

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. 154.05, F.S.;  
11      providing that two or more counties may combine for  
12      the operation of a county health department when such  
13      counties establish an interlocal agreement; providing  
14      criteria for such an agreement; specifying that an  
15      interlocal agreement may only be terminated at the end  
16      of a contract year; requiring the parties to give  
17      written notice to the department no less than 90 days  
18      before the termination; amending s. 215.5602, F.S.;  
19      conforming references; amending s. 381.001, F.S.;  
20      revising legislative intent; requiring the Department  
21      of Health to be responsible for the state public  
22      health system; requiring the department to provide  
23      leadership for a partnership involving federal, state,  
24      and local government and the private sector to  
25      accomplish public health goals; amending s. 381.0011,  
26      F.S.; revising duties and powers of the department;  
27      repealing s. 381.0013, F.S., relating to the  
28      department's authority to exercise the power of

29 eminent domain; repealing s. 381.0014, F.S., relating  
30 to department rules that superseded regulations and  
31 ordinances enacted by other state departments, boards  
32 or commissions, or municipalities; repealing s.  
33 381.0015, F.S., relating to judicial presumptions  
34 regarding the department's authority to enforce public  
35 health rules; amending s. 381.0016, F.S.; allowing a  
36 county to enact health regulations and ordinances  
37 consistent with state law; repealing s. 381.0017,  
38 F.S., relating to the purchase, lease, and sale of  
39 real property by the department; repealing s.  
40 381.0025, F.S., relating to penalties; amending s.  
41 381.003, F.S.; revising provisions relating to the  
42 department's responsibility for communicable disease  
43 prevention and control programs; amending s. 381.0031,  
44 F.S.; permitting the department to conduct studies  
45 concerning epidemiology of diseases of public health  
46 significance; specifying that the list of diseases of  
47 public health significance is based on the  
48 recommendations to be nationally notifiable by the  
49 Council of State and Territorial Epidemiologists and  
50 the Centers for Disease Control and Prevention;  
51 authorizing the department to expand the list if a  
52 disease emerges for which regular, frequent and timely  
53 information regarding individual cases is considered  
54 necessary for the prevention and control of a disease  
55 specific to Florida; amending s. 381.00315, F.S.;

56 requiring the department to establish rules for

57 | conditions and procedures for imposing and releasing a  
58 | quarantine; requiring specific provisions to be  
59 | included in rules; providing that the rules  
60 | established under this section supersede all rules  
61 | enacted by other state agencies, boards, or political  
62 | subdivisions; providing that a violation of the rules  
63 | established under the section, a quarantine, or  
64 | requirement adopted pursuant to a declared public  
65 | health emergency is a second-degree misdemeanor;  
66 | providing penalties; repealing s. 381.0032, F.S.,  
67 | relating to epidemiological research; repealing s.  
68 | 381.00325, F.S., relating to the Hepatitis A awareness  
69 | program; amending s. 381.0034, F.S.; deleting an  
70 | obsolete qualifying date reference; repealing s.  
71 | 381.0037, F.S., relating to legislative findings and  
72 | intent with respect to AIDS; amending s. 381.004,  
73 | F.S.; deleting legislative intent; conforming cross-  
74 | references; amending 381.0046, F.S.; requiring the  
75 | department to establish dedicated HIV and AIDS  
76 | regional and statewide minority coordinators; deleting  
77 | the requirement that the statewide director report to  
78 | the chief of the Bureau of HIV and AIDS within the  
79 | department; amending s. 381.005, F.S.; deleting the  
80 | requirement that hospitals implement a plan to offer  
81 | immunizations for pneumococcal bacteria and influenza  
82 | virus to all patients 65 years of age or older;  
83 | amending s. 381.0051, F.S.; deleting legislative  
84 | intent for the Comprehensive Family Planning Act;

85 | amending s. 381.0052, F.S., relating to the "Public  
86 | Health Dental Program Act"; repealing unused  
87 | department rulemaking authority; amending s. 381.0053,  
88 | F.S., relating to the comprehensive nutrition program;  
89 | repealing unused department rulemaking authority;  
90 | repealing s. 381.0054, F.S., relating to healthy  
91 | lifestyles promotion by the department; amending s.  
92 | 381.0056, F.S., relating to the "School Health  
93 | Services Act"; deleting legislative findings; deleting  
94 | the requirement that school health programs funded by  
95 | health care districts or entities be supplementary to  
96 | and consistent with the act and other applicable  
97 | statutes; amending s. 381.0057, F.S., relating to  
98 | funding for school health services; deleting  
99 | legislative intent; amending s. 381.00591, F.S.;  
100 | permitting the department to apply for and become a  
101 | National Environmental Laboratory Accreditation  
102 | Program accreditation body; eliminating rulemaking  
103 | authority of the department to implement standards of  
104 | the National Environmental Laboratory Accreditation  
105 | Program; amending s. 381.00593, F.S.; removing unused  
106 | rulemaking authority relating to the public school  
107 | volunteer health care practitioner program; amending  
108 | s. 381.0062, F.S., relating to the "Comprehensive  
109 | Family Planning Act"; deleting legislative intent;  
110 | conforming a cross-reference; amending s. 381.0065,  
111 | F.S., relating to regulation of onsite sewage  
112 | treatment and disposal systems; deleting legislative

113 | intent; conforming provisions to changes made by the  
114 | act; amending s. 381.0068, F.S.; deleting a date by  
115 | which a technical review and advisory panel must be  
116 | established within the department for assistance with  
117 | rule adoption; deleting the authority of the chair of  
118 | the panel to advise affected persons or the  
119 | Legislature of the panel's position on legislation,  
120 | proposed state policy, or other issue; amending s.  
121 | 381.0072, F.S.; revising the definition of the term  
122 | "food establishment" to include facilities  
123 | participating in the United States Department of  
124 | Agriculture Afterschool Meal Program; amending s.  
125 | 381.00781, F.S.; eliminating authority of the  
126 | department to annually adjust maximum fees according  
127 | to the Consumer Price Index; amending s. 381.0086,  
128 | F.S.; revising department rulemaking authority  
129 | relating to migrant farmworkers and other migrant  
130 | labor camp or residential migrant housing occupants;  
131 | removing lighting and maintenance and operation of  
132 | roads from the list of health and safety standards to  
133 | be created by the department; conforming a cross-  
134 | reference; amending s. 381.0098, F.S.; deleting  
135 | legislative intent with respect to standards for the  
136 | safe packaging, transport, storage, treatment, and  
137 | disposal of biomedical waste; conforming a cross-  
138 | reference; amending s. 381.0101, F.S.; deleting  
139 | legislative intent regarding certification of  
140 | environmental health professionals; providing for the

141 Division Director for Emergency Preparedness and  
142 Community Support to serve on an environmental health  
143 professionals advisory board; conforming a cross-  
144 reference; amending s. 381.0203, F.S.; eliminating the  
145 regulation of drugs, cosmetics, and household products  
146 under ch. 499, F.S., from the pharmacy services  
147 program; eliminating the contraception distribution  
148 program at county health departments; amending s.  
149 381.0261, F.S.; requiring the department, rather than  
150 the Agency for Health Care Administration, to publish  
151 a summary of the Florida Patient's Bill of Rights and  
152 Responsibilities on its Internet website; deleting the  
153 requirement to print and distribute the summary;  
154 repealing s. 381.0301, F.S. relating to the Centers  
155 for Disease Control and Prevention, the State  
156 University System, Florida medical schools, and the  
157 College of Public Health of the University of South  
158 Florida; deleting the requirement that the College of  
159 Public Health be consulted by state officials in the  
160 management of public health; repealing s. 381.0302,  
161 F.S.; eliminating the Florida Health Services Corps;  
162 amending s. 381.0303, F.S.; eliminating the  
163 requirement that the Special Needs Shelter Interagency  
164 Committee submit recommendations to the Legislature;  
165 repealing s. 381.04015, F.S.; eliminating the Women's  
166 Health Strategy Office and Officer of Women's Health  
167 Strategy; amending s. 381.0403, F.S., relating to the  
168 "Community Hospital Education Act"; deleting

169 legislative findings and intent; revising the mission  
170 of the program; requiring minimum funding for graduate  
171 education in family practice; deleting reference to an  
172 intent to establish a statewide graduate medical  
173 education program; amending s. 381.0405, F.S.;  
174 deleting an appropriation to the Office of Rural  
175 Health; amending s. 381.0406, F.S.; deleting  
176 unnecessary introductory language in provisions  
177 relating to rural health networks; repealing s.  
178 381.0407, F.S., to eliminate the mandatory payment of  
179 claims from public health care providers and county  
180 health departments by managed care plans; repealing s.  
181 381.045, F.S.; eliminating department authority to  
182 provide services to certain health care providers  
183 infected with Hepatitis B or HIV; amending s.  
184 381.06015, F.S.; deleting obsolete provision that  
185 requires the department, the Agency for Health Care  
186 Administration, and private consortium members seeking  
187 private or federal funds to initiate certain program  
188 actions relating to the Public Cord Blood Tissue Bank;  
189 repealing s. 381.0605, F.S., relating to designating  
190 the Agency for Health Care Administration as the state  
191 agency to administer the Federal Hospital and Medical  
192 Facilities Amendments of 1964; eliminating authority  
193 of the Governor to provide for administration of the  
194 amendments; repealing ss. 381.1001-381.103, F.S., the  
195 Florida Community Health Protection Act; amending s.  
196 381.4018, F.S.; deleting legislative findings and

197 intent with respect to physician workforce assessment  
198 and development; conforming a cross-reference:  
199 repealing s. 381.60225, F.S., to eliminate background  
200 screening requirements for health care professionals  
201 and owners, operators, and employees of certain health  
202 care providers, services, and programs; repealing ss.  
203 381.732-381.734, F.S., the "Healthy People, Healthy  
204 Communities Act"; amending s. 381.7352, F.S.; deleting  
205 legislative findings relating to the "Reducing Racial  
206 and Ethnic Health Disparities: Closing the Gap Act";  
207 amending s. 381.7353, F.S.; removing the authority of  
208 the State Surgeon General to appoint an ad hoc  
209 committee to study certain aspects of racial and  
210 ethnic health outcome disparities and make  
211 recommendations; amending s. 381.7356, F.S.; deleting  
212 a provision requiring dissemination of Closing the Gap  
213 grant awards to begin on a date certain; amending s.  
214 381.765, F.S.; repealing unused rulemaking authority  
215 relating to records and recordkeeping for department-  
216 owned property; repealing s. 381.77, F.S., to  
217 eliminate the annual survey of nursing home residents  
218 age 55 and under; repealing s. 381.795, F.S., to  
219 eliminate the requirement that the department  
220 establish a program of long-term community-based  
221 supports and services for individuals with traumatic  
222 brain or spinal cord injuries; amending s. 381.853,  
223 F.S.; deleting legislative findings relating to brain  
224 tumor research; repealing s. 381.855, F.S., which



225 | established the Florida Center for Universal Research  
 226 | to Eradicate Disease; repealing s. 381.87, F.S., to  
 227 | eliminate the osteoporosis prevention and education  
 228 | program; repealing s. 381.90, F.S., to eliminate the  
 229 | Health Information Systems Council; amending s.  
 230 | 381.91, F.S., relating to the Jesse Trice Cancer  
 231 | Program; revising legislative intent; amending  
 232 | 381.922, F.S.; conforming a reference; amending s.  
 233 | 383.011, F.S.; requiring the Department of Health to  
 234 | establish an interagency agreement with the Department  
 235 | of Children and Family Services for management of the  
 236 | Special Supplemental Nutrition program for Women,  
 237 | Infants, and Children; specifying responsibilities of  
 238 | each department; creating s. 383.141, F.S.; providing  
 239 | legislative findings; providing definitions; requiring  
 240 | that health care providers provide pregnant women with  
 241 | current information about the nature of the  
 242 | developmental disabilities tested for in certain  
 243 | prenatal tests, the accuracy of such tests, and  
 244 | resources for obtaining support services for Down  
 245 | syndrome and other prenatally diagnosed developmental  
 246 | disabilities; providing duties for the Department of  
 247 | Health concerning establishment of an information  
 248 | clearinghouse; creating an advocacy council within the  
 249 | Department of Health to provide technical assistance  
 250 | in forming the clearinghouse; providing membership for  
 251 | the council; providing duties of the council;  
 252 | providing terms for members of the council; providing

253 | for election of a chairperson and vice chairperson;  
254 | providing meeting times for the council; requiring the  
255 | members to serve without compensation or reimbursement  
256 | for travel expenses; authorizing meetings by  
257 | teleconference or other electronic means; requiring  
258 | the Department of Health to provide administrative  
259 | support; repealing s. 385.210, F.S., the Arthritis  
260 | Prevention and Education Act by a specific date;  
261 | amending s. 391.016, F.S.; clarifying the purposes and  
262 | functions of the Children's Medical Services program;  
263 | requiring the coordination and maintenance of a  
264 | medical home for participating children; amending s.  
265 | 391.021, F.S.; revising definitions; amending s.  
266 | 391.025, F.S.; revising the components of the  
267 | Children's Medical Services program; amending s.  
268 | 391.026, F.S.; revising the powers and duties of the  
269 | department in administering the Children's Medical  
270 | Services network; amending s. 391.028, F.S.;  
271 | eliminating the central office and area offices of the  
272 | Children's Medical Services program; authorizing the  
273 | Director of Children's Medical Services to appoint  
274 | necessary staff and contract with providers to  
275 | establish a system to provide certain program  
276 | activities on a statewide basis; amending s. 391.029,  
277 | F.S.; specifying eligibility for services provided  
278 | under the Children's Medical Services program;  
279 | clarifying who may receive services under the program;  
280 | deleting the requirement that the department determine

281 financial and medical eligibility for program;  
282 deleting the requirement that the department determine  
283 the financial ability of parents to pay for services;  
284 eliminating discretion of the department to pay  
285 reasonable travel expenses; amending s. 391.0315,  
286 F.S.; deleting a prohibition against a child eligible  
287 under Title XIX or XXI of the Social Security Act from  
288 receiving services under the program until the child  
289 is enrolled in Medicaid or a Title XXI program;  
290 amending s. 392.51, F.S., relating to tuberculosis  
291 control; removing legislative findings and intent;  
292 amending s. 392.61, F.S.; eliminating the requirement  
293 that the department develop a methodology for  
294 distributing funds appropriated for community  
295 tuberculosis control programs; amending s. 392.62,  
296 F.S.; requiring a contractor to use licensed community  
297 hospitals and other facilities for the care and  
298 treatment of persons who have active tuberculosis or a  
299 history of noncompliance with prescribed drug regimens  
300 and require inpatient or other residential services;  
301 removing authority of the department to operate a  
302 licensed hospital to treat tuberculosis patients;  
303 requiring the tuberculosis control program to fund  
304 participating facilities; requiring facilities to meet  
305 specific conditions; requiring the department to  
306 develop a transition plan for the closure of A.G.  
307 Holley State Hospital; specifying content of  
308 transition plan; requiring submission of the plan to

