flowing into a drainfield. If a system failure is identified and

2913 several allowable remedial measures are available to resolve the
 2914 failure, the system owner may choose the least costly allowable
 2915 remedial measure to fix the system. There may be instances in
 2916 which a pump-out is sufficient to resolve a system failure.
 2917 Allowable remedial measures to resolve a system failure are
 2918 limited to what is necessary to resolve the failure and must
 2919 meet, to the maximum extent practicable, the requirements of the
 2920 repair code in effect when the repair is made, subject to the
 2921 exceptions specified in s. 381.0065(4)(g). An engineer-designed
 2922 performance-based treatment system to reduce nutrients may not
 2923 be required as an alternative remediation measure to resolve the
 2924 failure of a conventional system.

2925 (d) Exemptions.-

2926 1. The local ordinance shall exempt from the evaluation
 2927 requirements any system that is required to obtain an operating
 2928 permit pursuant to state law or that is inspected by the
 2929 department pursuant to the annual permit inspection requirements
 2930 of chapter 513.

2931 2. The local ordinance may provide for an exemption or an
 2932 extension of time to obtain an evaluation and assessment if
 2933 connection to a sewer system is available, connection to the
 2934 sewer system is imminent, and written arrangements for payment
 2935 of any utility assessments or connection fees have been made by
 2936 the system owner.

2937 3. A septic tank system serving residential dwelling units
 2938 on lots with a ratio of one bedroom per acre or greater is
 2939 exempt from the requirements of this section and may not be
 2940 included in any septic tank inspection program.

2941 (3) The following procedures shall be used for conducting
 2942 evaluations:

2943 (a) Tank evaluation.—The tank evaluation shall assess the
 2944 apparent structural condition and watertightness of the tank and
 2945 shall estimate the size of the tank. The evaluation must include
 2946 a pump-out. However, an ordinance may not require a pump-out if
 2947 there is documentation indicating that a tank pump-out or a
 2948 permitted new installation, repair, or modification of the
 2949 system has occurred within the previous 5 years, identifying the
 2950 capacity of the tank, and indicating that the condition of the
 2951 tank is structurally sound and watertight. Visual inspection of
 2952 the tank must be made when the tank is empty to detect cracks,
 2953 leaks, or other defects. Baffles or tees must be checked to
 2954 ensure that they are intact and secure. The evaluation shall
 2955 note the presence and condition of outlet devices, effluent
 2956 filters, and compartment walls; any structural defect in the
 2957 tank; the condition and fit of the tank lid, including manholes;
 2958 whether surface water can infiltrate the tank; and whether the
 2959 tank was pumped out. If the tank, in the opinion of the
 2960 qualified contractor, is in danger of being damaged by leaving
 2961 the tank empty after inspection, the tank shall be refilled
 2962 before concluding the inspection. Broken or damaged lids or
 2963 manholes shall be replaced without obtaining a repair permit.

2964 (b) Drainfield evaluation.—The drainfield evaluation must
 2965 include a determination of the approximate size and location of
 2966 the drainfield. The evaluation shall state whether there is any
 2967 sewage or effluent visible on the ground or discharging to a
 2968 ditch or other water body and the location of any downspout or

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2969 other source of water near or in the vicinity of the drainfield.

2970 (c) Special circumstances.—If the system contains pumps,
 2971 siphons, or alarms, the following information may be provided at
 2972 the request of the homeowner:

2973 1. An assessment of dosing tank integrity, including the
 2974 approximate volume and the type of material used in the tank's
 2975 construction;

2976 2. Whether the pump is elevated off the bottom of the
 2977 chamber and its operational status;

2978 3. Whether the system has a check valve and purge hole;
 2979 and

2980 4. Whether the system has a high-water alarm, and if so
 2981 whether the alarm is audio or visual or both, the location and
 2982 operational condition of the alarm, and whether the electrical
 2983 connections to the alarm appear satisfactory.

2984 5. If the homeowner does not request this information, the
 2985 qualified contractor and its employee shall not be liable for
 2986 any damages directly relating from a failure of the system's
 2987 pumps, siphons, or alarms. This exclusion of liability shall be
 2988 stated on the front cover of the report required under paragraph
 2989 (d).

2990 (d) Assessment procedure.—All evaluation procedures used
 2991 by a qualified contractor shall be documented in the
 2992 Environmental Health Database. The qualified contractor shall
 2993 provide a copy of a written, signed evaluation report to the
 2994 property owner upon completion of the evaluation and to the
 2995 county health department within 30 days after the evaluation.
 2996 The report shall contain the name and license number of the

2997 company providing the report. A copy of the evaluation report
 2998 shall be retained by the local county health department for a
 2999 minimum of 5 years and until a subsequent inspection report is
 3000 filed. The front cover of the report must identify any system
 3001 failure and include a clear and conspicuous notice to the owner
 3002 that the owner has a right to have any remediation of the
 3003 failure performed by a qualified contractor other than the
 3004 contractor performing the evaluation. The report must further
 3005 identify any crack, leak, improper fit, or other defect in the
 3006 tank, manhole, or lid, and any other damaged or missing
 3007 component; any sewage or effluent visible on the ground or
 3008 discharging to a ditch or other surface water body; any
 3009 downspout, stormwater, or other source of water directed onto or
 3010 toward the system; and any other maintenance need or condition
 3011 of the system at the time of the evaluation that, in the opinion
 3012 of the qualified contractor, would possibly interfere with or
 3013 restrict any future repair or modification to the existing
 3014 system. The report shall conclude with an overall assessment of
 3015 the fundamental operational condition of the system.

3016 (4) The county health department shall administer any
 3017 evaluation program on behalf of a county, or a municipality
 3018 within the county, that has adopted an evaluation program
 3019 pursuant to this section. In order to administer the evaluation
 3020 program, the county or municipality, in consultation with the
 3021 county health department, may develop a reasonable fee schedule
 3022 to be used solely to pay for the costs of administering the
 3023 evaluation program. Such a fee schedule shall be identified in
 3024 the ordinance that adopts the evaluation program. When arriving

3025 at a reasonable fee schedule, the estimated annual revenues to
3026 be derived from fees may not exceed reasonable estimated annual
3027 costs of the program. Fees shall be assessed to the system owner
3028 during an inspection and separately identified on the invoice of
3029 the qualified contractor. Fees shall be remitted by the
3030 qualified contractor to the county health department. The county
3031 health department's administrative responsibilities include the
3032 following:

3033 (a) Providing a notice to the system owner at least 60
3034 days before the system is due for an evaluation. The notice may
3035 include information on the proper maintenance of onsite sewage
3036 treatment and disposal systems.

3037 (b) In consultation with the Department of Health,
3038 providing uniform disciplinary procedures and penalties for
3039 qualified contractors who do not comply with the requirements of
3040 the adopted ordinance, including, but not limited to, failure to
3041 provide the evaluation report as required in this subsection to
3042 the system owner and the county health department. Only the
3043 county health department may assess penalties against system
3044 owners for failure to comply with the adopted ordinance,
3045 consistent with existing requirements of law.

3046 (5) (a) A county or municipality that adopts an onsite
3047 sewage treatment and disposal system evaluation and assessment
3048 program pursuant to this section shall notify the Secretary of
3049 Environmental Protection, the Department of Health, and the
3050 applicable county health department upon the adoption of its
3051 ordinance establishing the program.

3052 (b) Upon receipt of the notice under paragraph (a), the

3053 Department of Environmental Protection shall, within existing
 3054 resources, notify the county or municipality of the potential
 3055 use of, and access to, program funds under the Clean Water State
 3056 Revolving Fund or s. 319 of the Clean Water Act, provide
 3057 guidance in the application process to receive such moneys, and
 3058 provide advice and technical assistance to the county or
 3059 municipality on how to establish a low-interest revolving loan
 3060 program or how to model a revolving loan program after the low-
 3061 interest loan program of the Clean Water State Revolving Fund.
 3062 This paragraph does not obligate the Department of Environmental
 3063 Protection to provide any county or municipality with money to
 3064 fund such programs.

3065 (c) The Department of Health may not adopt any rule that
 3066 alters the provisions of this section.

3067 (d) The Department of Health must provide access to the
 3068 Environmental Health Database to county health departments and
 3069 qualified contractors for use in the requirement of this section
 3070 for the assimilation of data to track relevant information
 3071 resulting from an assessment and evaluation of the overall
 3072 condition of onsite sewage treatment and disposal systems. The
 3073 Environmental Health Database shall be used by contractors to
 3074 report all service and evaluation events and by the county
 3075 health department to notify owners of onsite sewage treatment
 3076 and disposal systems when evaluations are due. Data and
 3077 information shall be recorded and updated as service and
 3078 evaluations are conducted and reported.

3079 (6) This section does not:

3080 (a) Derogate or limit county and municipal home rule

3081 authority to act outside the scope of the evaluation and
 3082 assessment program set forth in this section.

3083 (b) Repeal or affect any other law relating to the subject
 3084 matter of this section.

3085 (c) Prohibit a county or municipality that has adopted an
 3086 evaluation and assessment program pursuant to this section from:

3087 1. Enforcing existing ordinances or adopting new
 3088 ordinances relating to onsite sewage treatment facilities to
 3089 address public health and safety if such ordinances do not
 3090 repeal, suspend, or alter the requirements or limitations of
 3091 this section.

3092 2. Adopting local environmental and pollution abatement
 3093 measures for water quality improvement as provided for by law if
 3094 such measures do not repeal, suspend, or alter the requirements
 3095 or limitations of this section.

3096 3. Exercising its independent and existing authority to
 3097 use and meet the requirements of s. 381.00655.

3098 Section 41. Section 381.00656, Florida Statutes, is
 3099 repealed.

3100 Section 42. Subsection (2) of section 381.0066, Florida
 3101 Statutes, is amended to read:

3102 381.0066 Onsite sewage treatment and disposal systems;
 3103 fees.—

3104 (2) The minimum fees in the following fee schedule apply
 3105 until changed by rule by the department within the following
 3106 limits:

3107 (a) Application review, permit issuance, or system
 3108 inspection, including repair of a subsurface, mound, filled, or

3109 other alternative system or permitting of an abandoned system: a
 3110 fee of not less than \$25, or more than \$125.

3111 ~~(b) A 5-year evaluation report submitted pursuant to s.~~
 3112 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~
 3113 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~
 3114 ~~shall be used to fund a grant program established under s.~~
 3115 ~~381.00656.~~

3116 (b)~~(e)~~ Site evaluation, site reevaluation, evaluation of a
 3117 system previously in use, or a per annum septage disposal site
 3118 evaluation: a fee of not less than \$40, or more than \$115.

3119 (c)~~(d)~~ Biennial Operating permit for aerobic treatment
 3120 units or performance-based treatment systems: a fee of not more
 3121 than \$100.

3122 (d)~~(e)~~ Annual operating permit for systems located in
 3123 areas zoned for industrial manufacturing or equivalent uses or
 3124 where the system is expected to receive wastewater which is not
 3125 domestic in nature: a fee of not less than \$150, or more than
 3126 \$300.

3127 (e)~~(f)~~ Innovative technology: a fee not to exceed \$25,000.

3128 (f)~~(g)~~ Septage disposal service, septage stabilization
 3129 facility, portable or temporary toilet service, tank
 3130 manufacturer inspection: a fee of not less than \$25, or more
 3131 than \$200, per year.

3132 (g)~~(h)~~ Application for variance: a fee of not less than
 3133 \$150, or more than \$300.

3134 (h)~~(i)~~ Annual operating permit for waterless,
 3135 incinerating, or organic waste composting toilets: a fee of not
 3136 less than \$15 ~~\$50~~, or more than \$30 ~~\$150~~.

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3137 (i)~~(j)~~ Aerobic treatment unit or performance-based
 3138 treatment system maintenance entity permit: a fee of not less
 3139 than \$25, or more than \$150, per year.

3140 (j)~~(k)~~ Reinspection fee per visit for site inspection
 3141 after system construction approval or for noncompliant system
 3142 installation per site visit: a fee of not less than \$25, or more
 3143 than \$100.

3144 (k)~~(l)~~ Research: An additional \$5 fee shall be added to
 3145 each new system construction permit issued to be used to fund
 3146 onsite sewage treatment and disposal system research,
 3147 demonstration, and training projects. Five dollars from any
 3148 repair permit fee collected under this section shall be used for
 3149 funding the hands-on training centers described in s.
 3150 381.0065(3)(j).

3151 (l)~~(m)~~ Annual operating permit, including annual
 3152 inspection and any required sampling and laboratory analysis of
 3153 effluent, for an engineer-designed performance-based system: a
 3154 fee of not less than \$150, or more than \$300.

3155
 3156 ~~On or before January 1, 2011, the Surgeon General, after~~
 3157 ~~consultation with the Revenue Estimating Conference, shall~~
 3158 ~~determine a revenue neutral fee schedule for services provided~~
 3159 ~~pursuant to s. 381.0065(5) within the parameters set in~~
 3160 ~~paragraph (b). Such determination is not subject to the~~
 3161 ~~provisions of chapter 120.~~ The funds collected pursuant to this
 3162 subsection must be deposited in a trust fund administered by the
 3163 department, to be used for the purposes stated in this section
 3164 and ss. 381.0065 and 381.00655.

3165 Section 43. Section 381.0068, Florida Statutes, is amended
 3166 to read:

3167 381.0068 Technical review and advisory panel.—

3168 (1) The Department of Health shall, ~~by July 1, 1996,~~
 3169 establish and staff a technical review and advisory panel to
 3170 assist the department with rule adoption.