309 the Governor and Legislature; requiring full  
310 implementation of the transition plan by a certain  
311 date; amending s. 401.243, F.S.; repealing unused  
312 rulemaking authority governing the implementation of  
313 injury-prevention grant programs; amending s. 401.245,  
314 F.S.; repealing unused rulemaking authority relating  
315 to operating procedures for the Emergency Medical  
316 Services Advisory Council; amending s. 401.271, F.S.;  
317 repealing unused rulemaking authority relating to an  
318 exemption for the spouse of a member of the Armed  
319 Forces of the United States on active duty from  
320 certification renewal provisions while the spouse is  
321 absent from the state because of the member's active  
322 duty with the Armed Forces; repealing s. 402.45, F.S.;  
323 repealing unused rulemaking authority relating to the  
324 community resource mother or father program; amending  
325 s. 403.863, F.S.; directing the department to contract  
326 to perform state public water supply laboratory  
327 certification application review and evaluation and  
328 laboratory inspections; adding certain actions to the  
329 list of acts constituting grounds for which  
330 disciplinary actions may be taken under the section;  
331 amending ss. 400.914 and 409.256, F.S.; conforming  
332 references; repealing s. 458.346, F.S., which created  
333 the Public Sector Physician Advisory Committee and  
334 established its responsibilities; amending s. 462.19,  
335 F.S., relating to the renewal of licenses for  
336 practitioners of naturopathy; repealing unused

337 rulemaking authority; amending s. 464.019, F.S.,  
338 requiring the Board of Nursing to deny a program  
339 application for new prelicensure nursing education  
340 program while the existing program is on probationary  
341 status; repealing s. 464.0197, F.S., relating to state  
342 budget support for the Florida Center for Nursing;  
343 amending s. 464.208, F.S.; repealing unused rulemaking  
344 authority relating to background screening information  
345 of certified nursing assistants; repealing s.  
346 466.00775, F.S., relating to unused rulemaking  
347 authority relating to dental health access and dental  
348 laboratory registration provisions; amending ss.  
349 212.08, 499.003, 499.601, and 499.61, F.S.; updating  
350 departmental designation; amending s. 514.011, F.S.;  
351 revising the definition of "public bathing place";  
352 amending s. 514.021, F.S.; restricting rulemaking  
353 authority of the department; limiting scope of  
354 standards for public pools and public bathing places;  
355 prohibiting the department from adopting by rule any  
356 regulation regarding the design, alteration, or repair  
357 of a public pool or public bathing; eliminating  
358 authority of the department to review plans, issue  
359 approvals, and enforce occupancy provisions of the  
360 Florida Building Code; amending s. 514.023, F.S.;  
361 adding public bathing places to the provisions  
362 allowing sampling of beach waters to determine  
363 sanitation and allowing health advisories to be issued  
364 for elevated levels of bacteria in such waters;

365 deleting an obsolete provision; amending s. 514.025,  
366 F.S.; requiring the department to review applications  
367 and plans for the construction or placement of public  
368 pools or bathing places; providing for the department  
369 to review applications and plans if no qualified staff  
370 are employed at the county health department;  
371 establishing that the department is responsible to  
372 monitor water quality in public pools and bathing  
373 places; amending s. 514.03, F.S.; permitting local  
374 governments or local enforcement districts to  
375 determine compliance with general construction  
376 provisions of the Florida Building Code; permitting  
377 local governments or local enforcement districts to  
378 conduct plan reviews and inspections of public pools  
379 and bathing places to determine compliance;  
380 eliminating an application process for review of  
381 building plans for a public pool or bathing place by  
382 the department; amending s. 514.031, F.S.; requiring a  
383 valid permit from the department to operate a public  
384 pool; revising the list of documents that must  
385 accompany an application for a permit to operate a  
386 public pool; providing the department with authority  
387 to review, approve, and deny an application for a  
388 permit to operate a public pool; amending s. 514.033,  
389 F.S.; deleting authority of the department to  
390 establish a fee schedule; requiring fees collected by  
391 the department or county health department to be  
392 deposited into the Grants and Doations Trust Fund or

393 the County Health Department Trust Fund; amending s.  
394 514.05, F.S.; requiring all amounts collected to be  
395 deposited in the Grants and Donations Trust Fund or  
396 the County Health Department Trust Fund; granting the  
397 county health department the authority to close a  
398 public pool that is not in compliance with ch. 514,  
399 F.S., or applicable rules; amending s. 514.06, F.S.;  
400 deeming a public pool or bathing place to present a  
401 significant risk to public health by failing to meet  
402 water quality and safety to be a public nuisance;  
403 allowing for a public nuisance to be abated or  
404 enjoined; amending s. 633.115, F.S.; making conforming  
405 changes; amending s. 1009.66, F.S.; reassigning  
406 responsibility for the Nursing Student Loan  
407 Forgiveness Program from the Department of Health to  
408 the Department of Education; amending s. 1009.67,  
409 F.S.; reassigning responsibility for the nursing  
410 scholarship program from the Department of Health to  
411 the Department of Education; providing type two  
412 transfers of the programs; providing for transfer of a  
413 trust fund; providing applicability to contracts;  
414 authorizing transfer of funds and positions between  
415 departments; requiring the Division of Medical Quality  
416 and Assurance to create a plan to improve efficiency  
417 of the function of the division; directing the  
418 division to take certain actions in creating the plan;  
419 directing the division to address particular topics in  
420 the plan; requiring all executive branch agencies to

421 assist the department in creating the plan; requesting  
 422 all other state agencies to assist the department in  
 423 creating the plan; amending ss. 154.503, 381.0041,  
 424 384.25, 392.56, 395.1027, 411.203, 456.032, 513.10,  
 425 768.28, and 775.0877, F.S.; conforming cross-  
 426 references; providing effective dates.

427

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

429

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

432 20.43 Department of Health.—There is created a Department  
 433 of Health.

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

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

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



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

453           (d) Maintain and coordinate preparedness for and responses  
 454 to public health emergencies in the state ~~Promote the~~  
 455 ~~maintenance and improvement of the environment as it affects~~  
 456 ~~public health.~~

457           (e) Provide or ensure the provision of quality health care  
 458 and related services to identified populations in the state  
 459 ~~Promote the maintenance and improvement of health in the~~  
 460 ~~residents of the state.~~

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

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

470           (h) ~~Provide services to abused and neglected children~~  
 471 ~~through child protection teams and sexual abuse treatment~~  
 472 ~~programs.~~

473           (i) ~~Develop working associations with all agencies and~~  
 474 ~~organizations involved and interested in health and health care~~  
 475 ~~delivery.~~

476           (j) ~~Analyze trends in the evolution of health systems, and~~

477 ~~identify and promote the use of innovative, cost-effective~~  
478 ~~health delivery systems.~~

479 ~~(k) Serve as the statewide repository of all aggregate~~  
480 ~~data accumulated by state agencies related to health care;~~  
481 ~~analyze that data and issue periodic reports and policy~~  
482 ~~statements, as appropriate; require that all aggregated data be~~  
483 ~~kept in a manner that promotes easy utilization by the public,~~  
484 ~~state agencies, and all other interested parties; provide~~  
485 ~~technical assistance as required; and work cooperatively with~~  
486 ~~the state's higher education programs to promote further study~~  
487 ~~and analysis of health care systems and health care outcomes.~~

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

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

496 (2)(a) The head of the Department of Health is the State  
497 Surgeon General and State Health Officer. The State Surgeon  
498 General must be a physician licensed under chapter 458 or  
499 chapter 459 who has advanced training or extensive experience in  
500 public health administration. The State Surgeon General is  
501 appointed by the Governor subject to confirmation by the Senate.  
502 The State Surgeon General serves at the pleasure of the  
503 Governor. ~~The State Surgeon General shall serve as the leading~~  
504 ~~voice on wellness and disease prevention efforts, including the~~

505 ~~promotion of healthful lifestyles, immunization practices,~~  
 506 ~~health literacy, and the assessment and promotion of the~~  
 507 ~~physician and health care workforce in order to meet the health~~  
 508 ~~care needs of the state. The State Surgeon General shall focus~~  
 509 ~~on advocating healthy lifestyles, developing public health~~  
 510 ~~policy, and building collaborative partnerships with schools,~~  
 511 ~~businesses, health care practitioners, community based~~  
 512 ~~organizations, and public and private institutions in order to~~  
 513 ~~promote health literacy and optimum quality of life for all~~  
 514 ~~Floridians.~~

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

518 (3) The following divisions of the Department of Health  
 519 are established:

520 (a) Division of Administration.

521 (b) Division of Emergency Preparedness and Community  
 522 Support Environmental Health.

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

524 (d) Division of Community Health Promotion Family Health  
 525 Services.

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

527 (f) Division of Public Health Statistics and Performance  
 528 Management Emergency Medical Operations.

529 (g) Division of Medical Quality Assurance, which is  
 530 responsible for the following boards and professions established  
 531 within the division:

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

- 533           2. The Board of Medicine, created under chapter 458.
- 534           3. The Board of Osteopathic Medicine, created under
- 535 chapter 459.
- 536           4. The Board of Chiropractic Medicine, created under
- 537 chapter 460.
- 538           5. The Board of Podiatric Medicine, created under chapter
- 539 461.
- 540           6. Naturopathy, as provided under chapter 462.
- 541           7. The Board of Optometry, created under chapter 463.
- 542           8. The Board of Nursing, created under part I of chapter
- 543 464.
- 544           9. Nursing assistants, as provided under part II of
- 545 chapter 464.
- 546           10. The Board of Pharmacy, created under chapter 465.
- 547           11. The Board of Dentistry, created under chapter 466.
- 548           12. Midwifery, as provided under chapter 467.
- 549           13. The Board of Speech-Language Pathology and Audiology,
- 550 created under part I of chapter 468.
- 551           14. The Board of Nursing Home Administrators, created
- 552 under part II of chapter 468.
- 553           15. The Board of Occupational Therapy, created under part
- 554 III of chapter 468.
- 555           16. Respiratory therapy, as provided under part V of
- 556 chapter 468.
- 557           17. Dietetics and nutrition practice, as provided under
- 558 part X of chapter 468.
- 559           18. The Board of Athletic Training, created under part
- 560 XIII of chapter 468.

- 561           19. The Board of Orthotists and Prosthetists, created  
562 under part XIV of chapter 468.
- 563           20. Electrolysis, as provided under chapter 478.
- 564           21. The Board of Massage Therapy, created under chapter  
565 480.
- 566           22. The Board of Clinical Laboratory Personnel, created  
567 under part III of chapter 483.
- 568           23. Medical physicists, as provided under part IV of  
569 chapter 483.
- 570           24. The Board of Opticianry, created under part I of  
571 chapter 484.
- 572           25. The Board of Hearing Aid Specialists, created under  
573 part II of chapter 484.
- 574           26. The Board of Physical Therapy Practice, created under  
575 chapter 486.
- 576           27. The Board of Psychology, created under chapter 490.
- 577           28. School psychologists, as provided under chapter 490.
- 578           29. The Board of Clinical Social Work, Marriage and Family  
579 Therapy, and Mental Health Counseling, created under chapter  
580 491.
- 581           30. Emergency medical technicians and paramedics, as  
582 provided under part III of chapter 401.
- 583           ~~(h) Division of Children's Medical Services Prevention and~~  
584 ~~Intervention.~~
- 585           ~~(i) Division of Information Technology.~~
- 586           ~~(j) Division of Health Access and Tobacco.~~
- 587           (h) ~~(k)~~ Division of Disability Determinations.
- 588           Section 2. Subsections (14) through (22) of section

589 20.435, Florida Statutes, are renumbered as subsection (13)  
 590 through (20), respectively, and present subsections (13) and  
 591 (17) of that section are amended to read:

592 20.435 Department of Health; trust funds.—The following  
 593 trust funds shall be administered by the Department of Health:

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

595 ~~(a) Funds to be credited to and uses of the trust fund~~  
 596 ~~shall be administered in accordance with the provisions of~~  
 597 ~~chapter 499.~~

598 ~~(b) Notwithstanding the provisions of s. 216.301 and~~  
 599 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~  
 600 ~~of any fiscal year shall remain in the trust fund at the end of~~  
 601 ~~the year and shall be available for carrying out the purposes of~~  
 602 ~~the trust fund.~~

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

604 ~~(a) Funds to be credited to and uses of the trust fund~~  
 605 ~~shall be administered in accordance with the provisions of s.~~  
 606 ~~1009.66.~~

607 ~~(b) Notwithstanding the provisions of s. 216.301 and~~  
 608 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~  
 609 ~~of any fiscal year shall remain in the trust fund at the end of~~  
 610 ~~the year and shall be available for carrying out the purposes of~~  
 611 ~~the trust fund.~~

612 Section 3. Section 154.05, Florida Statutes, is amended to  
 613 read:

614 154.05 Cooperation and agreements between counties.—  
 615 Counties may establish cooperative arrangements for shared  
 616 county health departments in the following ways:

617        (1) Two or more counties may combine in the establishment  
618 and maintenance of a single full-time county health department  
619 for the counties which combine for that purpose; and, pursuant  
620 to such combination or agreement, such counties may cooperate  
621 with one another and the Department of Health and contribute to  
622 a joint fund in carrying out the purpose and intent of this  
623 chapter. The duration and nature of such agreement shall be  
624 evidenced by resolutions of the boards of county commissioners  
625 of such counties and shall be submitted to and approved by the  
626 department. In the event of any such agreement, a full-time  
627 county health department shall be established and maintained by  
628 the department in and for the benefit of the counties which have  
629 entered into such an agreement; and, in such case, the funds  
630 raised by taxation pursuant to this chapter by each such county  
631 shall be paid to the Chief Financial Officer for the account of  
632 the department and shall be known as the full-time county health  
633 department trust fund of the counties so cooperating. Such trust  
634 funds shall be used and expended by the department for the  
635 purposes specified in this chapter in each county which has  
636 entered into such agreement. In case such an agreement is  
637 entered into between two or more counties, the work contemplated  
638 by this chapter shall be done by a single full-time county  
639 health department in the counties so cooperating; and the  
640 nature, extent, and location of such work shall be under the  
641 control and direction of the department.