3171 (2) The primary purpose of the panel is to assist the
 3172 department in rulemaking and decisionmaking by drawing on the
 3173 expertise of representatives from several groups that are
 3174 affected by onsite sewage treatment and disposal systems. The
 3175 panel may also review and comment on any legislation or any
 3176 existing or proposed state policy or issue related to onsite
 3177 sewage treatment and disposal systems. ~~If requested by the~~
 3178 ~~panel, the chair will advise any affected person or member of~~
 3179 ~~the Legislature of the panel's position on the legislation or~~
 3180 ~~any existing or proposed state policy or issue.~~ The chair may
 3181 also take such other action as is appropriate to allow the panel
 3182 to function. At a minimum, the panel shall consist of a soil
 3183 scientist; a professional engineer registered in this state who
 3184 is recommended by the Florida Engineering Society and who has
 3185 work experience in onsite sewage treatment and disposal systems;
 3186 two representatives from the home-building industry recommended
 3187 by the Florida Home Builders Association, including one who is a
 3188 developer in this state who develops lots using onsite sewage
 3189 treatment and disposal systems; a representative from the county
 3190 health departments who has experience permitting and inspecting
 3191 the installation of onsite sewage treatment and disposal systems
 3192 in this state; a representative from the real estate industry

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3193 | who is recommended by the Florida Association of Realtors; a
3194 | consumer representative with a science background; two
3195 | representatives of the septic tank industry recommended by the
3196 | Florida Onsite Wastewater Association, including one who is a
3197 | manufacturer of onsite sewage treatment and disposal systems; a
3198 | representative from local government who is knowledgeable about
3199 | domestic wastewater treatment and who is recommended by the
3200 | Florida Association of Counties and the Florida League of
3201 | Cities; and a representative from the environmental health
3202 | profession who is recommended by the Florida Environmental
3203 | Health Association and who is not employed by a county health
3204 | department. Members are to be appointed for a term of 2 years.
3205 | The panel may also, as needed, be expanded to include ad hoc,
3206 | nonvoting representatives who have topic-specific expertise. All
3207 | rules proposed by the department which relate to onsite sewage
3208 | treatment and disposal systems must be presented to the panel
3209 | for review and comment prior to adoption. The panel's position
3210 | on proposed rules shall be made a part of the rulemaking record
3211 | that is maintained by the agency. The panel shall select a
3212 | chair, who shall serve for a period of 1 year and who shall
3213 | direct, coordinate, and execute the duties of the panel. The
3214 | panel shall also solicit input from the department's variance
3215 | review and advisory committee before submitting any comments to
3216 | the department concerning proposed rules. The panel's comments
3217 | must include any dissenting points of view concerning proposed
3218 | rules. The panel shall hold meetings as it determines necessary
3219 | to conduct its business, except that the chair, a quorum of the
3220 | voting members of the panel, or the department may call

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3221 meetings. The department shall keep minutes of all meetings of
 3222 the panel. Panel members shall serve without remuneration, but,
 3223 if requested, shall be reimbursed for per diem and travel
 3224 expenses as provided in s. 112.061.

3225 Section 44. Section 381.00781, Florida Statutes, is
 3226 amended to read:

3227 381.00781 Fees; disposition.—

3228 ~~(1)~~ The department shall establish by rule the following
 3229 fees:

3230 (1)(a) Fee For the initial licensure of a tattoo
 3231 establishment and the renewal of such license, a fee which,
 3232 ~~except as provided in subsection (2),~~ may not to exceed \$250 per
 3233 year.

3234 (2)(b) Fee For licensure of a temporary establishment, a
 3235 fee which, ~~except as provided in subsection (2),~~ may not to
 3236 exceed \$250.

3237 (3)(c) Fee For the initial licensure of a tattoo artist
 3238 and the renewal of such license, a fee which, ~~except as provided~~
 3239 ~~in subsection (2),~~ may not to exceed \$150 per year.

3240 (3)(d) Fee For registration or reregistration of a guest
 3241 tattoo artist, a fee which, ~~except as provided in subsection~~
 3242 ~~(2),~~ may not to exceed \$45.

3243 (4)(e) Fee For reactivation of an inactive tattoo
 3244 establishment license or tattoo artist license. A license
 3245 becomes inactive if it is not renewed before the expiration of
 3246 the current license.

3247 ~~(2)~~ ~~The department may annually adjust the maximum fees~~
 3248 ~~authorized under subsection (1) according to the rate of~~

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3249 ~~inflation or deflation indicated by the Consumer Price Index for~~
 3250 ~~All Urban Consumers, U.S. City Average, All Items, as reported~~
 3251 ~~by the United States Department of Labor.~~

3252 Section 45. Subsection (1) of section 381.0086, Florida
 3253 Statutes, is amended to read:

3254 381.0086 Rules; variances; penalties.—

3255 (1) The department shall adopt rules necessary to protect
 3256 the health and safety of migrant farmworkers and other migrant
 3257 labor camp or residential migrant housing occupants, including
 3258 rules governing field sanitation facilities. These rules must
 3259 include definitions of terms, a process for ~~provisions relating~~
 3260 ~~to~~ plan review of the construction of new, expanded, or
 3261 remodeled camps or residential migrant housing, sites, buildings
 3262 and structures; and standards for ~~personal hygiene facilities,~~
 3263 ~~lighting,~~ sewage disposal, safety, minimum living space per
 3264 occupant, bedding, food equipment, food storage and preparation,
 3265 insect and rodent control, garbage, heating equipment, water
 3266 supply, maintenance and operation of the camp or ~~housing,~~ ~~or~~
 3267 ~~roads,~~ and such other matters as the department finds to be
 3268 appropriate or necessary to protect the life and health of the
 3269 occupants. Housing operated by a public housing authority is
 3270 exempt from the provisions of any administrative rule that
 3271 conflicts with or is more stringent than the federal standards
 3272 applicable to the housing.

3273 Section 46. Subsection (1) of section 381.0098, Florida
 3274 Statutes, is amended to read:

3275 381.0098 Biomedical waste.—

3276 (1) LEGISLATIVE INTENT. ~~It is the intent of the~~

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3277 ~~Legislature to protect the public health by establishing~~
 3278 ~~standards for the safe packaging, transport, storage, treatment,~~
 3279 ~~and disposal of biomedical waste.~~ Except as otherwise provided
 3280 herein, the Department of Health shall regulate the packaging,
 3281 transport, storage, and treatment of biomedical waste. The
 3282 Department of Environmental Protection shall regulate onsite and
 3283 offsite incineration and disposal of biomedical waste.
 3284 Consistent with the foregoing, the Department of Health shall
 3285 have the exclusive authority to establish treatment efficacy
 3286 standards for biomedical waste and the Department of
 3287 Environmental Protection shall have the exclusive authority to
 3288 establish statewide standards relating to environmental impacts,
 3289 if any, of treatment and disposal including, but not limited to,
 3290 water discharges and air emissions. An interagency agreement
 3291 between the Department of Environmental Protection and the
 3292 Department of Health shall be developed to ensure maximum
 3293 efficiency in coordinating, administering, and regulating
 3294 biomedical wastes.

3295 Section 47. Subsections (2) through (8) of section
 3296 381.0101, Florida Statutes, are renumbered as subsection (1)
 3297 through (7), respectively, and present subsections (1), (2),
 3298 (3), and (4) and paragraph (a) of present subsection (5) of that
 3299 section are amended to read:

3300 381.0101 Environmental health professionals.—

3301 ~~(1) LEGISLATIVE INTENT. Persons responsible for providing~~
 3302 ~~technical and scientific evaluations of environmental health and~~
 3303 ~~sanitary conditions in business establishments and communities~~
 3304 ~~throughout the state may create a danger to the public health if~~

3305 ~~they are not skilled or competent to perform such evaluations.~~
 3306 ~~The public relies on the judgment of environmental health~~
 3307 ~~professionals employed by both government agencies and~~
 3308 ~~industries to assure them that environmental hazards are~~
 3309 ~~identified and removed before they endanger the health or safety~~
 3310 ~~of the public. The purpose of this section is to assure the~~
 3311 ~~public that persons specifically responsible for performing~~
 3312 ~~environmental health and sanitary evaluations have been~~
 3313 ~~certified by examination as competent to perform such work.~~

3314 (1)~~(2)~~ DEFINITIONS.—As used in this section:

3315 (a) "Board" means the Environmental Health Professionals
 3316 Advisory Board.

3317 (b) "Department" means the Department of Health.

3318 (c) "Environmental health" means that segment of public
 3319 health work which deals with the examination of those factors in
 3320 the human environment which may impact adversely on the health
 3321 status of an individual or the public.

3322 (d) "Environmental health professional" means a person who
 3323 is employed or assigned the responsibility for assessing the
 3324 environmental health or sanitary conditions, as defined by the
 3325 department, within a building, on an individual's property, or
 3326 within the community at large, and who has the knowledge,
 3327 skills, and abilities to carry out these tasks. Environmental
 3328 health professionals may be either field, supervisory, or
 3329 administrative staff members.

3330 ~~(e) "Certified" means a person who has displayed~~
 3331 ~~competency to perform evaluations of environmental or sanitary~~
 3332 ~~conditions through examination.~~

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3333 (e)~~(f)~~ "Registered sanitarian," "R.S.," "Registered
 3334 Environmental Health Specialist," or "R.E.H.S." means a person
 3335 who has been certified by either the National Environmental
 3336 Health Association or the Florida Environmental Health
 3337 Association as knowledgeable in the environmental health
 3338 profession.

3339 (f)~~(g)~~ "Primary environmental health program" means ~~those~~
 3340 ~~programs determined by the department to be essential for~~
 3341 ~~providing basic environmental and sanitary protection to the~~
 3342 ~~public. At a minimum, these programs shall include food~~
 3343 protection program work and onsite sewage treatment and disposal
 3344 system evaluations.

3345 (2)~~(3)~~ CERTIFICATION REQUIRED.—~~A~~ No person may not ~~shall~~
 3346 perform environmental health or sanitary evaluations in any
 3347 primary program area of environmental health without being
 3348 certified by the department as competent to perform such
 3349 evaluations. This section does not apply to:

3350 (a) Persons performing inspections of public food service
 3351 establishments licensed under chapter 509; or

3352 (b) Persons performing site evaluations in order to
 3353 determine proper placement and installation of onsite wastewater
 3354 treatment and disposal systems who have successfully completed a
 3355 department-approved soils morphology course and who are working
 3356 under the direct responsible charge of an engineer licensed
 3357 under chapter 471.

3358 (3)~~(4)~~ ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—
 3359 The State Health Officer shall appoint an advisory board to
 3360 assist the department in the promulgation of rules for

3361 certification, testing, establishing standards, and seeking
 3362 enforcement actions against certified professionals.

3363 (a) The board shall be comprised of the Division Director
 3364 for Emergency Preparedness and Community Support ~~Environmental~~
 3365 ~~Health~~ or his or her designee, one individual who will be
 3366 certified under this section, one individual not employed in a
 3367 governmental capacity who will or does employ a certified
 3368 environmental health professional, one individual whose business
 3369 is or will be evaluated by a certified environmental health
 3370 professional, a citizen of the state who neither employs nor is
 3371 routinely evaluated by a person certified under this section.

3372 (b) The board shall advise the department as to the
 3373 minimum disciplinary guidelines and standards of competency and
 3374 proficiency necessary to obtain certification in a primary area
 3375 of environmental health practice.

3376 1. The board shall recommend primary areas of
 3377 environmental health practice in which environmental health
 3378 professionals should be required to obtain certification.

3379 2. The board shall recommend minimum standards of practice
 3380 which the department shall incorporate into rule.

3381 3. The board shall evaluate and recommend to the
 3382 department existing registrations and certifications which meet
 3383 or exceed minimum department standards and should, therefore,
 3384 exempt holders of such certificates or registrations from
 3385 compliance with this section.

3386 4. The board shall hear appeals of certificate denials,
 3387 revocation, or suspension and shall advise the department as to
 3388 the disposition of such an appeal.

3389 5. The board shall meet as often as necessary, but no less
 3390 than semiannually, handle appeals to the department, and conduct
 3391 other duties of the board.

3392 6. Members of the board shall receive no compensation but
 3393 are entitled to reimbursement for per diem and travel expenses
 3394 in accordance with s. 112.061.

3395 (4)~~(5)~~ STANDARDS FOR CERTIFICATION.—The department shall
 3396 adopt rules that establish definitions of terms and minimum
 3397 standards of education, training, or experience for those
 3398 persons subject to this section. The rules must also address the
 3399 process for application, examination, issuance, expiration, and
 3400 renewal of certification and ethical standards of practice for
 3401 the profession.

3402 (a) Persons employed as environmental health professionals
 3403 shall exhibit a knowledge of rules and principles of
 3404 environmental and public health law in Florida through
 3405 examination. A person may not conduct environmental health
 3406 evaluations in a primary program area unless he or she is
 3407 currently certified in that program area or works under the
 3408 direct supervision of a certified environmental health
 3409 professional.

3410 1. All persons who begin employment in a primary
 3411 environmental health program on or after September 21, 1994,
 3412 must be certified in that program within 6 months after
 3413 employment.

3414 2. Persons employed in the primary environmental health
 3415 program of a food protection program or an onsite sewage
 3416 treatment and disposal system prior to September 21, 1994, shall

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3417 be considered certified while employed in that position and
3418 shall be required to adhere to any professional standards
3419 established by the department pursuant to paragraph (b),
3420 complete any continuing education requirements imposed under
3421 paragraph (d), and pay the certificate renewal fee imposed under
3422 subsection (6) ~~(7)~~.

3423 3. Persons employed in the primary environmental health
3424 program of a food protection program or an onsite sewage
3425 treatment and disposal system prior to September 21, 1994, who
3426 change positions or program areas and transfer into another
3427 primary environmental health program area on or after September
3428 21, 1994, must be certified in that program within 6 months
3429 after such transfer, except that they will not be required to
3430 possess the college degree required under paragraph (e).

3431 4. Registered sanitarians shall be considered certified
3432 and shall be required to adhere to any professional standards
3433 established by the department pursuant to paragraph (b).

3434 Section 48. Section 381.0201, Florida Statutes, is
3435 repealed.

3436 Section 49. Section 381.0203, Florida Statutes, is amended
3437 to read:

3438 381.0203 Pharmacy services.—

3439 (1) The department may contract on a statewide basis for
3440 the purchase of drugs, as defined in s. 499.003, to be used by
3441 state agencies and political subdivisions, and may adopt rules
3442 to administer this section.

3443 (2) The department shall establish and maintain a pharmacy
3444 services program, including, but not limited to:

3445 (a) A central pharmacy to support pharmaceutical services
 3446 provided by the county health departments, including
 3447 pharmaceutical repackaging, dispensing, and the purchase and
 3448 distribution of immunizations and other pharmaceuticals.

3449 ~~(b) Regulation of drugs, cosmetics, and household products~~
 3450 ~~pursuant to chapter 499.~~

3451 (b)(e) Consultation to county health departments as
 3452 required by s. 154.04(1)(c).

3453 ~~(d) A contraception distribution program which shall be~~
 3454 ~~implemented, to the extent resources permit, through the~~
 3455 ~~licensed pharmacies of county health departments. A woman who is~~
 3456 ~~eligible for participation in the contraceptive distribution~~
 3457 ~~program is deemed a patient of the county health department.~~

3458 ~~1. To be eligible for participation in the program a woman~~
 3459 ~~must:~~

3460 ~~a. Be a client of the department or the Department of~~
 3461 ~~Children and Family Services.~~

3462 ~~b. Be of childbearing age with undesired fertility.~~

3463 ~~e. Have an income between 150 and 200 percent of the~~
 3464 ~~federal poverty level.~~

3465 ~~d. Have no Medicaid benefits or applicable health~~
 3466 ~~insurance benefits.~~

3467 ~~e. Have had a medical examination by a licensed health~~
 3468 ~~care provider within the past 6 months.~~

3469 ~~f. Have a valid prescription for contraceptives that are~~
 3470 ~~available through the contraceptive distribution program.~~

3471 ~~g. Consent to the release of necessary medical information~~
 3472 ~~to the county health department.~~

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3473 ~~2. Fees charged for the contraceptives under the program~~
 3474 ~~must cover the cost of purchasing and providing contraceptives~~
 3475 ~~to women participating in the program.~~

3476 ~~3. The department may adopt rules to administer this~~
 3477 ~~program.~~

3478 Section 50. Subsection (1) of section 381.0261, Florida
 3479 Statutes, is amended to read:

3480 381.0261 Summary of patient's bill of rights;
 3481 distribution; penalty.—

3482 (1) The Department of Health shall publish on its Internet
 3483 website ~~Agency for Health Care Administration shall have printed~~
 3484 ~~and made continuously available to health care facilities~~
 3485 ~~licensed under chapter 395, physicians licensed under chapter~~
 3486 ~~458, osteopathic physicians licensed under chapter 459, and~~
 3487 ~~pediatric physicians licensed under chapter 461~~ a summary of the
 3488 Florida Patient's Bill of Rights and Responsibilities. In
 3489 adopting and making available to patients the summary of the
 3490 Florida Patient's Bill of Rights and Responsibilities, health
 3491 care providers and health care facilities are not limited to the
 3492 format in which the department publishes ~~Agency for Health Care~~
 3493 ~~Administration prints and distributes~~ the summary.