642        (2) Two or more counties may combine for the operation of  
643 a county health department when such counties establish an  
644 interlocal agreement. Such agreement shall specify the roles and

645 responsibilities of each county, including the method of  
 646 governance and executive direction; the manner by which each  
 647 county's public health needs will be addressed; the inventory of  
 648 necessary facilities, equipment, and personnel; and any other  
 649 infrastructure as may be needed. Two or more counties may enter  
 650 into interlocal agreements to share or coadminister specific  
 651 functions. County interlocal agreements may be terminated only  
 652 at the end of a contract year. The parties shall give written  
 653 notice to the department no less than 90 days before the  
 654 termination.

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

657 212.08 Sales, rental, use, consumption, distribution, and  
 658 storage tax; specified exemptions.—The sale at retail, the  
 659 rental, the use, the consumption, the distribution, and the  
 660 storage to be used or consumed in this state of the following  
 661 are hereby specifically exempt from the tax imposed by this  
 662 chapter.

663 (2) EXEMPTIONS; MEDICAL.—

664 (a) There shall be exempt from the tax imposed by this  
 665 chapter any medical products and supplies or medicine dispensed  
 666 according to an individual prescription or prescriptions written  
 667 by a prescriber authorized by law to prescribe medicinal drugs;  
 668 hypodermic needles; hypodermic syringes; chemical compounds and  
 669 test kits used for the diagnosis or treatment of human disease,  
 670 illness, or injury; and common household remedies recommended  
 671 and generally sold for internal or external use in the cure,  
 672 mitigation, treatment, or prevention of illness or disease in



673 human beings, but not including cosmetics or toilet articles,  
674 notwithstanding the presence of medicinal ingredients therein,  
675 according to a list prescribed and approved by the Department of  
676 Business and Professional Regulation Health, which list shall be  
677 certified to the Department of Revenue from time to time and  
678 included in the rules promulgated by the Department of Revenue.  
679 There shall also be exempt from the tax imposed by this chapter  
680 artificial eyes and limbs; orthopedic shoes; prescription  
681 eyeglasses and items incidental thereto or which become a part  
682 thereof; dentures; hearing aids; crutches; prosthetic and  
683 orthopedic appliances; and funerals. In addition, any items  
684 intended for one-time use which transfer essential optical  
685 characteristics to contact lenses shall be exempt from the tax  
686 imposed by this chapter; however, this exemption shall apply  
687 only after \$100,000 of the tax imposed by this chapter on such  
688 items has been paid in any calendar year by a taxpayer who  
689 claims the exemption in such year. Funeral directors shall pay  
690 tax on all tangible personal property used by them in their  
691 business.

692 (b) For the purposes of this subsection:

693 1. "Prosthetic and orthopedic appliances" means any  
694 apparatus, instrument, device, or equipment used to replace or  
695 substitute for any missing part of the body, to alleviate the  
696 malfunction of any part of the body, or to assist any disabled  
697 person in leading a normal life by facilitating such person's  
698 mobility. Such apparatus, instrument, device, or equipment shall  
699 be exempted according to an individual prescription or  
700 prescriptions written by a physician licensed under chapter 458,

701 chapter 459, chapter 460, chapter 461, or chapter 466, or  
702 according to a list prescribed and approved by the Department of  
703 Health, which list shall be certified to the Department of  
704 Revenue from time to time and included in the rules promulgated  
705 by the Department of Revenue.

706 2. "Cosmetics" means articles intended to be rubbed,  
707 poured, sprinkled, or sprayed on, introduced into, or otherwise  
708 applied to the human body for cleansing, beautifying, promoting  
709 attractiveness, or altering the appearance and also means  
710 articles intended for use as a compound of any such articles,  
711 including, but not limited to, cold creams, suntan lotions,  
712 makeup, and body lotions.

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

719 4. "Prescription" includes any order for drugs or  
720 medicinal supplies written or transmitted by any means of  
721 communication by a duly licensed practitioner authorized by the  
722 laws of the state to prescribe such drugs or medicinal supplies  
723 and intended to be dispensed by a pharmacist. The term also  
724 includes an orally transmitted order by the lawfully designated  
725 agent of such practitioner. The term also includes an order  
726 written or transmitted by a practitioner licensed to practice in  
727 a jurisdiction other than this state, but only if the pharmacist  
728 called upon to dispense such order determines, in the exercise

729 of his or her professional judgment, that the order is valid and  
730 necessary for the treatment of a chronic or recurrent illness.  
731 The term also includes a pharmacist's order for a product  
732 selected from the formulary created pursuant to s. 465.186. A  
733 prescription may be retained in written form, or the pharmacist  
734 may cause it to be recorded in a data processing system,  
735 provided that such order can be produced in printed form upon  
736 lawful request.

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

740 (d) Lithotripters are exempt.

741 (e) Human organs are exempt.

742 (f) Sales of drugs to or by physicians, dentists,  
743 veterinarians, and hospitals in connection with medical  
744 treatment are exempt.

745 (g) Medical products and supplies used in the cure,  
746 mitigation, alleviation, prevention, or treatment of injury,  
747 disease, or incapacity which are temporarily or permanently  
748 incorporated into a patient or client by a practitioner of the  
749 healing arts licensed in the state are exempt.

750 (h) The purchase by a veterinarian of commonly recognized  
751 substances possessing curative or remedial properties which are  
752 ordered and dispensed as treatment for a diagnosed health  
753 disorder by or on the prescription of a duly licensed  
754 veterinarian, and which are applied to or consumed by animals  
755 for alleviation of pain or the cure or prevention of sickness,  
756 disease, or suffering are exempt. Also exempt are the purchase

757 by a veterinarian of antiseptics, absorbent cotton, gauze for  
758 bandages, lotions, vitamins, and worm remedies.

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

763 (j) Parts, special attachments, special lettering, and  
764 other like items that are added to or attached to tangible  
765 personal property so that a handicapped person can use them are  
766 exempt when such items are purchased by a person pursuant to an  
767 individual prescription.

768 (k) This subsection shall be strictly construed and  
769 enforced.

770 Section 5. Subsections (10) and (12) of section 215.5602,  
771 Florida Statutes, are amended to read:

772 215.5602 James and Esther King Biomedical Research  
773 Program.—

774 (10) The council shall submit an annual progress report on  
775 the state of biomedical research in this state to ~~the Florida~~  
776 ~~Center for Universal Research to Eradicate Disease and to the~~  
777 Governor, the State Surgeon General, the President of the  
778 Senate, and the Speaker of the House of Representatives by  
779 February 1. The report must include:

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

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

783 (c) A list of publications in peer reviewed journals  
784 involving research supported by grants or fellowships awarded

785 | under the program.

786 |       (d) The total amount of biomedical research funding  
787 | currently flowing into the state.

788 |       (e) New grants for biomedical research which were funded  
789 | based on research supported by grants or fellowships awarded  
790 | under the program.

791 |       (f) Progress in the prevention, diagnosis, treatment, and  
792 | cure of diseases related to tobacco use, including cancer,  
793 | cardiovascular disease, stroke, and pulmonary disease.

794 |       (12) ~~From funds appropriated to accomplish the goals of~~  
795 | ~~this section, up to \$250,000 shall be available for the~~  
796 | ~~operating costs of the Florida Center for Universal Research to~~  
797 | ~~Eradicate Disease.~~ Beginning in the 2011-2012 fiscal year and  
798 | thereafter, \$25 million from the revenue deposited into the  
799 | Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)  
800 | shall be reserved for research of tobacco-related or cancer-  
801 | related illnesses. Of the revenue deposited in the Health Care  
802 | Trust Fund pursuant to this section, \$25 million shall be  
803 | transferred to the Biomedical Research Trust Fund within the  
804 | Department of Health. Subject to annual appropriations in the  
805 | General Appropriations Act, \$5 million shall be appropriated to  
806 | the James and Esther King Biomedical Research Program, \$5  
807 | million shall be appropriated to the William G. "Bill" Bankhead,  
808 | Jr., and David Coley Cancer Research Program created under s.  
809 | 381.922, \$5 million shall be appropriated to the H. Lee Moffitt  
810 | Cancer Center and Research Institute established under s.  
811 | 1004.43, \$5 million shall be appropriated to the Sylvester  
812 | Comprehensive Cancer Center of the University of Miami, and \$5

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813 million shall be appropriated to the ~~University of Florida~~  
814 Shands Cancer Hospital Center.

815 Section 6. Section 381.001, Florida Statutes, is amended  
816 to read:

817 381.001 ~~Legislative intent;~~ Public health system.—

818 ~~(1) It is the intent of the Legislature that The~~  
819 Department of Health is ~~be~~ responsible for the state's public  
820 health system which shall be designed to promote, protect, and  
821 improve the health of all people in the state. ~~The mission of~~  
822 ~~the state's public health system is to foster the conditions in~~  
823 ~~which people can be healthy, by assessing state and community~~  
824 ~~health needs and priorities through data collection,~~  
825 ~~epidemiologic studies, and community participation; by~~  
826 ~~developing comprehensive public health policies and objectives~~  
827 ~~aimed at improving the health status of people in the state; and~~  
828 ~~by ensuring essential health care and an environment which~~  
829 ~~enhances the health of the individual and the community. The~~  
830 department shall provide leadership for ~~Legislature recognizes~~  
831 ~~that the state's public health system must be founded on an~~  
832 active partnership working toward shared public health goals and  
833 involving ~~between~~ federal, state, and local governments and the  
834 private sector ~~government and between the public and private~~  
835 ~~sectors, and, therefore, assessment, policy development, and~~  
836 ~~service provision must be shared by all of these entities to~~  
837 ~~achieve its mission.~~

838 ~~(2) It is the intent of the Legislature that the~~  
839 ~~department, in carrying out the mission of public health, focus~~  
840 ~~attention on identifying, assessing, and controlling the~~

841 ~~presence and spread of communicable diseases; on monitoring and~~  
842 ~~regulating factors in the environment which may impair the~~  
843 ~~public's health, with particular attention to preventing~~  
844 ~~contamination of drinking water, the air people breathe, and the~~  
845 ~~food people consume; and ensuring availability of and access to~~  
846 ~~preventive and primary health care, including, but not limited~~  
847 ~~to, acute and episodic care, prenatal and postpartum care, child~~  
848 ~~health, family planning, school health, chronic disease~~  
849 ~~prevention, child and adult immunization, dental health,~~  
850 ~~nutrition, and health education and promotion services.~~

851 ~~(3) It is, furthermore, the intent of the Legislature that~~  
852 ~~the public health system include comprehensive planning, data~~  
853 ~~collection, technical support, and health resource development~~  
854 ~~functions. These functions include, but are not limited to,~~  
855 ~~state laboratory and pharmacy services, the state vital~~  
856 ~~statistics system, the Florida Center for Health Information and~~  
857 ~~Policy Analysis, emergency medical services coordination and~~  
858 ~~support, and recruitment, retention, and development of~~  
859 ~~preventive and primary health care professionals and managers.~~

860 ~~(4) It is, furthermore, the intent of the Legislature that~~  
861 ~~the department provide public health services through the 67~~  
862 ~~county health departments in partnership with county~~  
863 ~~governments, as specified in part I of chapter 154, and in so~~  
864 ~~doing make every attempt possible to solicit the support and~~  
865 ~~involvement of private and not-for-profit health care agencies~~  
866 ~~in fulfilling the public health mission.~~

867 Section 7. Section 381.0011, Florida Statutes, is amended  
868 to read:

869 381.0011 Duties and powers of the Department of Health.—It  
870 is the duty of the Department of Health to:

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

876 ~~(2) Formulate general policies affecting the public health~~  
877 ~~of the state.~~

878 (2)~~(3)~~ Administer and enforce laws and rules relating to  
879 sanitation, control of communicable diseases, illnesses and  
880 hazards to health among humans and from animals to humans, and  
881 the general health of the people of the state.

882 (3)~~(4)~~ Coordinate with ~~Cooperate with and accept~~  
883 ~~assistance from~~ federal, state, and local officials for the  
884 prevention and suppression of communicable and other diseases,  
885 illnesses, injuries, and hazards to human health.

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

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

894 1. ~~The closure of premises.~~

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



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

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

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

903 ~~6. The disinfection of quarantined animals, persons, or~~  
 904 ~~premises.~~

905 ~~7. Methods of quarantine.~~

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

909 (4)~~(6)~~ Provide for a thorough investigation and study of  
 910 the incidence, causes, modes of propagation and transmission,  
 911 and means of prevention, control, and cure of diseases,  
 912 illnesses, and hazards to human health.

913 (5)~~(7)~~ Provide for the dissemination of information to the  
 914 public relative to the prevention, control, and cure of  
 915 diseases, illnesses, and hazards to human health. ~~The department~~  
 916 ~~shall conduct a workshop before issuing any health alert or~~  
 917 ~~advisory relating to food-borne illness or communicable disease~~  
 918 ~~in public lodging or food service establishments in order to~~  
 919 ~~inform persons, trade associations, and businesses of the risk~~  
 920 ~~to public health and to seek the input of affected persons,~~  
 921 ~~trade associations, and businesses on the best methods of~~  
 922 ~~informing and protecting the public, except in an emergency, in~~  
 923 ~~which case the workshop must be held within 14 days after the~~  
 924 ~~issuance of the emergency alert or advisory.~~

925           ~~(6)-(8)~~ Act as registrar of vital statistics.

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

928           ~~(10) Cooperate with other departments, local officials,~~  
 929 ~~and private boards and organizations for the improvement and~~  
 930 ~~preservation of the public health.~~

931           ~~(11) Maintain a statewide injury prevention program.~~

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

937           (7)-(13) Manage and coordinate emergency preparedness and  
 938 disaster response functions to: investigate and control the  
 939 spread of disease; coordinate the availability and staffing of  
 940 special needs shelters; support patient evacuation; ensure the  
 941 safety of food and drugs; provide critical incident stress  
 942 debriefing; and provide surveillance and control of  
 943 radiological, chemical, biological, and other environmental  
 944 hazards.

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

946           Section 8. Section 381.0013, Florida Statutes, is  
 947 repealed.

948           Section 9. Section 381.0014, Florida Statutes, is  
 949 repealed.

950           Section 10. Section 381.0015, Florida Statutes, is  
 951 repealed.

952           Section 11. Section 381.0016, Florida Statutes, is amended

953 to read:

954 381.0016 County and municipal regulations and ordinances.—  
 955 Any county or municipality may enact, in a manner prescribed by  
 956 law, health regulations and ordinances not inconsistent with  
 957 state public health laws and rules adopted by the department.

958 Section 12. Section 381.0017, Florida Statutes, is  
 959 repealed.

960 Section 13. Section 381.0025, Florida Statutes, is  
 961 repealed.

962 Section 14. Paragraph (d) of subsection (1) of section  
 963 381.003, Florida Statutes, is amended to read:

964 381.003 Communicable disease and AIDS prevention and  
 965 control.—

966 (1) The department shall conduct a communicable disease  
 967 prevention and control program as part of fulfilling its public  
 968 health mission. A communicable disease is any disease caused by  
 969 transmission of a specific infectious agent, or its toxic  
 970 products, from an infected person, an infected animal, or the  
 971 environment to a susceptible host, either directly or  
 972 indirectly. The communicable disease program must include, but  
 973 need not be limited to:

974 (d) Programs for the prevention, control, and reporting of  
 975 communicable diseases of public health significance as provided  
 976 for in this chapter.

977 Section 15. Section 381.0031, Florida Statutes, is amended  
 978 to read:

979 381.0031 Epidemiological research; report of diseases of  
 980 public health significance to department.—

981           (1) The department may conduct studies concerning the  
982 epidemiology of diseases of public health significance affecting  
983 people in Florida.

984           (2) Any practitioner licensed in this state to practice  
985 medicine, osteopathic medicine, chiropractic medicine,  
986 naturopathy, or veterinary medicine; any hospital licensed under  
987 part I of chapter 395; or any laboratory licensed under chapter  
988 483 that diagnoses or suspects the existence of a disease of  
989 public health significance shall immediately report the fact to  
990 the Department of Health.

991           (3)~~(2)~~ Periodically the department shall issue a list of  
992 infectious or noninfectious diseases determined by it to be a  
993 threat to public health and therefore of significance to public  
994 health and shall furnish a copy of the list to the practitioners  
995 listed in subsection (2) ~~(1)~~. The list shall be based on the  
996 diseases recommended to be nationally notifiable by the Council  
997 of State and Territorial Epidemiologists and the Centers for  
998 Disease Control and Prevention. The department may expand upon  
999 the list if a disease emerges for which regular, frequent, and  
1000 timely information regarding individual cases is considered  
1001 necessary for the prevention and control of a disease specific  
1002 to Florida.

1003           (4)~~(3)~~ Reports required by this section must be in  
1004 accordance with methods specified by rule of the department.

1005           (5)~~(4)~~ Information submitted in reports required by this  
1006 section is confidential, exempt from the provisions of s.  
1007 119.07(1), and is to be made public only when necessary to  
1008 public health. A report so submitted is not a violation of the

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1009 confidential relationship between practitioner and patient.

1010 (6)~~(5)~~ The department may obtain and inspect copies of

1011 medical records, records of laboratory tests, and other medical-

1012 related information for reported cases of diseases of public

1013 health significance described in subsection (2). The department

1014 shall examine the records of a person who has a disease of

1015 public health significance only for purposes of preventing and

1016 eliminating outbreaks of disease and making epidemiological

1017 investigations of reported cases of diseases of public health

1018 significance, notwithstanding any other law to the contrary.

1019 Health care practitioners, licensed health care facilities, and

1020 laboratories shall allow the department to inspect and obtain

1021 copies of such medical records and medical-related information,

1022 notwithstanding any other law to the contrary. Release of

1023 medical records and medical-related information to the

1024 department by a health care practitioner, licensed health care

1025 facility, or laboratory, or by an authorized employee or agent

1026 thereof, does not constitute a violation of the confidentiality

1027 of patient records. A health care practitioner, health care

1028 facility, or laboratory, or any employee or agent thereof, may

1029 not be held liable in any manner for damages and is not subject

1030 to criminal penalties for providing patient records to the

1031 department as authorized by this section.

1032 (7)~~(6)~~ The department may adopt rules related to reporting

1033 diseases of significance to public health, which must specify

1034 the information to be included in the report, who is required to

1035 report, the method and time period for reporting, requirements

1036 for enforcement, and required followup activities by the

1037 department which are necessary to protect public health.

1038 (8) This section does not affect s. 384.25.

1039 Section 16. Subsections (4) is added to section 381.00315,  
1040 Florida Statutes, to read:

1041 381.00315 Public health advisories; public health  
1042 emergencies; quarantines.—The State Health Officer is  
1043 responsible for declaring public health emergencies and  
1044 quarantines and issuing public health advisories.

1045 (4) The department shall adopt rules to specify the  
1046 conditions and procedures for imposing and releasing a  
1047 quarantine. The rules must include provisions related to:

1048 (a) The closure of premises.

1049 (b) The movement of persons or animals exposed to or  
1050 infected with a communicable disease.

1051 (c) The tests or treatment, including vaccination, for  
1052 communicable disease required prior to employment or admission  
1053 to the premises or to comply with a quarantine.

1054 (d) Testing or destruction of animals with or suspected of  
1055 having a disease transmissible to humans.

1056 (e) Access by the department to quarantined premises.

1057 (f) The disinfection of quarantined animals, persons, or  
1058 premises.

1059 (g) Methods of quarantine.

1060 (5) The rules adopted under this section and actions taken  
1061 by the department pursuant to a declared public health emergency  
1062 or quarantine shall supersede all rules enacted by other state  
1063 departments, boards or commissions, and ordinances and  
1064 regulations enacted by political subdivisions of the state. Any

1065 person who violates any rule adopted under this section, any  
 1066 quarantine, or any requirement adopted by the department  
 1067 pursuant to a declared public health emergency, commits a  
 1068 misdemeanor of the second degree, punishable as provided in s.  
 1069 775.082 or s. 775.083.

1070 Section 17. Section 381.0032, Florida Statutes, is  
 1071 repealed.

1072 Section 18. Section 381.00325, Florida Statutes, is  
 1073 repealed.

1074 Section 19. Subsection (1) of section 381.0034, Florida  
 1075 Statutes, is amended to read:

1076 381.0034 Requirement for instruction on HIV and AIDS.—

1077 (1) ~~As of July 1, 1991,~~ The Department of Health shall  
 1078 require each person licensed or certified under chapter 401,  
 1079 chapter 467, part IV of chapter 468, or chapter 483, as a  
 1080 condition of biennial relicensure, to complete an educational  
 1081 course approved by the department on the modes of transmission,  
 1082 infection control procedures, clinical management, and  
 1083 prevention of human immunodeficiency virus and acquired immune  
 1084 deficiency syndrome. Such course shall include information on  
 1085 current Florida law on acquired immune deficiency syndrome and  
 1086 its impact on testing, confidentiality of test results, and  
 1087 treatment of patients. Each such licensee or certificateholder  
 1088 shall submit confirmation of having completed said course, on a  
 1089 form provided by the department, when submitting fees or  
 1090 application for each biennial renewal.

1091 Section 20. Section 381.0037, Florida Statutes, is  
 1092 repealed.

1093 Section 21. Subsections (2) through (11) of section  
 1094 381.004, Florida Statutes, are renumbered as subsections (1)  
 1095 through (10), respectively, and present subsection (1),  
 1096 paragraph (a) of present subsection (3), paragraph (d) of  
 1097 present subsection (5), present subsection (7), and paragraph  
 1098 (c) of present subsection (11) of that section are amended to  
 1099 read:

1100 381.004 HIV testing.—

1101 ~~(1) LEGISLATIVE INTENT. The Legislature finds that the use~~  
 1102 ~~of tests designed to reveal a condition indicative of human~~  
 1103 ~~immunodeficiency virus infection can be a valuable tool in~~  
 1104 ~~protecting the public health. The Legislature finds that despite~~  
 1105 ~~existing laws, regulations, and professional standards which~~  
 1106 ~~require or promote the informed, voluntary, and confidential use~~  
 1107 ~~of tests designed to reveal human immunodeficiency virus~~  
 1108 ~~infection, many members of the public are deterred from seeking~~  
 1109 ~~such testing because they misunderstand the nature of the test~~  
 1110 ~~or fear that test results will be disclosed without their~~  
 1111 ~~consent. The Legislature finds that the public health will be~~  
 1112 ~~served by facilitating informed, voluntary, and confidential use~~  
 1113 ~~of tests designed to detect human immunodeficiency virus~~  
 1114 ~~infection.~~

1115 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED  
 1116 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

1117 (a) No person in this state shall order a test designed to  
 1118 identify the human immunodeficiency virus, or its antigen or  
 1119 antibody, without first obtaining the informed consent of the  
 1120 person upon whom the test is being performed, except as



1121 specified in paragraph (h). Informed consent shall be preceded  
 1122 by an explanation of the right to confidential treatment of  
 1123 information identifying the subject of the test and the results  
 1124 of the test to the extent provided by law. Information shall  
 1125 also be provided on the fact that a positive HIV test result  
 1126 will be reported to the county health department with sufficient  
 1127 information to identify the test subject and on the availability  
 1128 and location of sites at which anonymous testing is performed.  
 1129 As required in paragraph (3) (c) ~~(4) (e)~~, each county health  
 1130 department shall maintain a list of sites at which anonymous  
 1131 testing is performed, including the locations, phone numbers,  
 1132 and hours of operation of the sites. Consent need not be in  
 1133 writing provided there is documentation in the medical record  
 1134 that the test has been explained and the consent has been  
 1135 obtained.

1136 (4) (5) HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS;  
 1137 REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM  
 1138 REGISTRATION.—No county health department and no other person in  
 1139 this state shall conduct or hold themselves out to the public as  
 1140 conducting a testing program for acquired immune deficiency  
 1141 syndrome or human immunodeficiency virus status without first  
 1142 registering with the Department of Health, reregistering each  
 1143 year, complying with all other applicable provisions of state  
 1144 law, and meeting the following requirements:

1145 (d) The program must meet all the informed consent  
 1146 criteria contained in subsection (2) ~~(3)~~.

1147 (7) EXEMPTIONS.—Except as provided in paragraph (3) (d)  
 1148 ~~(4) (d)~~ and ss. 627.429 and 641.3007, insurers and others

1149 participating in activities related to the insurance application  
 1150 and underwriting process shall be exempt from this section.

1151 (10) ~~(11)~~ TESTING AS A CONDITION OF TREATMENT OR  
 1152 ADMISSION.—

1153 (c) Any violation of this subsection or the rules  
 1154 implementing it shall be punishable as provided in subsection  
 1155 (5) ~~(6)~~.

1156 Section 22. Subsection (2) of section 381.0046, Florida  
 1157 Statutes, is amended to read:

1158 381.0046 Statewide HIV and AIDS prevention campaign.—

1159 (2) The Department of Health shall establish dedicated  
 1160 ~~four~~ positions within the department for HIV and AIDS regional  
 1161 minority coordinators and ~~one position for~~ a statewide HIV and  
 1162 AIDS minority coordinator. The coordinators shall facilitate  
 1163 statewide efforts to implement and coordinate HIV and AIDS  
 1164 prevention and treatment programs. ~~The statewide coordinator~~  
 1165 ~~shall report directly to the chief of the Bureau of HIV and AIDS~~  
 1166 ~~within the Department of Health.~~

1167 Section 23. Subsection (3) of section 381.005, Florida  
 1168 Statutes, is renumbered as subsection (2), and present  
 1169 subsection (2) of that section is amended to read:

1170 381.005 Primary and preventive health services.—

1171 ~~(2) Between October 1, or earlier if the vaccination is~~  
 1172 ~~available, and February 1 of each year, subject to the~~  
 1173 ~~availability of an adequate supply of the necessary vaccine,~~  
 1174 ~~each hospital licensed pursuant to chapter 395 shall implement a~~  
 1175 ~~program to offer immunizations against the influenza virus and~~  
 1176 ~~pneumococcal bacteria to all patients age 65 or older, in~~

1177 ~~accordance with the recommendations of the Advisory Committee on~~  
 1178 ~~Immunization Practices of the United States Centers for Disease~~  
 1179 ~~Control and Prevention and subject to the clinical judgment of~~  
 1180 ~~the responsible practitioner.~~

1181 Section 24. Subsections (3) through (7) of section  
 1182 381.0051, Florida Statutes, are renumbered as subsections (2)  
 1183 through (6), respectively, and present subsection (2) of that  
 1184 section is amended to read:

1185 381.0051 Family planning.—

1186 ~~(2) LEGISLATIVE INTENT. It is the intent of the~~  
 1187 ~~Legislature to make available to citizens of the state of~~  
 1188 ~~childbearing age comprehensive medical knowledge, assistance,~~  
 1189 ~~and services relating to the planning of families and maternal~~  
 1190 ~~health care.~~

1191 Section 25. Subsection (5) of section 381.0052, Florida  
 1192 Statutes, is amended to read:

1193 381.0052 Dental health.—

1194 ~~(5) The department may adopt rules to implement this~~  
 1195 ~~section.~~

1196 Section 26. Subsection (4) of section 381.0053, Florida  
 1197 Statutes, is amended to read:

1198 381.0053 Comprehensive nutrition program.—

1199 ~~(4) The department may promulgate rules to implement the~~  
 1200 ~~provisions of this section.~~

1201 Section 27. Section 381.0054, Florida Statutes, is  
 1202 repealed.

1203 Section 28. Subsections (3) through (11) of section  
 1204 381.0056, Florida Statutes are renumbered as subsections (2)

1205 through (9), respectively, and present subsections (2), (3), and  
 1206 (11) of that section are amended to read:

1207 381.0056 School health services program.—

1208 ~~(2) The Legislature finds that health services conducted~~  
 1209 ~~as a part of the total school health program should be carried~~  
 1210 ~~out to appraise, protect, and promote the health of students.~~  
 1211 ~~School health services supplement, rather than replace, parental~~  
 1212 ~~responsibility and are designed to encourage parents to devote~~  
 1213 ~~attention to child health, to discover health problems, and to~~  
 1214 ~~encourage use of the services of their physicians, dentists, and~~  
 1215 ~~community health agencies.~~

1216 (2)~~(3)~~ As When used in or for purposes of this section:

1217 (a) "Emergency health needs" means onsite management and  
 1218 aid for illness or injury pending the student's return to the  
 1219 classroom or release to a parent, guardian, designated friend,  
 1220 or designated health care provider.