3494 Section 51. Section 381.0301, Florida Statutes, is
 3495 repealed.

3496 Section 52. Section 381.0302, Florida Statutes, is
 3497 repealed.

3498 Section 53. Subsection (5) of section 381.0303, Florida
 3499 Statutes, is amended to read:

3500 381.0303 Special needs shelters.—

3501 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State
 3502 Surgeon General may establish a special needs shelter
 3503 interagency committee and serve as, or appoint a designee to
 3504 serve as, the committee's chair. The department shall provide
 3505 any necessary staff and resources to support the committee in
 3506 the performance of its duties. The committee shall address and
 3507 resolve problems related to special needs shelters not addressed
 3508 in the state comprehensive emergency medical plan and shall
 3509 consult on the planning and operation of special needs shelters.

3510 (a) The committee shall:

3511 ~~1.~~ develop, negotiate, and regularly review any necessary
 3512 interagency agreements, and

3513 ~~2.~~ undertake other such activities as the department deems
 3514 necessary to facilitate the implementation of this section.

3515 ~~3. Submit recommendations to the Legislature as necessary.~~

3516 (b) The special needs shelter interagency committee shall
 3517 be composed of representatives of emergency management, health,
 3518 medical, and social services organizations. Membership shall
 3519 include, but shall not be limited to, representatives of the
 3520 Departments of Health, Children and Family Services, Elderly
 3521 Affairs, and Education; the Agency for Health Care
 3522 Administration; the Division of Emergency Management; the
 3523 Florida Medical Association; the Florida Osteopathic Medical
 3524 Association; Associated Home Health Industries of Florida, Inc.;
 3525 the Florida Nurses Association; the Florida Health Care
 3526 Association; the Florida Assisted Living Affiliation; the
 3527 Florida Hospital Association; the Florida Statutory Teaching
 3528 Hospital Council; the Florida Association of Homes for the

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3529 Aging; the Florida Emergency Preparedness Association; the
 3530 American Red Cross; Florida Hospices and Palliative Care, Inc.;
 3531 the Association of Community Hospitals and Health Systems; the
 3532 Florida Association of Health Maintenance Organizations; the
 3533 Florida League of Health Systems; the Private Care Association;
 3534 the Salvation Army; the Florida Association of Aging Services
 3535 Providers; the AARP; and the Florida Renal Coalition.

3536 (c) Meetings of the committee shall be held in
 3537 Tallahassee, and members of the committee shall serve at the
 3538 expense of the agencies or organizations they represent. The
 3539 committee shall make every effort to use teleconference or
 3540 videoconference capabilities in order to ensure statewide input
 3541 and participation.

3542 Section 54. Section 381.04015, Florida Statutes, is
 3543 repealed.

3544 Section 55. Subsections (2), (3), and (4) of section
 3545 381.0403, Florida Statutes, are amended to read:

3546 381.0403 The Community Hospital Education Act.—

3547 (2) ESTABLISHMENT OF PROGRAM ~~LEGISLATIVE INTENT.~~—

3548 ~~(a) It is the intent of the Legislature that health care~~
 3549 ~~services for the citizens of this state be upgraded and that a~~
 3550 ~~program for continuing these services be maintained through a~~
 3551 ~~plan for community medical education. The A program is intended~~
 3552 established to plan for community medical education, provide
 3553 additional outpatient and inpatient services, increase the a
 3554 ~~continuing~~ supply of highly trained physicians, and expand
 3555 graduate medical education.

3556 ~~(b) The Legislature further acknowledges the critical need~~

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3557 ~~for increased numbers of primary care physicians to provide the~~
3558 ~~necessary current and projected health and medical services. In~~
3559 ~~order to meet both present and anticipated needs, the~~
3560 ~~Legislature supports an expansion in the number of family~~
3561 ~~practice residency positions. The Legislature intends that the~~
3562 ~~funding for graduate education in family practice be maintained~~
3563 ~~and that funding for all primary care specialties be provided at~~
3564 ~~a minimum of \$10,000 per resident per year. Should funding for~~
3565 ~~this act remain constant or be reduced, it is intended that all~~
3566 ~~programs funded by this act be maintained or reduced~~
3567 ~~proportionately.~~

3568 (3) PROGRAM FOR COMMUNITY HOSPITAL EDUCATION; STATE AND
3569 LOCAL PLANNING.—

3570 (a) ~~There is established under the Department of Health a~~
3571 ~~program for statewide graduate medical education. It is intended~~
3572 ~~that continuing graduate medical education programs for interns~~
3573 ~~and residents be established on a statewide basis. The program~~
3574 shall provide financial support for primary care specialty
3575 interns and residents based on recommendations of policies
3576 ~~recommended and approved by the Community Hospital Education~~
3577 ~~Council, herein established, and the Department of Health, as~~
3578 authorized by the General Appropriations Act. Only those
3579 programs with at least three residents or interns in each year
3580 of the training program are qualified to apply for financial
3581 support. Programs with fewer than three residents or interns per
3582 training year are qualified to apply for financial support, but
3583 only if the appropriate accrediting entity for the particular
3584 specialty has approved the program for fewer positions. New

3585 | ~~programs added after fiscal year 1997-1998~~ shall have 5 years to
 3586 | attain the requisite number of residents or interns. When
 3587 | feasible and to the extent allowed through the General
 3588 | Appropriations Act, state funds shall be used to generate
 3589 | federal matching funds under Medicaid, or other federal
 3590 | programs, and the resulting combined state and federal funds
 3591 | shall be allocated to participating hospitals for the support of
 3592 | graduate medical education.

3593 | (b) For the purposes of this section, primary care
 3594 | specialties include emergency medicine, family practice,
 3595 | internal medicine, pediatrics, psychiatry,
 3596 | obstetrics/gynecology, and combined pediatrics and internal
 3597 | medicine, and other primary care specialties as may be included
 3598 | by the council and Department of Health.

3599 | (c) Medical institutions throughout the state may apply to
 3600 | the Community Hospital Education Council for grants-in-aid for
 3601 | financial support of their approved programs. Recommendations
 3602 | for funding of approved programs shall be forwarded to the
 3603 | Department of Health.

3604 | (d) The program shall provide a plan for community
 3605 | clinical teaching and training with the cooperation of the
 3606 | medical profession, hospitals, and clinics. The plan shall also
 3607 | include formal teaching opportunities for intern and resident
 3608 | training. In addition, the plan shall establish an off-campus
 3609 | medical faculty with university faculty review to be located
 3610 | throughout the state in local communities.

3611 | (4) PROGRAM FOR GRADUATE MEDICAL EDUCATION INNOVATIONS.—

3612 | (a) There is established under the Department of Health a

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3613 program for fostering graduate medical education innovations.
 3614 Funds appropriated annually by the Legislature for this purpose
 3615 shall be distributed to participating hospitals or consortia of
 3616 participating hospitals and Florida medical schools or to a
 3617 Florida medical school for the direct costs of providing
 3618 graduate medical education in community-based clinical settings
 3619 on a competitive grant or formula basis to achieve state health
 3620 care workforce policy objectives, including, but not limited to:
 3621 1. Increasing the number of residents in primary care and
 3622 other high demand specialties or fellowships;
 3623 2. Enhancing retention of primary care physicians in
 3624 Florida practice;
 3625 3. Promoting practice in medically underserved areas of
 3626 the state;
 3627 4. Encouraging racial and ethnic diversity within the
 3628 state's physician workforce; and
 3629 5. Encouraging increased production of geriatricians.
 3630 (b) Participating hospitals or consortia of participating
 3631 hospitals and Florida medical schools or a Florida medical
 3632 school providing graduate medical education in community-based
 3633 clinical settings may apply to the Community Hospital Education
 3634 Council for funding under this innovations program, except when
 3635 such innovations directly compete with services or programs
 3636 provided by participating hospitals or consortia of
 3637 participating hospitals, or by both hospitals and consortia.
 3638 Innovations program funding shall be allocated ~~provide funding~~
 3639 based on recommendations of ~~policies recommended and approved by~~
 3640 the Community Hospital Education Council and the Department of

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3641 Health, as authorized by the General Appropriations Act.

3642 (c) Participating hospitals or consortia of participating
 3643 hospitals and Florida medical schools or Florida medical schools
 3644 awarded an innovations grant shall provide the Community
 3645 Hospital Education Council and Department of Health with an
 3646 annual report on their project.

3647 Section 56. Subsection (7) of section 381.0405, Florida
 3648 Statutes, is amended to read:

3649 381.0405 Office of Rural Health.—

3650 ~~(7) APPROPRIATION. The Legislature shall appropriate such~~
 3651 ~~sums as are necessary to support the Office of Rural Health.~~

3652 Section 57. Subsection (3) of section 381.0406, Florida
 3653 Statutes, is amended to read:

3654 381.0406 Rural health networks.—

3655 ~~(3) Because each rural area is unique, with a different~~
 3656 ~~health care provider mix,~~ Health care provider membership may
 3657 vary, but all networks shall include members that provide public
 3658 health, comprehensive primary care, emergency medical care, and
 3659 acute inpatient care.

3660 Section 58. Effective October 1, 2014, section 381.0407,
 3661 Florida Statutes, is repealed.

3662 Section 59. Section 381.045, Florida Statutes, is
 3663 repealed.

3664 Section 60. Subsection (7) of section 381.06015, Florida
 3665 Statutes, is amended to read:

3666 381.06015 Public Cord Blood Tissue Bank.—

3667 ~~(7) In order to fund the provisions of this section the~~
 3668 ~~consortium participants, the Agency for Health Care~~

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3669 ~~Administration, and the Department of Health shall seek private~~
 3670 ~~or federal funds to initiate program actions for fiscal year~~
 3671 ~~2000-2001.~~

3672 Section 61. Section 381.0605, Florida Statutes, is
 3673 repealed.

3674 Section 62. Section 381.102, Florida Statutes, is
 3675 repealed.

3676 Section 63. Section 381.103, Florida Statutes, is
 3677 repealed.

3678 Section 64. Subsections (3) through (5) of section
 3679 381.4018, Florida Statutes, are renumbered as subsections (2)
 3680 through (4), respectively, and present subsection (2) and
 3681 paragraph (f) of present subsection (4) of that section are
 3682 amended to read:

3683 381.4018 Physician workforce assessment and development.—

3684 ~~(2) LEGISLATIVE INTENT. The Legislature recognizes that~~
 3685 ~~physician workforce planning is an essential component of~~
 3686 ~~ensuring that there is an adequate and appropriate supply of~~
 3687 ~~well-trained physicians to meet this state's future health care~~
 3688 ~~service needs as the general population and elderly population~~
 3689 ~~of the state increase. The Legislature finds that items to~~
 3690 ~~consider relative to assessing the physician workforce may~~
 3691 ~~include physician practice status; specialty mix; geographic~~
 3692 ~~distribution; demographic information, including, but not~~
 3693 ~~limited to, age, gender, race, and cultural considerations; and~~
 3694 ~~needs of current or projected medically underserved areas in the~~
 3695 ~~state. Long-term strategic planning is essential as the period~~
 3696 ~~from the time a medical student enters medical school to~~

3697 ~~completion of graduate medical education may range from 7 to 10~~
 3698 ~~years or longer. The Legislature recognizes that strategies to~~
 3699 ~~provide for a well-trained supply of physicians must include~~
 3700 ~~ensuring the availability and capacity of quality medical~~
 3701 ~~schools and graduate medical education programs in this state,~~
 3702 ~~as well as using new or existing state and federal programs~~
 3703 ~~providing incentives for physicians to practice in needed~~
 3704 ~~specialties and in underserved areas in a manner that addresses~~
 3705 ~~projected needs for physician manpower.~~

3706 (3)~~(4)~~ GENERAL FUNCTIONS.—The department shall maximize
 3707 the use of existing programs under the jurisdiction of the
 3708 department and other state agencies and coordinate governmental
 3709 and nongovernmental stakeholders and resources in order to
 3710 develop a state strategic plan and assess the implementation of
 3711 such strategic plan. In developing the state strategic plan, the
 3712 department shall:

3713 (f) Develop strategies to maximize federal and state
 3714 programs that provide for the use of incentives to attract
 3715 physicians to this state or retain physicians within the state.
 3716 Such strategies should explore and maximize federal-state
 3717 partnerships that provide incentives for physicians to practice
 3718 in federally designated shortage areas. Strategies shall also
 3719 consider the use of state programs, such as the ~~Florida Health~~
 3720 ~~Service Corps established pursuant to s. 381.0302 and the~~
 3721 Medical Education Reimbursement and Loan Repayment Program
 3722 pursuant to s. 1009.65, which provide for education loan
 3723 repayment or loan forgiveness and provide monetary incentives
 3724 for physicians to relocate to underserved areas of the state.

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3725 Section 65. Section 381.60225, Florida Statutes, is
 3726 repealed.

3727 Section 66. Section 381.732, Florida Statutes, is
 3728 repealed.

3729 Section 67. Section 381.733, Florida Statutes, is
 3730 repealed.

3731 Section 68. Section 381.734, Florida Statutes, is
 3732 repealed.

3733 Section 69. Section 381.7352, Florida Statutes, is amended
 3734 to read:

3735 381.7352 Legislative findings and intent.—

3736 ~~(1) The Legislature finds that despite state investments~~
 3737 ~~in health care programs, certain racial and ethnic populations~~
 3738 ~~in Florida continue to have significantly poorer health outcomes~~
 3739 ~~when compared to non-Hispanic whites. The Legislature finds that~~
 3740 ~~local solutions to health care problems can have a dramatic and~~
 3741 ~~positive effect on the health status of these populations. Local~~
 3742 ~~governments and communities are best equipped to identify the~~
 3743 ~~health education, health promotion, and disease prevention needs~~
 3744 ~~of the racial and ethnic populations in their communities,~~
 3745 ~~mobilize the community to address health outcome disparities,~~
 3746 ~~enlist and organize local public and private resources, and~~
 3747 ~~faith-based organizations to address these disparities, and~~
 3748 ~~evaluate the effectiveness of interventions.~~

3749 (2) It is therefore the intent of the Legislature to
 3750 provide funds within Florida counties and Front Porch Florida
 3751 Communities, in the form of Reducing Racial and Ethnic Health
 3752 Disparities: Closing the Gap grants, to stimulate the

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3753 development of community-based and neighborhood-based projects
 3754 which will improve the health outcomes of racial and ethnic
 3755 populations. Further, it is the intent of the Legislature that
 3756 these programs foster the development of coordinated,
 3757 collaborative, and broad-based participation by public and
 3758 private entities, and faith-based organizations. Finally, it is
 3759 the intent of the Legislature that the grant program function as
 3760 a partnership between state and local governments, faith-based
 3761 organizations, and private sector health care providers,
 3762 including managed care, voluntary health care resources, social
 3763 service providers, and nontraditional partners.