1221 (b) "Entity" or "health care entity" means a unit of local  
 1222 government or a political subdivision of the state; a hospital  
 1223 licensed under chapter 395; a health maintenance organization  
 1224 certified under chapter 641; a health insurer authorized under  
 1225 the Florida Insurance Code; a community health center; a migrant  
 1226 health center; a federally qualified health center; an  
 1227 organization that meets the requirements for nonprofit status  
 1228 under s. 501(c)(3) of the Internal Revenue Code; a private  
 1229 industry or business; or a philanthropic foundation that agrees  
 1230 to participate in a public-private partnership with a county  
 1231 health department, local school district, or school in the  
 1232 delivery of school health services, and agrees to the terms and

1233 conditions for the delivery of such services as required by this  
 1234 section and as documented in the local school health services  
 1235 plan.

1236 (c) "Invasive screening" means any screening procedure in  
 1237 which the skin or any body orifice is penetrated.

1238 (d) "Physical examination" means a thorough evaluation of  
 1239 the health status of an individual.

1240 (e) "School health services plan" means the document that  
 1241 describes the services to be provided, the responsibility for  
 1242 provision of the services, the anticipated expenditures to  
 1243 provide the services, and evidence of cooperative planning by  
 1244 local school districts and county health departments.

1245 (f) "Screening" means presumptive identification of  
 1246 unknown or unrecognized diseases or defects by the application  
 1247 of tests that can be given with ease and rapidity to apparently  
 1248 healthy persons.

1249 ~~(11) School health programs funded by health care~~  
 1250 ~~districts or entities defined in subsection (3) must be~~  
 1251 ~~supplementary to and consistent with the requirements of this~~  
 1252 ~~section and ss. 381.0057 and 381.0059.~~

1253 Section 29. Subsections (2) through (7) of section  
 1254 381.0057, Florida Statutes, are renumbered as subsections (1)  
 1255 through (6), respectively, and present subsections (1), (4), and  
 1256 (6) of that section are amended to read:

1257 381.0057 Funding for school health services.—

1258 ~~(1) It is the intent of the Legislature that funds in~~  
 1259 ~~addition to those provided under the School Health Services Act~~  
 1260 ~~be provided to those school districts and schools where there is~~

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1261 ~~a high incidence of medically underserved high-risk children,~~  
1262 ~~low birthweight babies, infant mortality, or teenage pregnancy.~~  
1263 ~~The purpose of this funding is to phase in those programs which~~  
1264 ~~offer the greatest potential for promoting the health of~~  
1265 ~~students and reducing teenage pregnancy.~~

1266 (3)~~(4)~~ Any school district, school, or laboratory school  
1267 which desires to receive state funding under the provisions of  
1268 this section shall submit a proposal to the joint committee  
1269 established in subsection (2) ~~(3)~~. The proposal shall state the  
1270 goals of the program, provide specific plans for reducing  
1271 teenage pregnancy, and describe all of the health services to be  
1272 available to students with funds provided pursuant to this  
1273 section, including a combination of initiatives such as health  
1274 education, counseling, extracurricular, and self-esteem  
1275 components. School health services shall not promote elective  
1276 termination of pregnancy as a part of counseling services. Only  
1277 those program proposals which have been developed jointly by  
1278 county health departments and local school districts or schools,  
1279 and which have community and parental support, shall be eligible  
1280 for funding. Funding shall be available specifically for  
1281 implementation of one of the following programs:

1282 (a) School health improvement pilot project.—The program  
1283 shall include basic health care to an elementary school, middle  
1284 school, and high school feeder system. Program services shall  
1285 include, but not be limited to:

1286 1. Planning, implementing, and evaluating school health  
1287 services. Staffing shall include a full-time, trained school  
1288 health aide in each elementary, middle, and high school; one

1289 full-time nurse to supervise the aides in the elementary and  
 1290 middle schools; and one full-time nurse in each high school.

1291 2. Providing student health appraisals and identification  
 1292 of actual or potential health problems by screenings, nursing  
 1293 assessments, and record reviews.

1294 3. Expanding screening activities.

1295 4. Improving the student utilization of school health  
 1296 services.

1297 5. Coordinating health services for students with parents  
 1298 or guardians and other agencies in the community.

1299 (b) Student support services team program.—The program  
 1300 shall include a multidisciplinary team composed of a  
 1301 psychologist, social worker, and nurse whose responsibilities  
 1302 are to provide basic support services and to assist, in the  
 1303 school setting, children who exhibit mild to severely complex  
 1304 health, behavioral, or learning problems affecting their school  
 1305 performance. Support services shall include, but not be limited  
 1306 to: evaluation and treatment for minor illnesses and injuries,  
 1307 referral and followup for serious illnesses and emergencies,  
 1308 onsite care and consultation, referral to a physician, and  
 1309 followup care for pregnancy or chronic diseases and disorders as  
 1310 well as emotional or mental problems. Services also shall  
 1311 include referral care for drug and alcohol abuse and sexually  
 1312 transmitted diseases, sports and employment physicals,  
 1313 immunizations, and in addition, effective preventive services  
 1314 aimed at delaying early sexual involvement and aimed at  
 1315 pregnancy, acquired immune deficiency syndrome, sexually  
 1316 transmitted diseases, and destructive lifestyle conditions, such

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1317 as alcohol and drug abuse. Moneys for this program shall be used  
1318 to fund three teams, each consisting of one half-time  
1319 psychologist, one full-time nurse, and one full-time social  
1320 worker. Each team shall provide student support services to an  
1321 elementary school, middle school, and high school that are a  
1322 part of one feeder school system and shall coordinate all  
1323 activities with the school administrator and guidance counselor  
1324 at each school. A program which places all three teams in middle  
1325 schools or high schools may also be proposed.

1326 (c) Full service schools.—The full-service schools shall  
1327 integrate the services of the Department of Health that are  
1328 critical to the continuity-of-care process. The department shall  
1329 provide services to students on the school grounds. Department  
1330 personnel shall provide their specialized services as an  
1331 extension of the educational environment. Such services may  
1332 include nutritional services, medical services, aid to dependent  
1333 children, parenting skills, counseling for abused children, and  
1334 education for the students' parents or guardians.

1335  
1336 Funding may also be available for any other program that is  
1337 comparable to a program described in this subsection but is  
1338 designed to meet the particular needs of the community.

1339 (5)~~(6)~~ Each school district or school program that is  
1340 funded through the provisions of this section shall provide a  
1341 mechanism through which a parent may, by written request, exempt  
1342 a child from all or certain services provided by a school health  
1343 services program described in subsection (3) ~~(4)~~.

1344 Section 30. Section 381.00591, Florida Statutes, is



1345 amended to read:

1346       381.00591 Department of Health; National Environmental  
 1347 Laboratory accreditation; application;~~rules.~~—The Department of  
 1348 Health may apply for and become a National Environmental  
 1349 Laboratory Accreditation Program accreditation body ~~accrediting~~  
 1350 ~~authority. The department, as an accrediting entity, may adopt~~  
 1351 ~~rules pursuant to ss. 120.536(1) and 120.54, to implement~~  
 1352 ~~standards of the National Environmental Laboratory Accreditation~~  
 1353 ~~Program, including requirements for proficiency testing~~  
 1354 ~~providers and other rules that are not inconsistent with this~~  
 1355 ~~section, including rules pertaining to fees, application~~  
 1356 ~~procedures, standards applicable to environmental or public~~  
 1357 ~~water supply laboratories, and compliance.~~

1358       Section 31. Subsection (9) of section 381.00593, Florida  
 1359 Statutes, is renumbered as subsection (8), and present  
 1360 subsection (8) of that section is amended to read:

1361       381.00593 Public school volunteer health care practitioner  
 1362 program.—

1363       ~~(8) The Department of Health, in cooperation with the~~  
 1364 ~~Department of Education, may adopt rules necessary to implement~~  
 1365 ~~this section. The rules shall include the forms to be completed~~  
 1366 ~~and procedures to be followed by applicants and school personnel~~  
 1367 ~~under the program.~~

1368       Section 32. Subsections (2) through (6) of section  
 1369 381.0062, Florida Statutes, are renumbered as subsections (1)  
 1370 through (5), respectively, and present subsections (1) and (4)  
 1371 of that section are amended to read:

1372       381.0062 Supervision; private and certain public water

1373 systems.—

1374 ~~(1) LEGISLATIVE INTENT.—It is the intent of the~~  
 1375 ~~Legislature to protect the public's health by establishing~~  
 1376 ~~standards for the construction, modification, and operation of~~  
 1377 ~~public and private water systems to assure consumers that the~~  
 1378 ~~water provided by those systems is potable.~~

1379 (3)~~(4)~~ RIGHT OF ENTRY.—For purposes of this section,  
 1380 department personnel may enter, at any reasonable time and if  
 1381 they have reasonable cause to believe a violation of this  
 1382 section is occurring or about to occur, upon any and all parts  
 1383 of the premises of such limited use public and multifamily  
 1384 drinking water systems, to make an examination and investigation  
 1385 to determine the sanitary and safety conditions of such systems.  
 1386 ~~Any person who interferes with, hinders, or opposes any employee~~  
 1387 ~~of the department in the discharge of his or her duties pursuant~~  
 1388 ~~to the provisions of this section is subject to the penalties~~  
 1389 ~~provided in s. 381.0025.~~

1390 Section 33. Subsection (1), (3), and (4) of section  
 1391 381.0065, Florida Statutes, are amended to read:

1392 381.0065 Onsite sewage treatment and disposal systems;  
 1393 regulation.—

1394 (1) LEGISLATIVE INTENT.—

1395 ~~(a) It is the intent of the Legislature that proper~~  
 1396 ~~management of onsite sewage treatment and disposal systems is~~  
 1397 ~~paramount to the health, safety, and welfare of the public. It~~  
 1398 ~~is further the intent of the Legislature that the department~~  
 1399 ~~shall administer an evaluation program to ensure the operational~~  
 1400 ~~condition of the system and identify any failure with the~~

1401 ~~system.~~

1402 ~~(b)~~ It is the intent of the Legislature that where a  
 1403 publicly owned or investor-owned sewerage system is not  
 1404 available, the department shall issue permits for the  
 1405 construction, installation, modification, abandonment, or repair  
 1406 of onsite sewage treatment and disposal systems under conditions  
 1407 as described in this section and rules adopted under this  
 1408 section. It is further the intent of the Legislature that the  
 1409 installation and use of onsite sewage treatment and disposal  
 1410 systems not adversely affect the public health or significantly  
 1411 degrade the groundwater or surface water.

1412 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The  
 1413 department shall:

1414 (a) Adopt rules to administer ss. 381.0065–381.0067,  
 1415 including definitions that are consistent with the definitions  
 1416 in this section, decreases to setback requirements where no  
 1417 health hazard exists, increases for the lot-flow allowance for  
 1418 performance-based systems, requirements for separation from  
 1419 water table elevation during the wettest season, requirements  
 1420 for the design and construction of any component part of an  
 1421 onsite sewage treatment and disposal system, application and  
 1422 permit requirements for persons who maintain an onsite sewage  
 1423 treatment and disposal system, requirements for maintenance and  
 1424 service agreements for aerobic treatment units and performance-  
 1425 based treatment systems, and recommended standards, including  
 1426 disclosure requirements, for voluntary system inspections to be  
 1427 performed by individuals who are authorized by law to perform  
 1428 such inspections and who shall inform a person having ownership,

1429 control, or use of an onsite sewage treatment and disposal  
 1430 system of the inspection standards and of that person's  
 1431 authority to request an inspection based on all or part of the  
 1432 standards.

1433 (b) Perform application reviews and site evaluations,  
 1434 issue permits, and conduct inspections and complaint  
 1435 investigations associated with the construction, installation,  
 1436 maintenance, modification, abandonment, operation, use, or  
 1437 repair of an onsite sewage treatment and disposal system for a  
 1438 residence or establishment with an estimated domestic sewage  
 1439 flow of 10,000 gallons or less per day, or an estimated  
 1440 commercial sewage flow of 5,000 gallons or less per day, which  
 1441 is not currently regulated under chapter 403.

1442 (c) Develop a comprehensive program to ensure that onsite  
 1443 sewage treatment and disposal systems regulated by the  
 1444 department are sized, designed, constructed, installed,  
 1445 repaired, modified, abandoned, used, operated, and maintained in  
 1446 compliance with this section and rules adopted under this  
 1447 section to prevent groundwater contamination and surface water  
 1448 contamination and to preserve the public health. The department  
 1449 is the final administrative interpretive authority regarding  
 1450 rule interpretation. In the event of a conflict regarding rule  
 1451 interpretation, the State Surgeon General ~~Division Director for~~  
 1452 ~~Environmental Health of the department~~, or his or her designee,  
 1453 shall timely assign a staff person to resolve the dispute.

1454 (d) Grant variances in hardship cases under the conditions  
 1455 prescribed in this section and rules adopted under this section.

1456 (e) Permit the use of a limited number of innovative

1457 | systems for a specific period of time, when there is compelling  
 1458 | evidence that the system will function properly and reliably to  
 1459 | meet the requirements of this section and rules adopted under  
 1460 | this section.

1461 | (f) Issue annual operating permits under this section.

1462 | (g) Establish and collect fees as established under s.  
 1463 | 381.0066 for services provided with respect to onsite sewage  
 1464 | treatment and disposal systems.

1465 | (h) Conduct enforcement activities, including imposing  
 1466 | fines, issuing citations, suspensions, revocations, injunctions,  
 1467 | and emergency orders for violations of this section, part I of  
 1468 | chapter 386, or part III of chapter 489 or for a violation of  
 1469 | any rule adopted under this section, part I of chapter 386, or  
 1470 | part III of chapter 489.

1471 | (i) Provide or conduct education and training of  
 1472 | department personnel, service providers, and the public  
 1473 | regarding onsite sewage treatment and disposal systems.

1474 | (j) Supervise research on, demonstration of, and training  
 1475 | on the performance, environmental impact, and public health  
 1476 | impact of onsite sewage treatment and disposal systems within  
 1477 | this state. Research fees collected under s. 381.0066(2)(1) must  
 1478 | be used to develop and fund hands-on training centers designed  
 1479 | to provide practical information about onsite sewage treatment  
 1480 | and disposal systems to septic tank contractors, master septic  
 1481 | tank contractors, contractors, inspectors, engineers, and the  
 1482 | public and must also be used to fund research projects which  
 1483 | focus on improvements of onsite sewage treatment and disposal  
 1484 | systems, including use of performance-based standards and

1485 reduction of environmental impact. Research projects shall be  
 1486 initially approved by the technical review and advisory panel  
 1487 and shall be applicable to and reflect the soil conditions  
 1488 specific to Florida. Such projects shall be awarded through  
 1489 competitive negotiation, using the procedures provided in s.  
 1490 287.055, to public or private entities that have experience in  
 1491 onsite sewage treatment and disposal systems in Florida and that  
 1492 are principally located in Florida. Research projects shall not  
 1493 be awarded to firms or entities that employ or are associated  
 1494 with persons who serve on either the technical review and  
 1495 advisory panel or the research review and advisory committee.

1496 (k) Approve the installation of individual graywater  
 1497 disposal systems in which blackwater is treated by a central  
 1498 sewerage system.

1499 (l) Regulate and permit the sanitation, handling,  
 1500 treatment, storage, reuse, and disposal of byproducts from any  
 1501 system regulated under this chapter and not regulated by the  
 1502 Department of Environmental Protection.

1503 (m) Permit and inspect portable or temporary toilet  
 1504 services and holding tanks. The department shall review  
 1505 applications, perform site evaluations, and issue permits for  
 1506 the temporary use of holding tanks, privies, portable toilet  
 1507 services, or any other toilet facility that is intended for use  
 1508 on a permanent or nonpermanent basis, including facilities  
 1509 placed on construction sites when workers are present. The  
 1510 department may specify standards for the construction,  
 1511 maintenance, use, and operation of any such facility for  
 1512 temporary use.

1513 (n) Regulate and permit maintenance entities for  
1514 performance-based treatment systems and aerobic treatment unit  
1515 systems. To ensure systems are maintained and operated according  
1516 to manufacturer's specifications and designs, the department  
1517 shall establish by rule minimum qualifying criteria for  
1518 maintenance entities. The criteria shall include: training,  
1519 access to approved spare parts and components, access to  
1520 manufacturer's maintenance and operation manuals, and service  
1521 response time. The maintenance entity shall employ a contractor  
1522 licensed under s. 489.105(3)(m), or part III of chapter 489, or  
1523 a state-licensed wastewater plant operator, who is responsible  
1524 for maintenance and repair of all systems under contract.

1525 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may  
1526 not construct, repair, modify, abandon, or operate an onsite  
1527 sewage treatment and disposal system without first obtaining a  
1528 permit approved by the department. The department may issue  
1529 permits to carry out this section, but shall not make the  
1530 issuance of such permits contingent upon prior approval by the  
1531 Department of Environmental Protection, except that the issuance  
1532 of a permit for work seaward of the coastal construction control  
1533 line established under s. 161.053 shall be contingent upon  
1534 receipt of any required coastal construction control line permit  
1535 from the Department of Environmental Protection. A construction  
1536 permit is valid for 18 months from the issuance date and may be  
1537 extended by the department for one 90-day period under rules  
1538 adopted by the department. A repair permit is valid for 90 days  
1539 from the date of issuance. An operating permit must be obtained  
1540 prior to the use of any aerobic treatment unit or if the

1541 establishment generates commercial waste. Buildings or  
1542 establishments that use an aerobic treatment unit or generate  
1543 commercial waste shall be inspected by the department at least  
1544 annually to assure compliance with the terms of the operating  
1545 permit. The operating permit for a commercial wastewater system  
1546 is valid for 1 year from the date of issuance and must be  
1547 renewed annually. The operating permit for an aerobic treatment  
1548 unit is valid for 2 years from the date of issuance and must be  
1549 renewed every 2 years. If all information pertaining to the  
1550 siting, location, and installation conditions or repair of an  
1551 onsite sewage treatment and disposal system remains the same, a  
1552 construction or repair permit for the onsite sewage treatment  
1553 and disposal system may be transferred to another person, if the  
1554 transferee files, within 60 days after the transfer of  
1555 ownership, an amended application providing all corrected  
1556 information and proof of ownership of the property. There is no  
1557 fee associated with the processing of this supplemental  
1558 information. A person may not contract to construct, modify,  
1559 alter, repair, service, abandon, or maintain any portion of an  
1560 onsite sewage treatment and disposal system without being  
1561 registered under part III of chapter 489. A property owner who  
1562 personally performs construction, maintenance, or repairs to a  
1563 system serving his or her own owner-occupied single-family  
1564 residence is exempt from registration requirements for  
1565 performing such construction, maintenance, or repairs on that  
1566 residence, but is subject to all permitting requirements. A  
1567 municipality or political subdivision of the state may not issue  
1568 a building or plumbing permit for any building that requires the



1569 use of an onsite sewage treatment and disposal system unless the  
1570 owner or builder has received a construction permit for such  
1571 system from the department. A building or structure may not be  
1572 occupied and a municipality, political subdivision, or any state  
1573 or federal agency may not authorize occupancy until the  
1574 department approves the final installation of the onsite sewage  
1575 treatment and disposal system. A municipality or political  
1576 subdivision of the state may not approve any change in occupancy  
1577 or tenancy of a building that uses an onsite sewage treatment  
1578 and disposal system until the department has reviewed the use of  
1579 the system with the proposed change, approved the change, and  
1580 amended the operating permit.

1581 (a) Subdivisions and lots in which each lot has a minimum  
1582 area of at least one-half acre and either a minimum dimension of  
1583 100 feet or a mean of at least 100 feet of the side bordering  
1584 the street and the distance formed by a line parallel to the  
1585 side bordering the street drawn between the two most distant  
1586 points of the remainder of the lot may be developed with a water  
1587 system regulated under s. 381.0062 and onsite sewage treatment  
1588 and disposal systems, provided the projected daily sewage flow  
1589 does not exceed an average of 1,500 gallons per acre per day,  
1590 and provided satisfactory drinking water can be obtained and all  
1591 distance and setback, soil condition, water table elevation, and  
1592 other related requirements of this section and rules adopted  
1593 under this section can be met.

1594 (b) Subdivisions and lots using a public water system as  
1595 defined in s. 403.852 may use onsite sewage treatment and  
1596 disposal systems, provided there are no more than four lots per

1597 acre, provided the projected daily sewage flow does not exceed  
1598 an average of 2,500 gallons per acre per day, and provided that  
1599 all distance and setback, soil condition, water table elevation,  
1600 and other related requirements that are generally applicable to  
1601 the use of onsite sewage treatment and disposal systems are met.

1602 (c) Notwithstanding paragraphs (a) and (b), for  
1603 subdivisions platted of record on or before October 1, 1991,  
1604 when a developer or other appropriate entity has previously made  
1605 or makes provisions, including financial assurances or other  
1606 commitments, acceptable to the Department of Health, that a  
1607 central water system will be installed by a regulated public  
1608 utility based on a density formula, private potable wells may be  
1609 used with onsite sewage treatment and disposal systems until the  
1610 agreed-upon densities are reached. In a subdivision regulated by  
1611 this paragraph, the average daily sewage flow may not exceed  
1612 2,500 gallons per acre per day. This section does not affect the  
1613 validity of existing prior agreements. After October 1, 1991,  
1614 the exception provided under this paragraph is not available to  
1615 a developer or other appropriate entity.

1616 (d) Paragraphs (a) and (b) do not apply to any proposed  
1617 residential subdivision with more than 50 lots or to any  
1618 proposed commercial subdivision with more than 5 lots where a  
1619 publicly owned or investor-owned sewerage system is available.  
1620 It is the intent of this paragraph not to allow development of  
1621 additional proposed subdivisions in order to evade the  
1622 requirements of this paragraph.

1623 (e) Onsite sewage treatment and disposal systems must not  
1624 be placed closer than:

- 1625 1. Seventy-five feet from a private potable well.
- 1626 2. Two hundred feet from a public potable well serving a
- 1627 residential or nonresidential establishment having a total
- 1628 sewage flow of greater than 2,000 gallons per day.
- 1629 3. One hundred feet from a public potable well serving a
- 1630 residential or nonresidential establishment having a total
- 1631 sewage flow of less than or equal to 2,000 gallons per day.
- 1632 4. Fifty feet from any nonpotable well.
- 1633 5. Ten feet from any storm sewer pipe, to the maximum
- 1634 extent possible, but in no instance shall the setback be less
- 1635 than 5 feet.
- 1636 6. Seventy-five feet from the mean high-water line of a
- 1637 tidally influenced surface water body.
- 1638 7. Seventy-five feet from the mean annual flood line of a
- 1639 permanent nontidal surface water body.
- 1640 8. Fifteen feet from the design high-water line of
- 1641 retention areas, detention areas, or swales designed to contain
- 1642 standing or flowing water for less than 72 hours after a
- 1643 rainfall or the design high-water level of normally dry drainage
- 1644 ditches or normally dry individual lot stormwater retention
- 1645 areas.
- 1646 (f) Except as provided under paragraphs (e) and (t), no
- 1647 limitations shall be imposed by rule, relating to the distance
- 1648 between an onsite disposal system and any area that either
- 1649 permanently or temporarily has visible surface water.
- 1650 (g) All provisions of this section and rules adopted under
- 1651 this section relating to soil condition, water table elevation,
- 1652 distance, and other setback requirements must be equally applied

1653 to all lots, with the following exceptions:

1654       1. Any residential lot that was platted and recorded on or  
 1655 after January 1, 1972, or that is part of a residential  
 1656 subdivision that was approved by the appropriate permitting  
 1657 agency on or after January 1, 1972, and that was eligible for an  
 1658 onsite sewage treatment and disposal system construction permit  
 1659 on the date of such platting and recording or approval shall be  
 1660 eligible for an onsite sewage treatment and disposal system  
 1661 construction permit, regardless of when the application for a  
 1662 permit is made. If rules in effect at the time the permit  
 1663 application is filed cannot be met, residential lots platted and  
 1664 recorded or approved on or after January 1, 1972, shall, to the  
 1665 maximum extent possible, comply with the rules in effect at the  
 1666 time the permit application is filed. At a minimum, however,  
 1667 those residential lots platted and recorded or approved on or  
 1668 after January 1, 1972, but before January 1, 1983, shall comply  
 1669 with those rules in effect on January 1, 1983, and those  
 1670 residential lots platted and recorded or approved on or after  
 1671 January 1, 1983, shall comply with those rules in effect at the  
 1672 time of such platting and recording or approval. In determining  
 1673 the maximum extent of compliance with current rules that is  
 1674 possible, the department shall allow structures and  
 1675 appurtenances thereto which were authorized at the time such  
 1676 lots were platted and recorded or approved.

1677       2. Lots platted before 1972 are subject to a 50-foot  
 1678 minimum surface water setback and are not subject to lot size  
 1679 requirements. The projected daily flow for onsite sewage  
 1680 treatment and disposal systems for lots platted before 1972 may

1681 not exceed:

1682       a. Two thousand five hundred gallons per acre per day for

1683 lots served by public water systems as defined in s. 403.852.

1684       b. One thousand five hundred gallons per acre per day for

1685 lots served by water systems regulated under s. 381.0062.

1686       (h) 1. The department may grant variances in hardship

1687 cases which may be less restrictive than the provisions

1688 specified in this section. If a variance is granted and the

1689 onsite sewage treatment and disposal system construction permit

1690 has been issued, the variance may be transferred with the system

1691 construction permit, if the transferee files, within 60 days

1692 after the transfer of ownership, an amended construction permit

1693 application providing all corrected information and proof of

1694 ownership of the property and if the same variance would have

1695 been required for the new owner of the property as was

1696 originally granted to the original applicant for the variance.

1697 There is no fee associated with the processing of this

1698 supplemental information. A variance may not be granted under

1699 this section until the department is satisfied that:

1700       a. The hardship was not caused intentionally by the action

1701 of the applicant;

1702       b. No reasonable alternative, taking into consideration

1703 factors such as cost, exists for the treatment of the sewage;

1704 and

1705       c. The discharge from the onsite sewage treatment and

1706 disposal system will not adversely affect the health of the

1707 applicant or the public or significantly degrade the groundwater

1708 or surface waters.

1709  
1710 Where soil conditions, water table elevation, and setback  
1711 provisions are determined by the department to be satisfactory,  
1712 special consideration must be given to those lots platted before  
1713 1972.

1714         2. The department shall appoint and staff a variance  
1715 review and advisory committee, which shall meet monthly to  
1716 recommend agency action on variance requests. The committee  
1717 shall make its recommendations on variance requests at the  
1718 meeting in which the application is scheduled for consideration,  
1719 except for an extraordinary change in circumstances, the receipt  
1720 of new information that raises new issues, or when the applicant  
1721 requests an extension. The committee shall consider the criteria  
1722 in subparagraph 1. in its recommended agency action on variance  
1723 requests and shall also strive to allow property owners the full  
1724 use of their land where possible. The committee consists of the  
1725 following:

1726         a. The State Surgeon General, ~~Division Director for~~  
1727 ~~Environmental Health of the department~~ or his or her designee.

1728         b. A representative from the county health departments.

1729         c. A representative from the home building industry  
1730 recommended by the Florida Home Builders Association.

1731         d. A representative from the septic tank industry  
1732 recommended by the Florida Onsite Wastewater Association.

1733         e. A representative from the Department of Environmental  
1734 Protection.

1735         f. A representative from the real estate industry who is  
1736 also a developer in this state who develops lots using onsite

1737 sewage treatment and disposal systems, recommended by the  
 1738 Florida Association of Realtors.

1739 g. A representative from the engineering profession  
 1740 recommended by the Florida Engineering Society.

1741  
 1742 Members shall be appointed for a term of 3 years, with such  
 1743 appointments being staggered so that the terms of no more than  
 1744 two members expire in any one year. Members shall serve without  
 1745 remuneration, but if requested, shall be reimbursed for per diem  
 1746 and travel expenses as provided in s. 112.061.

1747 (i) A construction permit may not be issued for an onsite  
 1748 sewage treatment and disposal system in any area zoned or used  
 1749 for industrial or manufacturing purposes, or its equivalent,  
 1750 where a publicly owned or investor-owned sewage treatment system  
 1751 is available, or where a likelihood exists that the system will  
 1752 receive toxic, hazardous, or industrial waste. An existing  
 1753 onsite sewage treatment and disposal system may be repaired if a  
 1754 publicly owned or investor-owned sewerage system is not  
 1755 available within 500 feet of the building sewer stub-out and if  
 1756 system construction and operation standards can be met. This  
 1757 paragraph does not require publicly owned or investor-owned  
 1758 sewerage treatment systems to accept anything other than  
 1759 domestic wastewater.