3764 Section 70. Subsection (3) of section 381.7353, Florida
 3765 Statutes, is amended to read:

3766 381.7353 Reducing Racial and Ethnic Health Disparities:
 3767 Closing the Gap grant program; administration; department
 3768 duties.—

3769 ~~(3) Pursuant to s. 20.43(6), the State Surgeon General may~~
 3770 ~~appoint an ad hoc advisory committee to: examine areas where~~
 3771 ~~public awareness, public education, research, and coordination~~
 3772 ~~regarding racial and ethnic health outcome disparities are~~
 3773 ~~lacking; consider access and transportation issues which~~
 3774 ~~contribute to health status disparities; and make~~
 3775 ~~recommendations for closing gaps in health outcomes and~~
 3776 ~~increasing the public's awareness and understanding of health~~
 3777 ~~disparities that exist between racial and ethnic populations.~~

3778 Section 71. Subsections (5) and (6) of section 381.7356,
 3779 Florida Statutes, are renumbered as subsections (4) and (5),
 3780 respectively, and present subsection (4) of that section is

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3781 amended to read:

3782 381.7356 Local matching funds; grant awards.—

3783 ~~(4) Dissemination of grant awards shall begin no later~~
 3784 ~~than January 1, 2001.~~

3785 Section 72. Subsection (3) of section 381.765, Florida
 3786 Statutes, is amended to read:

3787 381.765 Retention of title to and disposal of equipment.—

3788 ~~(3) The department may adopt rules relating to records and~~
 3789 ~~recordkeeping for department-owned property referenced in~~
 3790 ~~subsections (1) and (2).~~

3791 Section 73. Section 381.77, Florida Statutes, is repealed.

3792 Section 74. Section 381.795, Florida Statutes, is
 3793 repealed.

3794 Section 75. Subsections (2) through (5) of section
 3795 381.853, Florida Statutes, are renumbered as subsections (1)
 3796 through (4), respectively, and present subsection (1) of that
 3797 section is amended to read:

3798 381.853 Florida Center for Brain Tumor Research.—

3799 ~~(1) The Legislature finds that each year an estimated~~
 3800 ~~190,000 citizens of the United States are diagnosed with~~
 3801 ~~cancerous and noncancerous brain tumors and that biomedical~~
 3802 ~~research is the key to finding cures for these tumors. The~~
 3803 ~~Legislature further finds that, although brain tumor research is~~
 3804 ~~being conducted throughout the state, there is a lack of~~
 3805 ~~coordinated efforts among researchers and health care providers.~~
 3806 ~~Therefore, the Legislature finds that there is a significant~~
 3807 ~~need for a coordinated effort to achieve the goal of curing~~
 3808 ~~brain tumors. The Legislature further finds that the biomedical~~

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3809 ~~technology sector meets the criteria of a high-impact sector,~~
 3810 ~~pursuant to s. 288.108(6), having a high importance to the~~
 3811 ~~state's economy with a significant potential for growth and~~
 3812 ~~contribution to our universities and quality of life.~~

3813 Section 76. Section 381.855, Florida Statutes, is
 3814 repealed.

3815 Section 77. Section 381.87, Florida Statutes, is repealed.

3816 Section 78. Section 381.895, Florida Statutes, is
 3817 repealed.

3818 Section 79. Section 381.90, Florida Statutes, is repealed.

3819 Section 80. Subsection (1) of section 381.91, Florida
 3820 Statutes, is amended to read:

3821 381.91 Jessie Trice Cancer Prevention Program.—

3822 (1) It is the intent of the Legislature to:

3823 ~~(a) Reduce the rates of illness and death from lung cancer~~
 3824 ~~and other cancers and improve the quality of life among low-~~
 3825 ~~income African American and Hispanic populations through~~
 3826 ~~increased access to early, effective screening and diagnosis,~~
 3827 ~~education, and treatment programs.~~

3828 ~~(b)~~ create a community faith-based disease-prevention
 3829 program in conjunction with the Health Choice Network and other
 3830 community health centers to build upon the natural referral and
 3831 education networks in place within minority communities and to
 3832 increase access to health service delivery in Florida and-

3833 ~~(c)~~ establish a funding source to build upon local private
 3834 participation to sustain the operation of the program.

3835 Section 81. Subsection (5) of section 381.922, Florida
 3836 Statutes, is amended to read:

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3837 381.922 William G. "Bill" Bankhead, Jr., and David Coley
 3838 Cancer Research Program.—

3839 (5) The William G. "Bill" Bankhead, Jr., and David Coley
 3840 Cancer Research Program is funded pursuant to s. 215.5602(12).
 3841 Funds appropriated for the William G. "Bill" Bankhead, Jr., and
 3842 David Coley Cancer Research Program shall be distributed
 3843 pursuant to this section to provide grants to researchers
 3844 seeking cures for cancer and cancer-related illnesses, with
 3845 emphasis given to the goals enumerated in this section. From the
 3846 total funds appropriated, an amount of up to 10 percent may be
 3847 used for administrative expenses. ~~From funds appropriated to~~
 3848 ~~accomplish the goals of this section, up to \$250,000 shall be~~
 3849 ~~available for the operating costs of the Florida Center for~~
 3850 ~~Universal Research to Eradicate Disease.~~

3851 Section 82. Section 385.210, Florida Statutes, is
 3852 repealed.

3853 Section 83. Section 391.016, Florida Statutes, is amended
 3854 to read:

3855 391.016 Purposes and functions ~~Legislative intent.~~—The
 3856 ~~Legislature intends that the~~ Children's Medical Services program
 3857 is established for the following purposes and authorized to
 3858 perform the following functions:

3859 (1) Provide to children with special health care needs a
 3860 family-centered, comprehensive, and coordinated statewide
 3861 managed system of care that links community-based health care
 3862 with multidisciplinary, regional, and tertiary pediatric
 3863 specialty care. The program shall coordinate and maintain a
 3864 consistent ~~may provide for the coordination and maintenance of~~

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3865 ~~consistency of the medical home for participating children in~~
 3866 ~~families with a Children's Medical Services program participant,~~
 3867 ~~in order to achieve family-centered care.~~

3868 (2) Provide essential preventive, evaluative, and early
 3869 intervention services for children at risk for or having special
 3870 health care needs, in order to prevent or reduce long-term
 3871 disabilities.

3872 (3) Establish and maintain a provider service network
 3873 ~~Serve as a principal provider~~ for children with special health
 3874 care needs under Titles XIX and XXI of the Social Security Act
 3875 and other eligible children.

3876 ~~(4) Be complementary to children's health training~~
 3877 ~~programs essential for the maintenance of a skilled pediatric~~
 3878 ~~health care workforce for all Floridians.~~

3879 Section 84. Section 391.021, Florida Statutes, is amended
 3880 to read:

3881 391.021 Definitions.—When used in this act, the term
 3882 ~~unless the context clearly indicates otherwise:~~

3883 (1) "Children's Medical Services network" or "network"
 3884 means a statewide provider service network ~~managed care service~~
 3885 ~~system that includes health care providers, as defined in this~~
 3886 ~~section.~~

3887 (2) "Children with special health care needs" means those
 3888 children younger than 21 years of age who have chronic and
 3889 serious physical, developmental, behavioral, or emotional
 3890 conditions and who ~~also~~ require health care and related services
 3891 of a type or amount beyond that which is generally required by
 3892 children.

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3893 (3) "Department" means the Department of Health.

3894 (4) "Eligible individual" means a child with a special
 3895 health care need or a female with a high-risk pregnancy, who
 3896 meets the financial and medical eligibility standards
 3897 established in s. 391.029.

3898 (5) "Health care provider" means a health care
 3899 professional, health care facility, or entity licensed or
 3900 certified to provide health services in this state that meets
 3901 the criteria as established by the department.

3902 (6) "Health services" includes the prevention, diagnosis,
 3903 and treatment of human disease, pain, injury, deformity, or
 3904 disabling conditions.

3905 (7) "Participant" means an eligible individual who is
 3906 enrolled in the Children's Medical Services program.

3907 (8) "Program" means the Children's Medical Services
 3908 program established in the department.

3909 Section 85. Section 391.025, Florida Statutes, is amended
 3910 to read:

3911 391.025 Applicability and scope.—

3912 (1) The Children's Medical Services program consists of
 3913 the following components:

3914 (a) The newborn screening program established in s.
 3915 383.14.

3916 (b) The regional perinatal intensive care centers program
 3917 established in ss. 383.15–383.21.

3918 ~~(c) A federal or state program authorized by the~~
 3919 ~~Legislature.~~

3920 (c) ~~(d)~~ The developmental evaluation and intervention

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3921 program, including the Florida Infants and Toddlers Early
 3922 Intervention Program.

3923 ~~(d)-(e)~~ The Children's Medical Services network.

3924 (2) The Children's Medical Services program shall not be
 3925 deemed an insurer and is not subject to the licensing
 3926 requirements of the Florida Insurance Code or the rules adopted
 3927 thereunder, ~~when providing services to children who receive~~
 3928 ~~Medicaid benefits, other Medicaid-eligible children with special~~
 3929 ~~health care needs, and children participating in the Florida~~
 3930 ~~Kidecare program.~~

3931 Section 86. Section 391.026, Florida Statutes, is amended
 3932 to read:

3933 391.026 Powers and duties of the department.—The
 3934 department shall have the following powers, duties, and
 3935 responsibilities:

3936 (1) To provide or contract for the provision of health
 3937 services to eligible individuals.

3938 (2) To ~~determine the medical and financial eligibility~~
 3939 ~~standards for the program and to~~ determine the medical and
 3940 financial eligibility of individuals seeking health services
 3941 from the program.

3942 ~~(3) To recommend priorities for the implementation of~~
 3943 ~~comprehensive plans and budgets.~~

3944 (3)~~(4)~~ To coordinate a comprehensive delivery system for
 3945 eligible individuals to take maximum advantage of all available
 3946 funds.

3947 (4)~~(5)~~ To ~~promote, establish, and coordinate~~ with programs
 3948 relating to children's medical services in cooperation with

3949 other public and private agencies ~~and to coordinate funding of~~
 3950 ~~health care programs with federal, state, or local indigent~~
 3951 ~~health care funding mechanisms.~~

3952 (5)~~(6)~~ To initiate and~~, coordinate, and request review of~~
 3953 applications to federal agencies and private organizations ~~and~~
 3954 ~~state agencies~~ for funds, services, or commodities relating to
 3955 children's medical programs.

3956 (6)~~(7)~~ To sponsor or promote grants for projects,
 3957 programs, education, or research in the field of ~~medical needs~~
 3958 ~~of children~~ with special health needs, with an emphasis on early
 3959 diagnosis and treatment.

3960 (7)~~(8)~~ To ~~oversee and operate, or oversee operation by a~~
 3961 contracted network manager, the Children's Medical Services
 3962 network.

3963 (8)~~(9)~~ To establish financial management procedures, or
 3964 oversee the financial management procedures of a contracted
 3965 network manager, ~~reimbursement mechanisms~~ for the Children's
 3966 Medical Services network.

3967 (9)~~(10)~~ To establish Children's Medical Services network
 3968 standards and credentialing requirements for health care
 3969 providers and health care services.

3970 (10)~~(11)~~ To serve as a provider and principal case manager
 3971 for children with special health care needs under Titles XIX and
 3972 XXI of the Social Security Act.

3973 (11)~~(12)~~ To monitor the provision of health services in
 3974 the program, including the utilization and quality of health
 3975 services.

3976 (12)~~(13)~~ To administer the Children with Special Health

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3977 Care Needs program in accordance with Title V of the Social
 3978 Security Act.

3979 ~~(13)-(14)~~ To establish and operate a grievance resolution
 3980 process for participants and health care providers.

3981 ~~(14)-(15)~~ To maintain program integrity in the Children's
 3982 Medical Services program.

3983 ~~(15)-(16)~~ To receive and manage health care premiums,
 3984 capitation payments, and funds from federal, state, local, and
 3985 private entities for the program. The department may contract
 3986 with a third-party administrator for processing claims,
 3987 monitoring medical expenses, and other related services
 3988 necessary to the efficient and cost-effective operation of the
 3989 Children's Medical Services network. The department is
 3990 authorized to maintain a minimum reserve for the Children's
 3991 Medical Services network in an amount that is the greater of:

3992 (a) Ten percent of total projected expenditures for Title
 3993 XIX-funded and Title XXI-funded children; or

3994 (b) Two percent of total annualized payments from the
 3995 Agency for Health Care Administration for Title XIX and Title
 3996 XXI of the Social Security Act.

3997 ~~(16)-(17)~~ To provide or contract for ~~appoint health care~~
 3998 ~~consultants for the purpose of providing peer review and other~~
 3999 ~~quality-improvement activities making recommendations to enhance~~
 4000 ~~the delivery and quality of services in the Children's Medical~~
 4001 ~~Services program.~~

4002 ~~(17)-(18)~~ To adopt rules pursuant to ss. 120.536(1) and
 4003 120.54 to administer the Children's Medical Services Act. ~~The~~
 4004 ~~rules may include requirements for definitions of terms, program~~

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4005 ~~organization, and program description; a process for selecting~~
 4006 ~~an area medical director; responsibilities of applicants and~~
 4007 ~~clients; requirements for service applications, including~~
 4008 ~~required medical and financial information; eligibility~~
 4009 ~~requirements for initial treatment and for continued~~
 4010 ~~eligibility, including financial and custody issues;~~
 4011 ~~methodologies for resource development and allocation, including~~
 4012 ~~medical and financial considerations; requirements for~~
 4013 ~~reimbursement services rendered to a client; billing and payment~~
 4014 ~~requirements for providers; requirements for qualification,~~
 4015 ~~appointments, verification, and emergency exceptions for health-~~
 4016 ~~professional consultants; general and diagnostic specific~~
 4017 ~~standards for diagnostic and treatment facilities; and standards~~
 4018 ~~for the method of service delivery, including consultant~~
 4019 ~~services, respect for privacy considerations, examination~~
 4020 ~~requirements, family support plans, and clinic design.~~

4021 Section 87. Section 391.028, Florida Statutes, is amended
 4022 to read:

4023 391.028 Administration. ~~The Children's Medical Services~~
 4024 ~~program shall have a central office and area offices.~~

4025 (1) The Director of Children's Medical Services must be a
 4026 physician licensed under chapter 458 or chapter 459 who has
 4027 specialized training and experience in the provision of health
 4028 care to children and who has recognized skills in leadership and
 4029 the promotion of children's health programs. The director shall
 4030 be the deputy secretary and the Deputy State Health Officer for
 4031 Children's Medical Services and is appointed by and reports to
 4032 the State Surgeon General. The director may appoint such other

4033 staff as necessary for the operation of the program ~~division~~
 4034 ~~directors~~ subject to the approval of the State Surgeon General.