1760 1. A building located in an area zoned or used for  
 1761 industrial or manufacturing purposes, or its equivalent, when  
 1762 such building is served by an onsite sewage treatment and  
 1763 disposal system, must not be occupied until the owner or tenant  
 1764 has obtained written approval from the department. The

1765 department shall not grant approval when the proposed use of the  
 1766 system is to dispose of toxic, hazardous, or industrial  
 1767 wastewater or toxic or hazardous chemicals.

1768         2. Each person who owns or operates a business or facility  
 1769 in an area zoned or used for industrial or manufacturing  
 1770 purposes, or its equivalent, or who owns or operates a business  
 1771 that has the potential to generate toxic, hazardous, or  
 1772 industrial wastewater or toxic or hazardous chemicals, and uses  
 1773 an onsite sewage treatment and disposal system that is installed  
 1774 on or after July 5, 1989, must obtain an annual system operating  
 1775 permit from the department. A person who owns or operates a  
 1776 business that uses an onsite sewage treatment and disposal  
 1777 system that was installed and approved before July 5, 1989, need  
 1778 not obtain a system operating permit. However, upon change of  
 1779 ownership or tenancy, the new owner or operator must notify the  
 1780 department of the change, and the new owner or operator must  
 1781 obtain an annual system operating permit, regardless of the date  
 1782 that the system was installed or approved.

1783         3. The department shall periodically review and evaluate  
 1784 the continued use of onsite sewage treatment and disposal  
 1785 systems in areas zoned or used for industrial or manufacturing  
 1786 purposes, or its equivalent, and may require the collection and  
 1787 analyses of samples from within and around such systems. If the  
 1788 department finds that toxic or hazardous chemicals or toxic,  
 1789 hazardous, or industrial wastewater have been or are being  
 1790 disposed of through an onsite sewage treatment and disposal  
 1791 system, the department shall initiate enforcement actions  
 1792 against the owner or tenant to ensure adequate cleanup,



1793 treatment, and disposal.

1794 (j) An onsite sewage treatment and disposal system for a  
 1795 single-family residence that is designed by a professional  
 1796 engineer registered in the state and certified by such engineer  
 1797 as complying with performance criteria adopted by the department  
 1798 must be approved by the department subject to the following:

1799 1. The performance criteria applicable to engineer-  
 1800 designed systems must be limited to those necessary to ensure  
 1801 that such systems do not adversely affect the public health or  
 1802 significantly degrade the groundwater or surface water. Such  
 1803 performance criteria shall include consideration of the quality  
 1804 of system effluent, the proposed total sewage flow per acre,  
 1805 wastewater treatment capabilities of the natural or replaced  
 1806 soil, water quality classification of the potential surface-  
 1807 water-receiving body, and the structural and maintenance  
 1808 viability of the system for the treatment of domestic  
 1809 wastewater. However, performance criteria shall address only the  
 1810 performance of a system and not a system's design.

1811 2. The technical review and advisory panel shall assist  
 1812 the department in the development of performance criteria  
 1813 applicable to engineer-designed systems.

1814 3. A person electing to utilize an engineer-designed  
 1815 system shall, upon completion of the system design, submit such  
 1816 design, certified by a registered professional engineer, to the  
 1817 county health department. The county health department may  
 1818 utilize an outside consultant to review the engineer-designed  
 1819 system, with the actual cost of such review to be borne by the  
 1820 applicant. Within 5 working days after receiving an engineer-

1821 designed system permit application, the county health department  
 1822 shall request additional information if the application is not  
 1823 complete. Within 15 working days after receiving a complete  
 1824 application for an engineer-designed system, the county health  
 1825 department either shall issue the permit or, if it determines  
 1826 that the system does not comply with the performance criteria,  
 1827 shall notify the applicant of that determination and refer the  
 1828 application to the department for a determination as to whether  
 1829 the system should be approved, disapproved, or approved with  
 1830 modification. The department engineer's determination shall  
 1831 prevail over the action of the county health department. The  
 1832 applicant shall be notified in writing of the department's  
 1833 determination and of the applicant's rights to pursue a variance  
 1834 or seek review under the provisions of chapter 120.

1835 4. The owner of an engineer-designed performance-based  
 1836 system must maintain a current maintenance service agreement  
 1837 with a maintenance entity permitted by the department. The  
 1838 maintenance entity shall obtain a biennial system operating  
 1839 permit from the department for each system under service  
 1840 contract. The department shall inspect the system at least  
 1841 annually, or on such periodic basis as the fee collected  
 1842 permits, and may collect system-effluent samples if appropriate  
 1843 to determine compliance with the performance criteria. The fee  
 1844 for the biennial operating permit shall be collected beginning  
 1845 with the second year of system operation. The maintenance entity  
 1846 shall inspect each system at least twice each year and shall  
 1847 report quarterly to the department on the number of systems  
 1848 inspected and serviced.

1849           5. If an engineer-designed system fails to properly  
1850 function or fails to meet performance standards, the system  
1851 shall be re-engineered, if necessary, to bring the system into  
1852 compliance with the provisions of this section.

1853           (k) An innovative system may be approved in conjunction  
1854 with an engineer-designed site-specific system which is  
1855 certified by the engineer to meet the performance-based criteria  
1856 adopted by the department.

1857           (l) For the Florida Keys, the department shall adopt a  
1858 special rule for the construction, installation, modification,  
1859 operation, repair, maintenance, and performance of onsite sewage  
1860 treatment and disposal systems which considers the unique soil  
1861 conditions and water table elevations, densities, and setback  
1862 requirements. On lots where a setback distance of 75 feet from  
1863 surface waters, saltmarsh, and buttonwood association habitat  
1864 areas cannot be met, an injection well, approved and permitted  
1865 by the department, may be used for disposal of effluent from  
1866 onsite sewage treatment and disposal systems. The following  
1867 additional requirements apply to onsite sewage treatment and  
1868 disposal systems in Monroe County:

1869           1. The county, each municipality, and those special  
1870 districts established for the purpose of the collection,  
1871 transmission, treatment, or disposal of sewage shall ensure, in  
1872 accordance with the specific schedules adopted by the  
1873 Administration Commission under s. 380.0552, the completion of  
1874 onsite sewage treatment and disposal system upgrades to meet the  
1875 requirements of this paragraph.

1876           2. Onsite sewage treatment and disposal systems must cease

1877 discharge by December 31, 2015, or must comply with department  
 1878 rules and provide the level of treatment which, on a permitted  
 1879 annual average basis, produces an effluent that contains no more  
 1880 than the following concentrations:

- 1881 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- 1882 b. Suspended Solids of 10 mg/l.
- 1883 c. Total Nitrogen, expressed as N, of 10 mg/l.
- 1884 d. Total Phosphorus, expressed as P, of 1 mg/l.

1885  
 1886 In addition, onsite sewage treatment and disposal systems  
 1887 discharging to an injection well must provide basic disinfection  
 1888 as defined by department rule.

1889 3. On or after July 1, 2010, all new, modified, and  
 1890 repaired onsite sewage treatment and disposal systems must  
 1891 provide the level of treatment described in subparagraph 2.  
 1892 However, in areas scheduled to be served by central sewer by  
 1893 December 31, 2015, if the property owner has paid a connection  
 1894 fee or assessment for connection to the central sewer system, an  
 1895 onsite sewage treatment and disposal system may be repaired to  
 1896 the following minimum standards:

- 1897 a. The existing tanks must be pumped and inspected and  
 1898 certified as being watertight and free of defects in accordance  
 1899 with department rule; and
- 1900 b. A sand-lined drainfield or injection well in accordance  
 1901 with department rule must be installed.

1902 4. Onsite sewage treatment and disposal systems must be  
 1903 monitored for total nitrogen and total phosphorus concentrations  
 1904 as required by department rule.

1905           5. The department shall enforce proper installation,  
 1906 operation, and maintenance of onsite sewage treatment and  
 1907 disposal systems pursuant to this chapter, including ensuring  
 1908 that the appropriate level of treatment described in  
 1909 subparagraph 2. is met.

1910           6. The authority of a local government, including a  
 1911 special district, to mandate connection of an onsite sewage  
 1912 treatment and disposal system is governed by s. 4, chapter 99-  
 1913 395, Laws of Florida.

1914           (m) No product sold in the state for use in onsite sewage  
 1915 treatment and disposal systems may contain any substance in  
 1916 concentrations or amounts that would interfere with or prevent  
 1917 the successful operation of such system, or that would cause  
 1918 discharges from such systems to violate applicable water quality  
 1919 standards. The department shall publish criteria for products  
 1920 known or expected to meet the conditions of this paragraph. In  
 1921 the event a product does not meet such criteria, such product  
 1922 may be sold if the manufacturer satisfactorily demonstrates to  
 1923 the department that the conditions of this paragraph are met.

1924           (n) Evaluations for determining the seasonal high-water  
 1925 table elevations or the suitability of soils for the use of a  
 1926 new onsite sewage treatment and disposal system shall be  
 1927 performed by department personnel, professional engineers  
 1928 registered in the state, or such other persons with expertise,  
 1929 as defined by rule, in making such evaluations. Evaluations for  
 1930 determining mean annual flood lines shall be performed by those  
 1931 persons identified in paragraph (2)(j) ~~(2)(i)~~. The department  
 1932 shall accept evaluations submitted by professional engineers and

1933 such other persons as meet the expertise established by this  
 1934 section or by rule unless the department has a reasonable  
 1935 scientific basis for questioning the accuracy or completeness of  
 1936 the evaluation.

1937 (o) The department shall appoint a research review and  
 1938 advisory committee, which shall meet at least semiannually. The  
 1939 committee shall advise the department on directions for new  
 1940 research, review and rank proposals for research contracts, and  
 1941 review draft research reports and make comments. The committee  
 1942 is comprised of:

1943 1. A representative of the State Surgeon General, or his  
 1944 or her designee ~~Division of Environmental Health of the~~  
 1945 ~~Department of Health.~~

1946 2. A representative from the septic tank industry.

1947 3. A representative from the home building industry.

1948 4. A representative from an environmental interest group.

1949 5. A representative from the State University System, from  
 1950 a department knowledgeable about onsite sewage treatment and  
 1951 disposal systems.

1952 6. A professional engineer registered in this state who  
 1953 has work experience in onsite sewage treatment and disposal  
 1954 systems.

1955 7. A representative from local government who is  
 1956 knowledgeable about domestic wastewater treatment.

1957 8. A representative from the real estate profession.

1958 9. A representative from the restaurant industry.

1959 10. A consumer.

1960

1961 Members shall be appointed for a term of 3 years, with the  
 1962 appointments being staggered so that the terms of no more than  
 1963 four members expire in any one year. Members shall serve without  
 1964 remuneration, but are entitled to reimbursement for per diem and  
 1965 travel expenses as provided in s. 112.061.

1966 (p) An application for an onsite sewage treatment and  
 1967 disposal system permit shall be completed in full, signed by the  
 1968 owner or the owner's authorized representative, or by a  
 1969 contractor licensed under chapter 489, and shall be accompanied  
 1970 by all required exhibits and fees. No specific documentation of  
 1971 property ownership shall be required as a prerequisite to the  
 1972 review of an application or the issuance of a permit. The  
 1973 issuance of a permit does not constitute determination by the  
 1974 department of property ownership.

1975 (q) The department may not require any form of subdivision  
 1976 analysis of property by an owner, developer, or subdivider prior  
 1977 to submission of an application for an onsite sewage treatment  
 1978 and disposal system.

1979 (r) Nothing in this section limits the power of a  
 1980 municipality or county to enforce other laws for the protection  
 1981 of the public health and safety.

1982 (s) In the siting of onsite sewage treatment and disposal  
 1983 systems, including drainfields, shoulders, and slopes, guttering  
 1984 shall not be required on single-family residential dwelling  
 1985 units for systems located greater than 5 feet from the roof drip  
 1986 line of the house. If guttering is used on residential dwelling  
 1987 units, the downspouts shall be directed away from the  
 1988 drainfield.

1989 (t) Notwithstanding the provisions of subparagraph (g)1.,  
 1990 onsite sewage treatment and disposal systems located in  
 1991 floodways of the Suwannee and Aucilla Rivers must adhere to the  
 1992 following requirements:

1993 1. The absorption surface of the drainfield shall not be  
 1994 subject to flooding based on 10-year flood elevations. Provided,  
 1995 however, for lots or parcels created by the subdivision of land  
 1996 in accordance with applicable local government regulations prior  
 1997 to January 17, 1990, if an applicant cannot construct a  
 1998 drainfield system with the absorption surface of the drainfield  
 1999 at an elevation equal to or above 10-year flood elevation, the  
 2000 department shall issue a permit for an onsite sewage treatment  
 2001 and disposal system within the 10-year floodplain of rivers,  
 2002 streams, and other bodies of flowing water if all of the  
 2003 following criteria are met:

2004 a. The lot is at least one-half acre in size;

2005 b. The bottom of the drainfield is at least 36 inches  
 2006 above the 2-year flood elevation; and

2007 c. The applicant installs either: a waterless,  
 2008 incinerating, or organic waste composting toilet and a graywater  
 2009 system and drainfield in accordance with department rules; an  
 2010 aerobic treatment unit and drainfield in accordance with  
 2011 department rules; a system approved by the State Health Office  
 2012 that is capable of reducing effluent nitrate by at least 50  
 2013 percent; or a system approved by the county health department  
 2014 pursuant to department rule other than a system using  
 2015 alternative drainfield materials. The United States Department  
 2016 of Agriculture Soil Conservation Service soil maps, State of



2017 Florida Water Management District data, and Federal Emergency  
 2018 Management Agency Flood Insurance maps are resources that shall  
 2019 be used to identify flood-prone areas.

2020         2. The use of fill or mounding to elevate a drainfield  
 2021 system out of the 10-year floodplain of rivers, streams, or  
 2022 other bodies of flowing water shall not be permitted if such a  
 2023 system lies within a regulatory floodway of the Suwannee and  
 2024 Aucilla Rivers. In cases where the 10-year flood elevation does  
 2025 not coincide with the boundaries of the regulatory floodway, the  
 2026 regulatory floodway will be considered for the purposes of this  
 2027 subsection to extend at a minimum to the 10-year flood  
 2028 elevation.