4035 (2) The director shall provide for a decentralized
 4036 operational system using such department staff and contract
 4037 providers as necessary. The program shall implement the
 4038 following program activities under physician supervision on a
 4039 statewide basis ~~designate Children's Medical Services area~~
 4040 ~~offices to perform operational activities, including, but not~~
 4041 ~~limited to:~~

4042 (a) ~~Providing~~ Case management services for the network
 4043 participants;-

4044 (b) Management and ~~Providing local~~ oversight of local the
 4045 program activities;-

4046 (c) ~~Determining an individual's~~ Medical and financial
 4047 eligibility determination for the program in accordance with s.
 4048 391.029;-

4049 (d) ~~Participating in the~~ Determination of a level of care
 4050 and medical complexity for long-term care services;-

4051 (e) Authorizing services in the program and developing
 4052 spending plans;-

4053 (f) ~~Participating in the~~ Development of treatment plans;
 4054 and-

4055 (g) ~~Taking part in the~~ Resolution of complaints and
 4056 grievances from participants and health care providers.

4057 (3) Before contracting for statewide operation of program
 4058 activities, the director must document, with the concurrence of
 4059 the State Surgeon General and the Governor, that the following
 4060 criteria have been met:

- 4061 (a) Qualified contractors are available and interested in
 4062 operating the program;
- 4063 (b) Contracting for operation of the program will result
 4064 in a measureable increase in the following areas:
- 4065 1. The number of children with special health needs served
 4066 by the program;
- 4067 2. The number and type of services provided to children
 4068 with special health needs; and
- 4069 3. The number of participating providers, especially
 4070 pediatricians with expertise in serving children with special
 4071 health needs.
- 4072 (c) Quality of care for children with special health needs
 4073 will be maintained or enhanced.
- 4074 (4) Any contract for statewide operation of the Children's
 4075 Medical Services program shall be competitively procured.
- 4076 (5) Qualified contractors are provider service networks
 4077 pursuant to s. 409.962(12) that meet the following criteria:
- 4078 (a) Signed, written agreements with all Florida medical
 4079 schools, statutory teaching hospitals pursuant to s. 408.07(45),
 4080 specialty children's hospitals pursuant to s. 395.002(28), and
 4081 regional perinatal intensive care centers pursuant to s.
 4082 383.16(2);
- 4083 (b) An adequate number of primary and specialty
 4084 pediatricians participate in the network;
- 4085 (c) An adequate number of other health professionals to
 4086 meet the medical and psychosocial needs of the participating
 4087 children and families;
- 4088 (d) Experience in serving similar populations;

4089 (e) Experience in operating a capitated provider service
 4090 network; and

4091 (f) Experience in quality improvement, especially in areas
 4092 related to serving children with special health needs. Each
 4093 ~~Children's Medical Services area office shall be directed by a~~
 4094 ~~physician licensed under chapter 458 or chapter 459 who has~~
 4095 ~~specialized training and experience in the provision of health~~
 4096 ~~care to children. The director of a Children's Medical Services~~
 4097 ~~area office shall be appointed by the director from the active~~
 4098 ~~panel of Children's Medical Services physician consultants.~~

4099 Section 88. Section 391.029, Florida Statutes, is amended
 4100 to read:

4101 391.029 Program eligibility.—

4102 (1) Eligibility ~~The department shall establish the medical~~
 4103 ~~criteria to determine if an applicant for the Children's Medical~~
 4104 ~~Services program is~~ based on the diagnosis of one or more
 4105 chronic and serious medical conditions and the family's need for
 4106 specialized services that are not available or accessible by the
 4107 family from any other source ~~an eligible individual.~~

4108 (2) The following individuals are ~~financially~~ eligible to
 4109 receive services through the program:

4110 (a) A high-risk pregnant female who is enrolled in
 4111 ~~eligible for~~ Medicaid.

4112 (b) Children with serious special health care needs from
 4113 birth to 21 years of age who are enrolled in ~~eligible for~~
 4114 Medicaid.

4115 (c) Children with serious special health care needs from
 4116 birth to 19 years of age who are enrolled in ~~eligible for~~ a

4117 program under Title XXI of the Social Security Act.

4118 (3) Subject to the availability of funds, the following
4119 individuals may receive services through the program:

4120 (a) Children with serious special health care needs from
4121 birth to 21 years of age who do not qualify for Medicaid or
4122 whose family income is above the requirements for financial
4123 eligibility under Title XXI of the Social Security Act but who
4124 are unable to access, due to lack of providers or lack of
4125 financial resources, specialized services that are medically
4126 necessary or essential family support services and whose
4127 ~~projected annual cost of care adjusts the family income to~~
4128 ~~Medicaid financial criteria. Families~~ In cases where the family
4129 ~~income is adjusted based on a projected annual cost of care, the~~
4130 ~~family~~ shall participate financially in the cost of care based
4131 on a sliding fee scale ~~criteria~~ established by the department.

4132 (b) Children with special health care needs from birth to
4133 21 years of age, as provided in Title V of the Social Security
4134 Act.

4135 (c) An infant who receives an award of compensation under
4136 s. 766.31(1). The Florida Birth-Related Neurological Injury
4137 Compensation Association shall reimburse the Children's Medical
4138 Services Network the state's share of funding, which must
4139 thereafter be used to obtain matching federal funds under Title
4140 XXI of the Social Security Act.

4141 ~~(4) The department shall determine the financial and~~
4142 ~~medical eligibility of children for the program. The department~~
4143 ~~shall also determine the financial ability of the parents, or~~
4144 ~~persons or other agencies having legal custody over such~~

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4145 ~~individuals, to pay the costs of health services under the~~
 4146 ~~program. The department may pay reasonable travel expenses~~
 4147 ~~related to the determination of eligibility for or the provision~~
 4148 ~~of health services.~~

4149 (4)~~(5)~~ Any child who has been provided with surgical or
 4150 medical care or treatment under this act prior to being adopted
 4151 and has serious and chronic special health needs shall continue
 4152 to be eligible to be provided with such care or treatment after
 4153 his or her adoption, regardless of the financial ability of the
 4154 persons adopting the child.

4155 Section 89. Section 391.0315, Florida Statutes, is amended
 4156 to read:

4157 391.0315 Benefits.—Benefits provided under the program for
 4158 children with special health care needs shall be equivalent to
 4159 ~~the same~~ benefits provided to children as specified in ss.
 4160 409.905 and 409.906. The department may offer additional
 4161 benefits for early intervention services, respite services,
 4162 genetic testing, genetic and nutritional counseling, and parent
 4163 support services, if such services are determined to be
 4164 medically necessary. ~~No child or person determined eligible for~~
 4165 ~~the program who is eligible under Title XIX or Title XXI of the~~
 4166 ~~Social Security Act shall receive any service other than an~~
 4167 ~~initial health care screening or treatment of an emergency~~
 4168 ~~medical condition as defined in s. 395.002, until such child or~~
 4169 ~~person is enrolled in Medicaid or a Title XXI program.~~

4170 Section 90. Effective January 1, 2013, section 392.51,
 4171 Florida Statutes, is amended to read:

4172 392.51 Tuberculosis control ~~Findings and intent.~~—A

4173 statewide system is established to control tuberculosis
 4174 infection and mitigate its effects. The system consists ~~The~~
 4175 ~~Legislature finds and declares that active tuberculosis is a~~
 4176 ~~highly contagious infection that is sometimes fatal and~~
 4177 ~~constitutes a serious threat to the public health. The~~
 4178 ~~Legislature finds that there is a significant reservoir of~~
 4179 ~~tuberculosis infection in this state and that there is a need to~~
 4180 ~~develop community programs to identify tuberculosis and to~~
 4181 ~~respond quickly with appropriate measures. The Legislature finds~~
 4182 ~~that some patients who have active tuberculosis have complex~~
 4183 ~~medical, social, and economic problems that make outpatient~~
 4184 ~~control of the disease difficult, if not impossible, without~~
 4185 ~~posing a threat to the public health. The Legislature finds that~~
 4186 ~~in order to protect the citizenry from those few persons who~~
 4187 ~~pose a threat to the public, it is necessary to establish a~~
 4188 ~~system~~ of mandatory contact identification, treatment to cure,
 4189 hospitalization, and isolation for contagious cases, ~~and to~~
 4190 ~~provide a system~~ of voluntary, community-oriented care and
 4191 surveillance in all other cases. ~~The Legislature finds that the~~
 4192 ~~delivery of Tuberculosis control services~~ shall be provided ~~is~~
 4193 ~~best accomplished~~ by the coordinated efforts of the respective
 4194 county health departments and contracted or other private health
 4195 care providers, ~~the A.G. Holley State Hospital, and the private~~
 4196 ~~health care delivery system.~~

4197 Section 91. Effective January 1, 2013, subsection (4) of
 4198 section 392.61, Florida Statutes, is amended to read:

4199 392.61 Community tuberculosis control programs.—

4200 ~~(4) The department shall develop, by rule, a methodology~~

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4201 ~~for distributing funds appropriated for tuberculosis control~~
 4202 ~~programs. Criteria to be considered in this methodology include,~~
 4203 ~~but are not limited to, the basic infrastructure available for~~
 4204 ~~tuberculosis control, caseload requirements, laboratory support~~
 4205 ~~services needed, and epidemiologic factors.~~

4206 Section 92. Effective January 1, 2013, section 392.62,
 4207 Florida Statutes, is amended to read:

4208 392.62 Hospitalization and placement programs.-

4209 (1) The department shall contract for operation of ~~operate~~
 4210 a program for the treatment hospitalization of persons who have
 4211 active tuberculosis in hospitals licensed under chapter 395 and
 4212 may provide for appropriate placement of persons who have active
 4213 tuberculosis in other health care facilities or residential
 4214 facilities. The department shall require the contractor to use
 4215 existing licensed community hospitals and other facilities for
 4216 the care and treatment to cure of persons who have active
 4217 tuberculosis or a history of noncompliance with prescribed drug
 4218 regimens and require inpatient or other residential services.

4219 ~~(2) The department may operate a licensed hospital for the~~
 4220 ~~care and treatment to cure of persons who have active~~
 4221 ~~tuberculosis. The hospital may have a forensic unit where, under~~
 4222 ~~medical protocol, a patient can be held in a secure or~~
 4223 ~~protective setting. The department shall also seek to maximize~~
 4224 ~~use of existing licensed community hospitals for the care and~~
 4225 ~~treatment to cure of persons who have active tuberculosis.~~

4226 (2)(3) The program for control of tuberculosis shall
 4227 provide funding for participating facilities and require any
 4228 such facilities to meet the following conditions ~~Any licensed~~

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4229 ~~hospital operated by the department, any licensed hospital under~~
 4230 ~~contract with the department, and any other health care facility~~
 4231 ~~or residential facility operated by or under contract with the~~
 4232 ~~department for the care and treatment of patients who have~~
 4233 ~~active tuberculosis shall:~~

4234 (a) Admit patients voluntarily and under court order as
 4235 appropriate for each particular facility;

4236 (b) Require that each patient pay the actual cost of care
 4237 provided whether the patient is admitted voluntarily or by court
 4238 order;

4239 (c) Provide for ~~a method of paying for~~ the care of
 4240 patients in the program regardless of ability to pay ~~who cannot~~
 4241 ~~afford to do so;~~

4242 (d) Require a primary clinical diagnosis of active
 4243 tuberculosis by a physician licensed under chapter 458 or
 4244 chapter 459 before admitting the patient; provided that there
 4245 may be more than one primary diagnosis;

4246 (e) Provide a method of notification to the county health
 4247 department and to the patient's family, if any, before
 4248 discharging the patient from the hospital or other facility;

4249 (f) Provide for the necessary exchange of medical
 4250 information to assure adequate community treatment to cure and
 4251 followup of discharged patients, as appropriate; and

4252 (g) Provide for a method of medical care and counseling
 4253 and for housing, social service, and employment referrals, if
 4254 appropriate, for ~~all~~ patients discharged from the hospital.

4255 (3) ~~(4)~~ A hospital may, pursuant to court order, place a
 4256 patient in temporary isolation for a period of no more than 72

4257 continuous hours. The department shall obtain a court order in
 4258 the same manner as prescribed in s. 392.57. Nothing in this
 4259 subsection precludes a hospital from isolating an infectious
 4260 patient for medical reasons.

4261 ~~(4)(5)~~ Any person committed under s. 392.57 who leaves the
 4262 tuberculosis hospital or residential facility without having
 4263 been discharged by the designated medical authority, except as
 4264 provided in s. 392.63, shall be apprehended by the sheriff of
 4265 the county in which the person is found and immediately
 4266 delivered to the facility from which he or she left.

4267 Section 93. The Department of Health shall develop and
 4268 implement a transition plan for the closure of A.G. Holley State
 4269 Hospital. The plan shall include specific steps to end voluntary
 4270 admissions; transfer patients to alternate facilities;
 4271 communicate with families, providers, other affected parties,
 4272 and the general public; enter into any necessary contracts with
 4273 providers; and coordinate with the Department of Management
 4274 Services regarding the disposition of equipment and supplies and
 4275 the closure of the facility. The plan shall be submitted to the
 4276 Governor, the Speaker of the House of Representatives, and the
 4277 President of the Senate by May 31, 2012. The department shall
 4278 fully implement the plan by January 1, 2013.

4279 Section 94. Subsection (4) of section 401.243, Florida
 4280 Statutes, is amended to read:

4281 401.243 Injury prevention.—The department shall establish
 4282 an injury-prevention program with responsibility for the
 4283 statewide coordination and expansion of injury-prevention
 4284 activities. The duties of the department under the program may

4285 include, but are not limited to, data collection, surveillance,
 4286 education, and the promotion of interventions. In addition, the
 4287 department may:

4288 ~~(4) Adopt rules governing the implementation of grant~~
 4289 ~~programs. The rules may include, but need not be limited to,~~
 4290 ~~criteria regarding the application process, the selection of~~
 4291 ~~grantees, the implementation of injury prevention activities,~~
 4292 ~~data collection, surveillance, education, and the promotion of~~
 4293 ~~interventions.~~

4294 Section 95. Subsection (6) of section 401.245, Florida
 4295 Statutes, is renumbered as subsection (5), and present
 4296 subsection (5) of that section is amended to read:

4297 401.245 Emergency Medical Services Advisory Council.—

4298 ~~(5) The department shall adopt rules to implement this~~
 4299 ~~section, which rules shall serve as formal operating procedures~~
 4300 ~~for the Emergency Medical Services Advisory Council.~~

4301 Section 96. Section 401.271, Florida Statutes, is amended
 4302 to read:

4303 401.271 Certification of emergency medical technicians and
 4304 paramedics who are on active duty with the Armed Forces of the
 4305 United States; spouses of members of the Armed Forces.—

4306 ~~(1)~~ Any member of the Armed Forces of the United States on
 4307 active duty who, at the time he or she became a member, was in
 4308 good standing with the department and was entitled to practice
 4309 as an emergency medical technician or paramedic in the state
 4310 remains in good standing without registering, paying dues or
 4311 fees, or performing any other act, as long as he or she is a
 4312 member of the Armed Forces of the United States on active duty

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4313 and for a period of 6 months after his or her discharge from
 4314 active duty as a member of the Armed Forces of the United
 4315 States.

4316 ~~(2) The department may adopt rules exempting the spouse of~~
 4317 ~~a member of the Armed Forces of the United States on active duty~~
 4318 ~~from certification renewal provisions while the spouse is absent~~
 4319 ~~from the state because of the member's active duty with the~~
 4320 ~~Armed Forces.~~

4321 Section 97. Subsection (9) of section 402.45, Florida
 4322 Statutes, is amended to read:

4323 402.45 Community resource mother or father program.—

4324 ~~(9) The department may adopt rules necessary to implement~~
 4325 ~~this section.~~

4326 Section 98. Subsections (3) and (4) of section 403.863,
 4327 Florida Statutes, are amended to read:

4328 403.863 State public water supply laboratory certification
 4329 program.—

4330 (3) The Department of Health shall have the responsibility
 4331 for the operation and implementation of the state laboratory
 4332 certification program. The Department of Health shall contract
 4333 with the American Environmental Laboratory Association to
 4334 perform the evaluation and review of laboratory certification
 4335 applications, and laboratory inspections.~~, except that,~~ Upon
 4336 completion of the evaluation and review of the laboratory
 4337 certification application, the evaluation shall be forwarded,
 4338 along with recommendations, to the department for review and
 4339 comment, prior to final approval or disapproval by the
 4340 Department of Health.

4341 (4) The following acts constitute grounds for which the
 4342 disciplinary actions specified in subsection (5) may be taken:

4343 (a) Making false statements on an application or on any
 4344 document associated with certification.

4345 (b) Making consistent errors in analyses or erroneous
 4346 reporting.

4347 (c) Permitting personnel who are not qualified, as
 4348 required by rules of the Department of Health, to perform
 4349 analyses.

4350 (d) Falsifying the results of analyses.

4351 (e) Failing to employ approved laboratory methods in
 4352 performing analyses as outlined in rules of the Department of
 4353 Health.

4354 (f) Failing to properly maintain facilities and equipment
 4355 according to the laboratory's quality assurance plan.

4356 (g) Failing to report analytical test results or maintain
 4357 required records of test results as outlined in rules of the
 4358 Department of Health.

4359 (h) Failing to participate successfully in a performance
 4360 evaluation program approved by the Department of Health.

4361 (i) Violating any provision of this section or of the
 4362 rules adopted under this section.

4363 (j) Falsely advertising services or credentials.

4364 (k) Failing to pay fees for initial certification or
 4365 renewal certification or to pay inspection expenses incurred by
 4366 the American Environmental Laboratory Association ~~Department of~~
 4367 ~~Health~~.

4368 (l) Failing to report any change of an item included in

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4369 the initial or renewal certification application.

4370 (m) Refusing to allow representatives of the department,
 4371 ~~or~~ the Department of Health, or the American Environmental
 4372 Laboratory Association to inspect a laboratory and its records
 4373 during normal business hours.

4374 Section 99. Subsection (1) of section 400.914, Florida
 4375 Statutes, is amended to read:

4376 400.914 Rules establishing standards.—

4377 (1) Pursuant to the intention of the Legislature to
 4378 provide safe and sanitary facilities and healthful programs, the
 4379 agency in conjunction with the Division of Children's Medical
 4380 Services ~~Prevention and Intervention~~ of the Department of Health
 4381 shall adopt and publish rules to implement the provisions of
 4382 this part and part II of chapter 408, which shall include
 4383 reasonable and fair standards. Any conflict between these
 4384 standards and those that may be set forth in local, county, or
 4385 city ordinances shall be resolved in favor of those having
 4386 statewide effect. Such standards shall relate to:

4387 (a) The assurance that PPEC services are family centered
 4388 and provide individualized medical, developmental, and family
 4389 training services.

4390 (b) The maintenance of PPEC centers, not in conflict with
 4391 the provisions of chapter 553 and based upon the size of the
 4392 structure and number of children, relating to plumbing, heating,
 4393 lighting, ventilation, and other building conditions, including
 4394 adequate space, which will ensure the health, safety, comfort,
 4395 and protection from fire of the children served.

4396 (c) The appropriate provisions of the most recent edition

4397 of the "Life Safety Code" (NFPA-101) shall be applied.

4398 (d) The number and qualifications of all personnel who
 4399 have responsibility for the care of the children served.

4400 (e) All sanitary conditions within the PPEC center and its
 4401 surroundings, including water supply, sewage disposal, food
 4402 handling, and general hygiene, and maintenance thereof, which
 4403 will ensure the health and comfort of children served.

4404 (f) Programs and basic services promoting and maintaining
 4405 the health and development of the children served and meeting
 4406 the training needs of the children's legal guardians.

4407 (g) Supportive, contracted, other operational, and
 4408 transportation services.

4409 (h) Maintenance of appropriate medical records, data, and
 4410 information relative to the children and programs. Such records
 4411 shall be maintained in the facility for inspection by the
 4412 agency.

4413 Section 100. Paragraph (d) of subsection (11) of section
 4414 409.256, Florida Statutes, is amended to read:

4415 409.256 Administrative proceeding to establish paternity
 4416 or paternity and child support; order to appear for genetic
 4417 testing.—

4418 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND
 4419 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
 4420 STATISTICS.—

4421 (d) Upon rendering a final order of paternity or a final
 4422 order of paternity and child support, the department shall
 4423 notify the Office ~~Division~~ of Vital Statistics of the Department
 4424 of Health that the paternity of the child has been established.

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4425 Section 101. Section 458.346, Florida Statutes, is
 4426 repealed.

4427 Section 102. Subsection (3) of section 462.19, Florida
 4428 Statutes, is renumbered as subsection (2), and present
 4429 subsection (2) of that section is amended to read:

4430 462.19 Renewal of license; inactive status.—

4431 ~~(2) The department shall adopt rules establishing a~~
 4432 ~~procedure for the biennial renewal of licenses.~~

4433 Section 103. Section 464.0197, Florida Statutes, is
 4434 repealed.

4435 Section 104. Subsection (4) of section 464.208, Florida
 4436 Statutes, is amended to read:

4437 464.208 Background screening information; rulemaking
 4438 authority.—

4439 ~~(4) The board shall adopt rules to administer this part.~~

4440 Section 105. Section 466.00775, Florida Statutes, is
 4441 repealed.

4442 Section 106. Subsection (4) of section 514.011, Florida
 4443 Statutes, is amended to read:

4444 514.011 Definitions.—As used in this chapter:

4445 (4) "Public bathing place" means a body of water, natural
 4446 or modified by humans, for swimming, diving, and recreational
 4447 bathing, ~~together with adjacent shoreline or land area,~~
 4448 ~~buildings, equipment, and appurtenances pertaining thereto,~~ used
 4449 by consent of the owner or owners and held out to the public by
 4450 any person or public body, irrespective of whether a fee is
 4451 charged for the use thereof. The bathing water areas of public
 4452 bathing places include, but are not limited to, lakes, ponds,

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4453 rivers, streams, artificial impoundments, and waters along the
 4454 coastal and intracoastal beaches and shores of the state.

4455 Section 107. Section 514.021, Florida Statutes, is amended
 4456 to read:

4457 514.021 Department authorization.—

4458 (1) The department may adopt and enforce rules, ~~which may~~
 4459 ~~include definitions of terms,~~ to protect the health, safety, or
 4460 welfare of persons by setting water quality and safety standards
 4461 for using public swimming pools and public bathing places. The
 4462 department shall review and revise such rules as necessary, but
 4463 not less than biennially. Sanitation and safety standards shall
 4464 ~~include, but not be limited to,~~ matters relating to ~~structure;~~
 4465 ~~appurtenances; operation;~~ source of water supply;
 4466 bacteriological, chemical, and physical quality of water in the
 4467 pool or bathing area; method of water purification, treatment,
 4468 and disinfection; lifesaving apparatus; and measures to ensure
 4469 safety of bathers; ~~and measures to ensure the personal~~
 4470 ~~cleanliness of bathers.~~

4471 (2) The department may not establish by rule any
 4472 regulation governing the design, alteration, modification, or
 4473 repair of public swimming pools and bathing places which has no
 4474 impact on water quality and safety ~~the health, safety, and~~
 4475 ~~welfare~~ of persons using public swimming pools and bathing
 4476 places. Further, the department may not adopt by rule any
 4477 regulation governing the construction, erection, or demolition
 4478 of public swimming pools and bathing places. It is the intent of
 4479 the Legislature to preempt those functions to the Florida
 4480 Building Commission through adoption and maintenance of the

4481 Florida Building Code. The department shall provide technical
 4482 assistance to the commission in updating the construction
 4483 standards of the Florida Building Code which govern public
 4484 swimming pools and ~~bathing places. Further, the department is~~
 4485 ~~authorized to conduct plan reviews, to issue approvals, and to~~
 4486 ~~enforce the special occupancy provisions of the Florida Building~~
 4487 ~~Code which apply to public swimming pools and bathing places in~~
 4488 ~~conducting any inspections authorized by this chapter.~~ This
 4489 subsection does not abrogate the authority of the department to
 4490 adopt and enforce appropriate sanitary regulations and
 4491 requirements as authorized in subsection (1).

4492 Section 108. Section 514.023, Florida Statutes, is amended
 4493 to read:

4494 514.023 Sampling of beach waters and public bathing
 4495 places; health advisories.—

4496 (1) As used in this section, the term "beach waters" means
 4497 the waters along the coastal and intracoastal beaches and shores
 4498 of the state, and includes salt water and brackish water.

4499 (2) The department may adopt and enforce rules to protect
 4500 the health, safety, and welfare of persons using the beach
 4501 waters and public bathing places of the state. The rules must
 4502 establish health standards and prescribe procedures and
 4503 timeframes for bacteriological sampling of beach waters and
 4504 public bathing places.

4505 (3) The department may issue health advisories if the
 4506 quality of beach waters or a public bathing place fails to meet
 4507 standards established by the department. The issuance of health
 4508 advisories related to the results of bacteriological sampling of

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4509 beach waters is preempted to the state.

4510 (4) When the department issues a health advisory against
 4511 swimming in beach waters or a public bathing place on the basis
 4512 of finding elevated levels of fecal coliform or enterococci
 4513 bacteria in a water sample, the department shall concurrently
 4514 notify the municipality or county in which the affected beach
 4515 waters are located, whichever has jurisdiction, and the local
 4516 office of the Department of Environmental Protection, of the
 4517 advisory. The local office of the Department of Environmental
 4518 Protection shall promptly investigate wastewater treatment
 4519 facilities within 1 mile of the affected beach waters or public
 4520 bathing place to determine if a facility experienced an incident
 4521 that may have contributed to the contamination and provide the
 4522 results of the investigation in writing or by electronic means
 4523 to the municipality or county, as applicable.

4524 (5) Contingent upon legislative appropriation to the
 4525 department in the amount of \$600,000 nonrecurring, the
 4526 department will perform a 3-year study to determine the water
 4527 quality at beaches throughout the state. The study will be
 4528 performed in all counties that have public-access saltwater and
 4529 brackish water beaches.

4530 Section 109. Section 514.025, Florida Statutes, is amended
 4531 to read:

4532 514.025 Assignment of authority to county health
 4533 departments.—

4534 (1) ~~The department shall assign to~~ County health
 4535 departments that are staffed with qualified engineering
 4536 personnel shall perform the functions of reviewing applications

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4537 and plans for the construction, development, or modification of
4538 public swimming pools or bathing places; of conducting
4539 inspections ~~for and issuance of initial operating permits;~~ and
4540 of issuing all permits. If the county health department
4541 determines that qualified staff are not available ~~is not~~
4542 ~~assigned the functions of application and plan review and the~~
4543 ~~issuance of initial operating permits,~~ the department shall be
4544 responsible for such functions. ~~The department shall make the~~
4545 ~~determination concerning the qualifications of county health~~
4546 ~~department personnel to perform these functions and may make and~~
4547 ~~enforce such rules pertaining thereto as it shall deem proper.~~

4548 (2) ~~After the initial operating permit is issued, the~~
4549 County health departments are responsible ~~shall assume full~~
4550 ~~responsibility~~ for routine surveillance of water quality in all
4551 public swimming pools and bathing places, including
4552 ~~responsibility for a minimum of two~~ routine inspections
4553 annually, complaint investigations, enforcement procedures, and
4554 ~~reissuance of operating permits, and renewal of operating~~
4555 permits.

4556 (3) The department may assign the responsibilities and
4557 functions specified in this section to any multicounty
4558 independent special district created by the Legislature to
4559 perform multiple functions, to include municipal services and
4560 improvements, to the same extent and under the same conditions
4561 as provided in subsections (1) and (2), upon request of the
4562 special district.

4563 Section 110. Section 514.03, Florida Statutes, is amended
4564 to read:

4565 514.03 ~~Construction plans~~ Approval necessary to construct,
 4566 develop, or modify public swimming pools or public bathing
 4567 places.~~It is unlawful for any person or public body to~~
 4568 ~~construct, develop, or modify any public swimming pool or~~
 4569 ~~bathing place, other than coastal or intracoastal beaches,~~
 4570 ~~without a valid construction plans approval from the department.~~
 4571 ~~This section does not preempt the authority of Local governments~~
 4572 ~~or local enforcement districts may determine to conduct plan~~
 4573 ~~reviews and inspections of public swimming pools and bathing~~
 4574 ~~places for compliance with the general construction standards of~~
 4575 ~~the Florida Building Code, pursuant to s. 553.80. Local~~
 4576 ~~governments or local enforcement districts may conduct plan~~
 4577 ~~reviews and inspections of public swimming pools and public~~
 4578 ~~bathing places for this purpose.~~

4579 ~~(1) Any person or public body desiring to construct,~~
 4580 ~~develop, or modify any public swimming pool or bathing place~~
 4581 ~~shall file an application for a construction plans approval with~~
 4582 ~~the department on application forms provided by the department~~
 4583 ~~and shall accompany such application with:~~

4584 ~~(a) Engineering drawings, specifications, descriptions,~~
 4585 ~~and detailed maps of the structure, its appurtenances, and its~~
 4586 ~~intended operation.~~

4587 ~~(b) A description of the source or sources of water supply~~
 4588 ~~and amount and quality of water available and intended to be~~
 4589 ~~used.~~

4590 ~~(c) A description of the method and manner of water~~
 4591 ~~purification, treatment, disinfection, and heating.~~

4592 ~~(d) Other applicable information deemed necessary by the~~

4593 ~~department to fulfill the requirements of this chapter.~~

4594 ~~(2) If the proposed construction of, development of, or~~
 4595 ~~modification of a public swimming pool or bathing place meets~~
 4596 ~~standards of public health and safety as defined in this chapter~~
 4597 ~~and rules adopted hereunder, the department shall grant the~~
 4598 ~~application for the construction plans approval within 30 days~~
 4599 ~~after receipt of a complete submittal. If engineering plans~~
 4600 ~~submitted are in substantial compliance with the standards~~
 4601 ~~aforementioned, the department may approve the plans with~~
 4602 ~~provisions for corrective action to be completed prior to~~
 4603 ~~issuance of the operating permit.~~

4604 ~~(3) If the proposed construction, development, or~~
 4605 ~~modification of a public swimming pool or bathing place fails to~~
 4606 ~~meet standards of public health and safety as defined in this~~
 4607 ~~chapter and rules adopted hereunder, the department shall deny~~
 4608 ~~the application for construction plans approval pursuant to the~~
 4609 ~~provisions of chapter 120. Such denial shall be issued in~~
 4610 ~~writing within 30 days and shall list the circumstances for~~
 4611 ~~denial. Upon correction of such circumstances, an applicant~~
 4612 ~~previously denied permission to construct, develop, or modify a~~
 4613 ~~public swimming pool or bathing place may reapply for~~
 4614 ~~construction plans approval.~~

4615 ~~(4) An approval of construction plans issued by the~~
 4616 ~~department under this section becomes void 1 year after the date~~
 4617 ~~the approval was issued if the construction is not commenced~~
 4618 ~~within 1 year after the date of issuance.~~

4619 Section 111. Section 514.031, Florida Statutes, is amended
 4620 to read:

4621 514.031 Permit necessary to operate public swimming pool
4622 ~~or bathing place.~~

4623 (1) It is unlawful for any person or public body to
4624 operate or continue to operate any public swimming pool ~~or~~
4625 ~~bathing place~~ without a valid permit from the county health
4626 department, such permit to be obtained in the following manner:

4627 (a) Any person or public body desiring to operate any
4628 public swimming pool ~~or bathing place~~ shall file an application
4629 for a permit with the county health department, on application
4630 forms provided by the county health department, and shall
4631 accompany such application with:

4632 ~~1. Descriptions of the structure, its appurtenances, and~~
4633 ~~its operation.~~

4634 ~~1.2.~~ Description of the source or sources of water supply,
4635 and the amount and quality of water available and intended to be
4636 used.

4637 ~~2.3.~~ Method and manner of water purification, treatment,
4638 disinfection, and heating.

4639 ~~3.4.~~ Safety equipment and standards to be used.

4640 ~~5. Measures to ensure personal cleanliness of bathers.~~

4641 ~~4.6.~~ Any other pertinent information deemed necessary by
4642 the county health department ~~to fulfill the requirements of this~~
4643 ~~chapter.~~

4644 (b) If the county health department determines that the
4645 public swimming pool ~~or bathing place~~ is or may reasonably be
4646 expected to be operated in compliance with this chapter and the
4647 rules adopted hereunder, the department shall grant the
4648 application for permit.

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4649 (c) If the county health department determines that the
4650 public swimming pool ~~or bathing place~~ does not meet the
4651 provisions outlined in this chapter or the rules adopted
4652 hereunder, the county health department shall deny the
4653 application for a permit pursuant to the provisions of chapter
4654 120. Such denial shall be in writing and shall list the
4655 circumstances for the denial. Upon correction of such
4656 circumstances, an applicant previously denied permission to
4657 operate a public swimming pool or bathing place may reapply for
4658 a permit.

4659 (2) Operating permits shall not be required for coastal or
4660 intracoastal beaches.

4661 (3) Operating permits may be transferred ~~shall not be~~
4662 ~~transferable~~ from one name or owner to another. When the
4663 ownership or name of an existing public swimming pool ~~or bathing~~
4664 ~~place~~ is changed and such establishment is operating at the time
4665 of the change with a valid permit from the department, the new
4666 owner must notify the county health ~~of the establishment shall~~
4667 ~~apply to the~~ department, upon forms provided by the county
4668 health department, within 30 days after such a change, ~~for a~~
4669 ~~reissuance of the existing permit.~~

4670 (4) Each such operating permit shall be renewed annually
4671 and the permit must be posted in a conspicuous place.

4672 (5) An owner or operator of a public swimming pool,
4673 including, but not limited to, a spa, wading, or special purpose
4674 pool, to which admittance is obtained by membership for a fee
4675 shall post in a prominent location within the facility the most
4676 recent pool inspection report issued by the department

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4677 | pertaining to the health and safety conditions of such facility.
 4678 | The report shall be legible and readily accessible to members or
 4679 | potential members. The department shall adopt rules to enforce
 4680 | this subsection. A portable pool may not be used as a public
 4681 | pool.

4682 | Section 112. Section 514.033, Florida Statutes, is amended
 4683 | to read:

4684 | 514.033 Creation of fee schedules authorized.—

4685 | (1) The department is authorized to establish a schedule
 4686 | of fees to be charged by the department or by any authorized
 4687 | county health department as detailed in s. 514.025 ~~for the~~
 4688 | ~~review of applications and plans to construct, develop, or~~
 4689 | ~~modify a public swimming pool or bathing place, for the issuance~~
 4690 | ~~of permits to operate such establishments, and for the review of~~
 4691 | ~~variance applications for public swimming pools and bathing~~
 4692 | ~~places.~~ Fees assessed under this chapter shall be in an amount
 4693 | sufficient to meet the cost of carrying out the provisions of
 4694 | this chapter.

4695 | (2) The fee schedule shall be: for original construction
 4696 | or development plan approval, not less than \$275 and not more
 4697 | than \$500; for modification of original construction, not less
 4698 | than \$100 and not more than \$150; for an initial operating
 4699 | permit, not less than \$125 and not more than \$250; and for
 4700 | review of variance applications, not less than \$240 and not more
 4701 | than \$400. The department shall assess the minimum fees provided
 4702 | in this subsection until a fee schedule is promulgated by rule
 4703 | of the department.

4704 | (3) Fees shall be ~~Any person or public body operating a~~

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4705 ~~public swimming pool or bathing place shall pay to the~~
 4706 ~~department an annual operating permit fee based on pool or~~
 4707 ~~bathing place aggregate gallonage, which shall be: up to and~~
 4708 including 25,000 gallons, not less than \$75 and not more than
 4709 \$125; and in excess of 25,000 gallons, not less than \$160 and
 4710 not more than \$265, except for a pool inspected pursuant to s.
 4711 514.0115(2) (b) for which the annual fee shall be \$50.

4712 (4) Fees collected by the department or a county health
 4713 department in accordance with this chapter shall be deposited
 4714 into the ~~Public Swimming Pool and Bathing Place Trust Fund for~~
 4715 ~~the payment of costs incurred in the administration of this~~
 4716 ~~chapter. Fees collected by county health departments performing~~
 4717 ~~functions pursuant to s. 514.025 shall be deposited into the~~
 4718 County Health Department Trust Fund. Any fee collected under
 4719 this chapter is nonrefundable.

4720 (5) The department may not charge any fees for services
 4721 provided under this chapter other than those fees authorized in
 4722 this section. However, the department shall prorate the initial
 4723 annual fee for an operating permit on a half-year basis.

4724 Section 113. Subsections (4) and (5) of section 514.05,
 4725 Florida Statutes, are amended to read:

4726 514.05 Denial, suspension, or revocation of permit;
 4727 administrative fines.-

4728 (4) All amounts collected pursuant to this section shall
 4729 be deposited into the ~~Public Swimming Pool and Bathing Place~~
 4730 ~~Trust Fund or into the County Health Department Trust Fund,~~
 4731 ~~whichever is applicable.~~

4732 (5) Under conditions specified by rule, the county health

4733 department may close a public pool that is not in compliance
 4734 with this chapter or the rules adopted under this chapter.

4735 Section 114. Section 514.06, Florida Statutes, is amended
 4736 to read:

4737 514.06 Injunction to restrain violations.—Any public
 4738 swimming pool or public bathing place presenting a significant
 4739 risk to public health by failing to meet the water quality and
 4740 safety standards established pursuant to ~~constructed, developed,~~
 4741 ~~operated, or maintained contrary to the provisions of this~~
 4742 chapter is declared to be a public nuisance, dangerous to health
 4743 or safety. Such nuisances may be abated or enjoined in an action
 4744 brought by the county health department or the department.

4745 Section 115. Subsections (1) and (2) of section 633.115,
 4746 Florida Statutes, are amended to read:

4747 633.115 Fire and Emergency Incident Information Reporting
 4748 Program; duties; fire reports.—

4749 (1) (a) The Fire and Emergency Incident Information
 4750 Reporting Program is created within the Division of State Fire
 4751 Marshal. The program shall:

4752 1. Establish and maintain an electronic communication
 4753 system capable of transmitting fire and emergency incident
 4754 information to and between fire protection agencies.

4755 2. Initiate a Fire and Emergency Incident Information
 4756 Reporting System that shall be responsible for:

4757 a. Receiving fire and emergency incident information from
 4758 fire protection agencies.

4759 b. Preparing and disseminating annual reports to the
 4760 Governor, the President of the Senate, the Speaker of the House

4761 of Representatives, fire protection agencies, and, upon request,
 4762 the public. Each report shall include, but not be limited to,
 4763 the information listed in the National Fire Incident Reporting
 4764 System.

4765 c. Upon request, providing other states and federal
 4766 agencies with fire and emergency incident data of this state.

4767 3. Adopt rules to effectively and efficiently implement,
 4768 administer, manage, maintain, and use the Fire and Emergency
 4769 Incident Information Reporting Program. The rules shall be
 4770 considered minimum requirements and shall not preclude a fire
 4771 protection agency from implementing its own requirements which
 4772 shall not conflict with the rules of the Division of State Fire
 4773 Marshal.

4774 4. By rule, establish procedures and a format for each
 4775 fire protection agency to voluntarily monitor its records and
 4776 submit reports to the program.

4777 5. Establish an electronic information database which is
 4778 accessible and searchable by fire protection agencies.

4779 (b) The Division of State Fire Marshal shall consult with
 4780 the Division of Forestry of the Department of Agriculture and
 4781 Consumer Services and the Bureau of Emergency Preparedness and
 4782 Community Support ~~Medical Services~~ of the Department of Health
 4783 to coordinate data, ensure accuracy of the data, and limit
 4784 duplication of efforts in data collection, analysis, and
 4785 reporting.

4786 (2) The Fire and Emergency Incident Information System
 4787 Technical Advisory Panel is created within the Division of State
 4788 Fire Marshal. The panel shall advise, review, and recommend to

4789 the State Fire Marshal with respect to the requirements of this
 4790 section. The membership of the panel shall consist of the
 4791 following 15 members:

4792 (a) The current 13 members of the Firefighters Employment,
 4793 Standards, and Training Council as established in s. 633.31.

4794 (b) One member from the Division of Forestry of the
 4795 Department of Agriculture and Consumer Services, appointed by
 4796 the division director.

4797 (c) One member from the Bureau of Emergency Preparedness
 4798 and Community Support ~~Medical Services~~ of the Department of
 4799 Health, appointed by the bureau chief.

4800 Section 116. Subsections (4), (5), (6), (8), (9), (10),
 4801 (11), and (12) of section 1009.66, Florida Statutes, are amended
 4802 to read:

4803 1009.66 Nursing Student Loan Forgiveness Program.—

4804 (4) From the funds available, the Department of Education
 4805 ~~Health~~ may make loan principal repayments of up to \$4,000 a year
 4806 for up to 4 years on behalf of selected graduates of an
 4807 accredited or approved nursing program. All repayments shall be
 4808 contingent upon continued proof of employment in the designated
 4809 facilities in this state and shall be made directly to the
 4810 holder of the loan. The state shall bear no responsibility for
 4811 the collection of any interest charges or other remaining
 4812 balance. In the event that the designated facilities are
 4813 changed, a nurse shall continue to be eligible for loan
 4814 forgiveness as long as he or she continues to work in the
 4815 facility for which the original loan repayment was made and
 4816 otherwise meets all conditions of eligibility.

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4817 (5) There is created the Nursing Student Loan Forgiveness
 4818 Trust Fund to be administered by the Department of Education
 4819 ~~Health~~ pursuant to this section and s. 1009.67 and department
 4820 rules. The Chief Financial Officer shall authorize expenditures
 4821 from the trust fund upon receipt of vouchers approved by the
 4822 Department of Education ~~Health~~. All moneys collected from the
 4823 private health care industry and other private sources for the
 4824 purposes of this section shall be deposited into the Nursing
 4825 Student Loan Forgiveness Trust Fund. Any balance in the trust
 4826 fund at the end of any fiscal year shall remain therein and
 4827 shall be available for carrying out the purposes of this section
 4828 and s. 1009.67.

4829 (6) In addition to licensing fees imposed under part I of
 4830 chapter 464, there is hereby levied and imposed an additional
 4831 fee of \$5, which fee shall be paid upon licensure or renewal of
 4832 nursing licensure. Revenues collected from the fee imposed in
 4833 this subsection shall be deposited in the Nursing Student Loan
 4834 Forgiveness Trust Fund of the Department of Education ~~Health~~ and
 4835 will be used solely for the purpose of carrying out the
 4836 provisions of this section and s. 1009.67. Up to 50 percent of
 4837 the revenues appropriated to implement this subsection may be
 4838 used for the nursing scholarship program established pursuant to
 4839 s. 1009.67.

4840 ~~(8) The Department of Health may solicit technical~~
 4841 ~~assistance relating to the conduct of this program from the~~
 4842 ~~Department of Education.~~

4843 (8) ~~(9)~~ The Department of Education ~~Health~~ is authorized to
 4844 recover from the Nursing Student Loan Forgiveness Trust Fund its

4845 costs for administering the Nursing Student Loan Forgiveness
4846 Program.

4847 (9)~~(10)~~ The Department of Education ~~Health~~ may adopt rules
4848 necessary to administer this program.

4849 (10)~~(11)~~ This section shall be implemented only as
4850 specifically funded.

4851 (11)~~(12)~~ Students receiving a nursing scholarship pursuant
4852 to s. 1009.67 are not eligible to participate in the Nursing
4853 Student Loan Forgiveness Program.

4854 Section 117. Section 1009.67, Florida Statutes, is amended
4855 to read:

4856 1009.67 Nursing scholarship program.—

4857 (1) There is established within the Department of
4858 Education ~~Health~~ a scholarship program for the purpose of
4859 attracting capable and promising students to the nursing
4860 profession.

4861 (2) A scholarship applicant shall be enrolled in an
4862 approved nursing program leading to the award of an associate
4863 degree, a baccalaureate degree, or a graduate degree in nursing.

4864 (3) A scholarship may be awarded for no more than 2 years,
4865 in an amount not to exceed \$8,000 per year. However, registered
4866 nurses pursuing a graduate degree for a faculty position or to
4867 practice as an advanced registered nurse practitioner may
4868 receive up to \$12,000 per year. These amounts shall be adjusted
4869 by the amount of increase or decrease in the consumer price
4870 index for urban consumers published by the United States
4871 Department of Commerce.

4872 (4) Credit for repayment of a scholarship shall be as

4873 follows:

4874 (a) For each full year of scholarship assistance, the
 4875 recipient agrees to work for 12 months in a faculty position in
 4876 a college of nursing or Florida College System institution
 4877 nursing program in this state or at a health care facility in a
 4878 medically underserved area as designated ~~approved~~ by the
 4879 Department of Health. Scholarship recipients who attend school
 4880 on a part-time basis shall have their employment service
 4881 obligation prorated in proportion to the amount of scholarship
 4882 payments received.

4883 (b) Eligible health care facilities include nursing homes
 4884 and hospitals in this state, state-operated medical or health
 4885 care facilities, public schools, county health departments,
 4886 federally sponsored community health centers, colleges of
 4887 nursing in universities in this state, and Florida College
 4888 System institution nursing programs in this state, family
 4889 practice teaching hospitals as defined in s. 395.805, or
 4890 specialty children's hospitals as described in s. 409.9119. The
 4891 recipient shall be encouraged to complete the service obligation
 4892 at a single employment site. If continuous employment at the
 4893 same site is not feasible, the recipient may apply to the
 4894 department for a transfer to another approved health care
 4895 facility.

4896 (c) Any recipient who does not complete an appropriate
 4897 program of studies, who does not become licensed, who does not
 4898 accept employment as a nurse at an approved health care
 4899 facility, or who does not complete 12 months of approved
 4900 employment for each year of scholarship assistance received

4901 shall repay to the Department of Education ~~Health~~, on a schedule
 4902 to be determined by the department, the entire amount of the
 4903 scholarship plus 18 percent interest accruing from the date of
 4904 the scholarship payment. Moneys repaid shall be deposited into
 4905 the Nursing Student Loan Forgiveness Trust Fund established in
 4906 s. 1009.66. However, the department may provide additional time
 4907 for repayment if the department finds that circumstances beyond
 4908 the control of the recipient caused or contributed to the
 4909 default.

4910 (5) Scholarship payments shall be transmitted to the
 4911 recipient upon receipt of documentation that the recipient is
 4912 enrolled in an approved nursing program. The Department of
 4913 Education ~~Health~~ shall develop a formula to prorate payments to
 4914 scholarship recipients so as not to exceed the maximum amount
 4915 per academic year.

4916 (6) The Department of Education ~~Health~~ shall adopt rules,
 4917 including rules to address extraordinary circumstances that may
 4918 cause a recipient to default on either the school enrollment or
 4919 employment contractual agreement, to implement this section.

4920 (7) The Department of Education ~~Health~~ may recover from
 4921 the Nursing Student Loan Forgiveness Trust Fund its costs for
 4922 administering the nursing scholarship program.

4923 Section 118. Department of Health; type two transfer.—

4924 (1) All powers, duties, functions, records, offices,
 4925 personnel, associated administrative support positions,
 4926 property, pending issues, existing contracts, administrative
 4927 authority, administrative rules, and unexpended balances of
 4928 appropriations, allocations, and other funds relating to the

4929 Nursing Student Loan Forgiveness Program and the nursing
 4930 scholarship program in the Department of Health are transferred
 4931 by a type two transfer, as defined in s. 20.06(2), Florida
 4932 Statutes, to the Department of Education.

4933 (2) The Nursing Student Loan Forgiveness Trust Fund is
 4934 transferred from the Department of Health to the Department of
 4935 Education.

4936 (3) Any binding contract or interagency agreement related
 4937 to the Nursing Student Loan Forgiveness Program existing before
 4938 July 1, 2012, between the Department of Health, or an entity or
 4939 agent of the agency, and any other agency, entity, or person
 4940 shall continue as a binding contract or agreement for the
 4941 remainder of the term of such contract or agreement on the
 4942 successor department, agency, or entity responsible for the
 4943 program, activity, or functions relative to the contract or
 4944 agreement.

4945 (4) Notwithstanding s. 216.292 and pursuant to s. 216.351,
 4946 Florida Statutes, upon approval by the Legislative Budget
 4947 Commission, the Executive Office of the Governor may transfer
 4948 funds and positions between agencies to implement this act.

4949 (5) The transfer of any program, activity, duty, or
 4950 function under this act includes the transfer of any records and
 4951 unexpended balances of appropriations, allocations, or other
 4952 funds related to such program, activity, duty, or function.
 4953 Unless otherwise provided, the successor organization to any
 4954 program, activity, duty, or function transferred under this act
 4955 shall become the custodian of any property of the organization

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4956 that was responsible for the program, activity, duty, or
4957 function immediately before the transfer.

4958 Section 119. The Division of Medical Quality Assurance
4959 shall develop a plan to improve the efficiency of its functions.
4960 Specifically, the plan shall delineate methods to: reduce the
4961 average length of time for a qualified applicant to receive
4962 initial and renewal licensure, certification, or registration,
4963 by one-third; improve the agenda process for board meetings to
4964 increase transparency, timeliness, and usefulness for board
4965 decisionmaking; and improve the cost-effectiveness and
4966 efficiency of the joint functions of the division and the
4967 regulatory boards. In developing the plan, the division shall
4968 identify and analyze best practices found within the division
4969 and other state agencies with similar functions, options for
4970 information technology improvements, options for contracting
4971 with outside entities, and any other option the division deems
4972 useful. The division shall consult with and solicit
4973 recommendations from the regulatory boards in developing the
4974 plan. The division shall submit the plan to the Governor, the
4975 Speaker of the House of Representatives, and the President of
4976 the Senate by November 1, 2012. All executive branch agencies
4977 are instructed, and all other state agencies are requested, to
4978 assist the division in accomplishing its purposes under this
4979 section.

4980 Section 120. Paragraph (e) of subsection (2) of section
4981 154.503, Florida Statutes, is amended to read:

4982 154.503 Primary Care for Children and Families Challenge
4983 Grant Program; creation; administration.—

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4984 (2) The department shall:

4985 (e) Coordinate with the primary care program developed
 4986 pursuant to s. 154.011, the Florida Healthy Kids Corporation
 4987 program created in s. 624.91, the school health services program
 4988 created in ss. 381.0056 and 381.0057, ~~the Healthy Communities,~~
 4989 ~~Healthy People Program created in s. 381.734,~~ and the volunteer
 4990 health care provider program developed pursuant to s. 766.1115.

4991 Section 121. Subsection (1), paragraph (c) of subsection
 4992 (3), and subsection (9) of section 381.0041, Florida Statutes,
 4993 are amended to read:

4994 381.0041 Donation and transfer of human tissue; testing
 4995 requirements.—

4996 (1) Every donation of blood, plasma, organs, skin, or
 4997 other human tissue for transfusion or transplantation to another
 4998 shall be tested prior to transfusion or other use for human
 4999 immunodeficiency virus infection and other communicable diseases
 5000 specified by rule of the Department of Health. Tests for the
 5001 human immunodeficiency virus infection shall be performed only
 5002 after obtaining written, informed consent from the potential
 5003 donor or the donor's legal representative. Such consent may be
 5004 given by a minor pursuant to s. 743.06. Obtaining consent shall
 5005 include a fair explanation of the procedures to be followed and
 5006 the meaning and use of the test results. Such explanation shall
 5007 include a description of the confidential nature of the test as
 5008 described in s. 381.004(2) ~~381.004(3)~~. If consent for testing is
 5009 not given, then the person shall not be accepted as a donor
 5010 except as otherwise provided in subsection (3).

5011 (3) No person shall collect any blood, organ, skin, or

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5012 other human tissue from one human being and hold it for, or
 5013 actually perform, any implantation, transplantation,
 5014 transfusion, grafting, or any other method of transfer to
 5015 another human being without first testing such tissue for the
 5016 human immunodeficiency virus and other communicable diseases
 5017 specified by rule of the Department of Health, or without
 5018 performing another process approved by rule of the Department of
 5019 Health capable of killing the causative agent of those diseases
 5020 specified by rule. Such testing shall not be required:

5021 (c) When there is insufficient time to obtain the results
 5022 of a confirmatory test for any tissue or organ which is to be
 5023 transplanted, notwithstanding the provisions of s. 381.004(2)(d)
 5024 ~~381.004(3)(d)~~. In such circumstances, the results of preliminary
 5025 screening tests may be released to the potential recipient's
 5026 treating physician for use in determining organ or tissue
 5027 suitability.

5028 (9) All blood banks shall be governed by the
 5029 confidentiality provisions of s. 381.004(2) ~~381.004(3)~~.

5030 Section 122. Paragraph (b) of subsection (3) of section
 5031 384.25, Florida Statutes, is amended to read:

5032 384.25 Reporting required.—

5033 (3) To ensure the confidentiality of persons infected with
 5034 the human immunodeficiency virus (HIV), reporting of HIV
 5035 infection and AIDS must be conducted using a system developed by
 5036 the Centers for Disease Control and Prevention of the United
 5037 States Public Health Service or an equivalent system.

5038 (b) The reporting may not affect or relate to anonymous
 5039 HIV testing programs conducted pursuant to s. 381.004(3)

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5040 ~~381.004(4).~~

5041 Section 123. Subsection (5) of section 392.56, Florida
5042 Statutes, is amended to read:

5043 392.56 Hospitalization, placement, and residential
5044 isolation.—

5045 (5) If the department petitions the circuit court to order
5046 that a person who has active tuberculosis be hospitalized in a
5047 facility operated under s. 392.62~~(2)~~, the department shall
5048 notify the facility of the potential court order.

5049 Section 124. Subsection (2) of section 456.032, Florida
5050 Statutes, is amended to read:

5051 456.032 Hepatitis B or HIV carriers.—

5052 (2) Any person licensed by the department and any other
5053 person employed by a health care facility who contracts a blood-
5054 borne infection shall have a rebuttable presumption that the
5055 illness was contracted in the course and scope of his or her
5056 employment, provided that the person, as soon as practicable,
5057 reports to the person's supervisor or the facility's risk
5058 manager any significant exposure, as that term is defined in s.
5059 381.004(1)(c) ~~381.004(2)(e)~~, to blood or body fluids. The
5060 employer may test the blood or body fluid to determine if it is
5061 infected with the same disease contracted by the employee. The
5062 employer may rebut the presumption by the preponderance of the
5063 evidence. Except as expressly provided in this subsection, there
5064 shall be no presumption that a blood-borne infection is a job-
5065 related injury or illness.

5066 Section 125. Paragraph (b) of subsection (9) of section
5067 768.28, Florida Statutes, is amended to read:

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5068 768.28 Waiver of sovereign immunity in tort actions;
 5069 recovery limits; limitation on attorney fees; statute of
 5070 limitations; exclusions; indemnification; risk management
 5071 programs.—

5072 (9)

5073 (b) As used in this subsection, the term:

5074 1. "Employee" includes any volunteer firefighter.

5075 2. "Officer, employee, or agent" includes, but is not
 5076 limited to, any health care provider when providing services
 5077 pursuant to s. 766.1115; ~~any member of the Florida Health~~
 5078 ~~Services Corps, as defined in s. 381.0302, who provides~~
 5079 ~~uncompensated care to medically indigent persons referred by the~~
 5080 ~~Department of Health;~~ any nonprofit independent college or
 5081 university located and chartered in this state which owns or
 5082 operates an accredited medical school, and its employees or
 5083 agents, when providing patient services pursuant to paragraph
 5084 (10) (f); and any public defender or her or his employee or
 5085 agent, including, among others, an assistant public defender and
 5086 an investigator.

5087 Section 126. Subsection (1) of section 775.0877, Florida
 5088 Statutes, is amended to read:

5089 775.0877 Criminal transmission of HIV; procedures;
 5090 penalties.—

5091 (1) In any case in which a person has been convicted of or
 5092 has pled nolo contendere or guilty to, regardless of whether
 5093 adjudication is withheld, any of the following offenses, or the
 5094 attempt thereof, which offense or attempted offense involves the
 5095 transmission of body fluids from one person to another:

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- 5096 (a) Section 794.011, relating to sexual battery;
- 5097 (b) Section 826.04, relating to incest;
- 5098 (c) Section 800.04, relating to lewd or lascivious
- 5099 offenses committed upon or in the presence of persons less than
- 5100 16 years of age;
- 5101 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),
- 5102 relating to assault;
- 5103 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
- 5104 relating to aggravated assault;
- 5105 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
- 5106 relating to battery;
- 5107 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
- 5108 relating to aggravated battery;
- 5109 (h) Section 827.03(1), relating to child abuse;
- 5110 (i) Section 827.03(2), relating to aggravated child abuse;
- 5111 (j) Section 825.102(1), relating to abuse of an elderly
- 5112 person or disabled adult;
- 5113 (k) Section 825.102(2), relating to aggravated abuse of an
- 5114 elderly person or disabled adult;
- 5115 (l) Section 827.071, relating to sexual performance by
- 5116 person less than 18 years of age;
- 5117 (m) Sections 796.03, 796.07, and 796.08, relating to
- 5118 prostitution; or
- 5119 (n) Section 381.0041(11)(b), relating to donation of
- 5120 blood, plasma, organs, skin, or other human tissue,
- 5121
- 5122 the court shall order the offender to undergo HIV testing, to be
- 5123 performed under the direction of the Department of Health in

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5124 accordance with s. 381.004, unless the offender has undergone
5125 HIV testing voluntarily or pursuant to procedures established in
5126 s. 381.004(2)(h)6. ~~381.004(3)(h)6.~~ or s. 951.27, or any other
5127 applicable law or rule providing for HIV testing of criminal
5128 offenders or inmates, subsequent to her or his arrest for an
5129 offense enumerated in paragraphs (a)-(n) for which she or he was
5130 convicted or to which she or he pled nolo contendere or guilty.
5131 The results of an HIV test performed on an offender pursuant to
5132 this subsection are not admissible in any criminal proceeding
5133 arising out of the alleged offense.

5134 Section 127. Except as otherwise expressly provided in
5135 this act, this act shall take effect upon becoming a law.