2029         (u) The owner of an aerobic treatment unit system shall  
 2030 maintain a current maintenance service agreement with an aerobic  
 2031 treatment unit maintenance entity permitted by the department.  
 2032 The maintenance entity shall obtain a system operating permit  
 2033 from the department for each aerobic treatment unit under  
 2034 service contract. The maintenance entity shall inspect each  
 2035 aerobic treatment unit system at least twice each year and shall  
 2036 report quarterly to the department on the number of aerobic  
 2037 treatment unit systems inspected and serviced. The owner shall  
 2038 allow the department to inspect during reasonable hours each  
 2039 aerobic treatment unit system at least annually, and such  
 2040 inspection may include collection and analysis of system-  
 2041 effluent samples for performance criteria established by rule of  
 2042 the department.

2043         (v) The department may require the submission of detailed  
 2044 system construction plans that are prepared by a professional

2045 engineer registered in this state. The department shall  
 2046 establish by rule criteria for determining when such a  
 2047 submission is required.

2048 Section 34. Section 381.0068, Florida Statutes, is amended  
 2049 to read:

2050 381.0068 Technical review and advisory panel.—

2051 (1) The Department of Health shall, ~~by July 1, 1996,~~  
 2052 establish and staff a technical review and advisory panel to  
 2053 assist the department with rule adoption.

2054 (2) The primary purpose of the panel is to assist the  
 2055 department in rulemaking and decisionmaking by drawing on the  
 2056 expertise of representatives from several groups that are  
 2057 affected by onsite sewage treatment and disposal systems. The  
 2058 panel may also review and comment on any legislation or any  
 2059 existing or proposed state policy or issue related to onsite  
 2060 sewage treatment and disposal systems. ~~If requested by the~~  
 2061 ~~panel, the chair will advise any affected person or member of~~  
 2062 ~~the Legislature of the panel's position on the legislation or~~  
 2063 ~~any existing or proposed state policy or issue.~~ The chair may  
 2064 also take such other action as is appropriate to allow the panel  
 2065 to function. At a minimum, the panel shall consist of a soil  
 2066 scientist; a professional engineer registered in this state who  
 2067 is recommended by the Florida Engineering Society and who has  
 2068 work experience in onsite sewage treatment and disposal systems;  
 2069 two representatives from the home-building industry recommended  
 2070 by the Florida Home Builders Association, including one who is a  
 2071 developer in this state who develops lots using onsite sewage  
 2072 treatment and disposal systems; a representative from the county

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2012

2073 health departments who has experience permitting and inspecting  
2074 the installation of onsite sewage treatment and disposal systems  
2075 in this state; a representative from the real estate industry  
2076 who is recommended by the Florida Association of Realtors; a  
2077 consumer representative with a science background; two  
2078 representatives of the septic tank industry recommended by the  
2079 Florida Onsite Wastewater Association, including one who is a  
2080 manufacturer of onsite sewage treatment and disposal systems; a  
2081 representative from local government who is knowledgeable about  
2082 domestic wastewater treatment and who is recommended by the  
2083 Florida Association of Counties and the Florida League of  
2084 Cities; and a representative from the environmental health  
2085 profession who is recommended by the Florida Environmental  
2086 Health Association and who is not employed by a county health  
2087 department. Members are to be appointed for a term of 2 years.  
2088 The panel may also, as needed, be expanded to include ad hoc,  
2089 nonvoting representatives who have topic-specific expertise. All  
2090 rules proposed by the department which relate to onsite sewage  
2091 treatment and disposal systems must be presented to the panel  
2092 for review and comment prior to adoption. The panel's position  
2093 on proposed rules shall be made a part of the rulemaking record  
2094 that is maintained by the agency. The panel shall select a  
2095 chair, who shall serve for a period of 1 year and who shall  
2096 direct, coordinate, and execute the duties of the panel. The  
2097 panel shall also solicit input from the department's variance  
2098 review and advisory committee before submitting any comments to  
2099 the department concerning proposed rules. The panel's comments  
2100 must include any dissenting points of view concerning proposed

2101 rules. The panel shall hold meetings as it determines necessary  
 2102 to conduct its business, except that the chair, a quorum of the  
 2103 voting members of the panel, or the department may call  
 2104 meetings. The department shall keep minutes of all meetings of  
 2105 the panel. Panel members shall serve without remuneration, but,  
 2106 if requested, shall be reimbursed for per diem and travel  
 2107 expenses as provided in s. 112.061.

2108 Section 35. Subsection (1) of section 381.0072, Florida  
 2109 Statutes, is amended to read:

2110 381.0072 Food service protection.—It shall be the duty of  
 2111 the Department of Health to adopt and enforce sanitation rules  
 2112 consistent with law to ensure the protection of the public from  
 2113 food-borne illness. These rules shall provide the standards and  
 2114 requirements for the storage, preparation, serving, or display  
 2115 of food in food service establishments as defined in this  
 2116 section and which are not permitted or licensed under chapter  
 2117 500 or chapter 509.

2118 (1) DEFINITIONS.—As used in this section, the term:

2119 (a) "Department" means the Department of Health or its  
 2120 representative county health department.

2121 (b) "Food service establishment" means detention  
 2122 facilities, public or private schools, migrant labor camps,  
 2123 assisted living facilities, facilities participating in the  
 2124 United States Department of Agriculture Afterschool Meal  
 2125 Program, adult family-care homes, adult day care centers, short-  
 2126 term residential treatment centers, residential treatment  
 2127 facilities, homes for special services, transitional living  
 2128 facilities, crisis stabilization units, hospices, prescribed

2129 pediatric extended care centers, intermediate care facilities  
 2130 for persons with developmental disabilities, boarding schools,  
 2131 civic or fraternal organizations, bars and lounges, vending  
 2132 machines that dispense potentially hazardous foods at facilities  
 2133 expressly named in this paragraph, and facilities used as  
 2134 temporary food events or mobile food units at any facility  
 2135 expressly named in this paragraph, where food is prepared and  
 2136 intended for individual portion service, including the site at  
 2137 which individual portions are provided, regardless of whether  
 2138 consumption is on or off the premises and regardless of whether  
 2139 there is a charge for the food. The term does not include any  
 2140 entity not expressly named in this paragraph; nor does the term  
 2141 include a domestic violence center certified and monitored by  
 2142 the Department of Children and Family Services under part XII of  
 2143 chapter 39 if the center does not prepare and serve food to its  
 2144 residents and does not advertise food or drink for public  
 2145 consumption.

2146 (c) "Operator" means the owner, operator, keeper,  
 2147 proprietor, lessee, manager, assistant manager, agent, or  
 2148 employee of a food service establishment.

2149 Section 36. Section 381.00781, Florida Statutes, is  
 2150 amended to read:

2151 381.00781 Fees; disposition.—

2152 ~~(1)~~ The department shall establish by rule the following  
 2153 fees:

2154 (1)(a) ~~Fee~~ For the initial licensure of a tattoo  
 2155 establishment and the renewal of such license, a fee which,  
 2156 ~~except as provided in subsection (2), may not to~~ exceed \$250 per

2157 year.

2158 ~~(2)(b) Fee~~ For licensure of a temporary establishment, a  
 2159 ~~fee which, except as provided in subsection (2), may not to~~  
 2160 exceed \$250.

2161 ~~(3)(e) Fee~~ For the initial licensure of a tattoo artist  
 2162 and the renewal of such license, a fee which, except as provided  
 2163 ~~in subsection (2), may not to~~ exceed \$150 per year.

2164 ~~(3)(d) Fee~~ For registration or reregistration of a guest  
 2165 tattoo artist, a fee which, except as provided in subsection  
 2166 ~~(2), may not to~~ exceed \$45.

2167 ~~(4)(e) Fee~~ For reactivation of an inactive tattoo  
 2168 establishment license or tattoo artist license. A license  
 2169 becomes inactive if it is not renewed before the expiration of  
 2170 the current license.

2171 ~~(2) The department may annually adjust the maximum fees~~  
 2172 ~~authorized under subsection (1) according to the rate of~~  
 2173 ~~inflation or deflation indicated by the Consumer Price Index for~~  
 2174 ~~All Urban Consumers, U.S. City Average, All Items, as reported~~  
 2175 ~~by the United States Department of Labor.~~

2176 Section 37. Subsections (1) and (4) of section 381.0086,  
 2177 Florida Statutes, are amended to read:

2178 381.0086 Rules; variances; penalties.—

2179 (1) The department shall adopt rules necessary to protect  
 2180 the health and safety of migrant farmworkers and other migrant  
 2181 labor camp or residential migrant housing occupants, including  
 2182 rules governing field sanitation facilities. These rules must  
 2183 include definitions of terms, a process for ~~provisions relating~~  
 2184 ~~to~~ plan review of the construction of new, expanded, or

2185 remodeled camps or residential migrant housing, sites, buildings  
 2186 and structures; and standards for personal hygiene facilities,  
 2187 ~~lighting,~~ sewage disposal, safety, minimum living space per  
 2188 occupant, bedding, food equipment, food storage and preparation,  
 2189 insect and rodent control, garbage, heating equipment, water  
 2190 supply, maintenance and operation of the camp or housing, ~~or~~  
 2191 ~~roads,~~ and such other matters as the department finds to be  
 2192 appropriate or necessary to protect the life and health of the  
 2193 occupants. Housing operated by a public housing authority is  
 2194 exempt from the provisions of any administrative rule that  
 2195 conflicts with or is more stringent than the federal standards  
 2196 applicable to the housing.

2197 (4) A person who violates any provision of ss. 381.008-  
 2198 381.00895 or rules adopted under such sections is subject either  
 2199 to the penalties provided in ss. 381.0012, ~~381.0025,~~ and  
 2200 381.0061 or to the penalties provided in s. 381.0087.

2201 Section 38. Subsections (1) and (7) of section 381.0098,  
 2202 Florida Statutes, are amended to read:

2203 381.0098 Biomedical waste.—

2204 (1) LEGISLATIVE INTENT. ~~It is the intent of the~~  
 2205 ~~Legislature to protect the public health by establishing~~  
 2206 ~~standards for the safe packaging, transport, storage, treatment,~~  
 2207 ~~and disposal of biomedical waste.~~ Except as otherwise provided  
 2208 herein, the Department of Health shall regulate the packaging,  
 2209 transport, storage, and treatment of biomedical waste. The  
 2210 Department of Environmental Protection shall regulate onsite and  
 2211 offsite incineration and disposal of biomedical waste.  
 2212 Consistent with the foregoing, the Department of Health shall

2213 have the exclusive authority to establish treatment efficacy  
 2214 standards for biomedical waste and the Department of  
 2215 Environmental Protection shall have the exclusive authority to  
 2216 establish statewide standards relating to environmental impacts,  
 2217 if any, of treatment and disposal including, but not limited to,  
 2218 water discharges and air emissions. An interagency agreement  
 2219 between the Department of Environmental Protection and the  
 2220 Department of Health shall be developed to ensure maximum  
 2221 efficiency in coordinating, administering, and regulating  
 2222 biomedical wastes.

2223 (7) ENFORCEMENT AND PENALTIES.—Any person or public body  
 2224 in violation of this section or rules adopted under this section  
 2225 is subject to penalties provided in ss. 381.0012, ~~381.0025,~~ and  
 2226 381.0061. However, an administrative fine not to exceed \$2,500  
 2227 may be imposed for each day such person or public body is in  
 2228 violation of this section. The department may deny, suspend, or  
 2229 revoke any biomedical waste permit or registration if the  
 2230 permittee violates this section, any rule adopted under this  
 2231 section, or any lawful order of the department.

2232 Section 39. Subsections (2) through (8) of section  
 2233 381.0101, Florida Statutes, are renumbered as subsection (1)  
 2234 through (7), respectively, and present subsections (1), (3), and  
 2235 (4) and paragraph (a) of present subsection (5) of that section  
 2236 are amended to read:

2237 381.0101 Environmental health professionals.—

2238 ~~(1) LEGISLATIVE INTENT.—Persons responsible for providing~~  
 2239 ~~technical and scientific evaluations of environmental health and~~  
 2240 ~~sanitary conditions in business establishments and communities~~



2241 ~~throughout the state may create a danger to the public health if~~  
 2242 ~~they are not skilled or competent to perform such evaluations.~~  
 2243 ~~The public relies on the judgment of environmental health~~  
 2244 ~~professionals employed by both government agencies and~~  
 2245 ~~industries to assure them that environmental hazards are~~  
 2246 ~~identified and removed before they endanger the health or safety~~  
 2247 ~~of the public. The purpose of this section is to assure the~~  
 2248 ~~public that persons specifically responsible for performing~~  
 2249 ~~environmental health and sanitary evaluations have been~~  
 2250 ~~certified by examination as competent to perform such work.~~

2251 (2) ~~(3)~~ CERTIFICATION REQUIRED.—~~A~~ No person may not ~~shall~~  
 2252 perform environmental health or sanitary evaluations in any  
 2253 primary program area of environmental health without being  
 2254 certified by the department as competent to perform such  
 2255 evaluations. This section does not apply to:

2256 (a) Persons performing inspections of public food service  
 2257 establishments licensed under chapter 509; or

2258 (b) Persons performing site evaluations in order to  
 2259 determine proper placement and installation of onsite wastewater  
 2260 treatment and disposal systems who have successfully completed a  
 2261 department-approved soils morphology course and who are working  
 2262 under the direct responsible charge of an engineer licensed  
 2263 under chapter 471.

2264 (3) ~~(4)~~ ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—  
 2265 The State Health Officer shall appoint an advisory board to  
 2266 assist the department in the promulgation of rules for  
 2267 certification, testing, establishing standards, and seeking  
 2268 enforcement actions against certified professionals.

2269 (a) The board shall be comprised of the Division Director  
 2270 for Emergency Preparedness and Community Support ~~Environmental~~  
 2271 ~~Health~~ or his or her designee, one individual who will be  
 2272 certified under this section, one individual not employed in a  
 2273 governmental capacity who will or does employ a certified  
 2274 environmental health professional, one individual whose business  
 2275 is or will be evaluated by a certified environmental health  
 2276 professional, a citizen of the state who neither employs nor is  
 2277 routinely evaluated by a person certified under this section.

2278 (b) The board shall advise the department as to the  
 2279 minimum disciplinary guidelines and standards of competency and  
 2280 proficiency necessary to obtain certification in a primary area  
 2281 of environmental health practice.

2282 1. The board shall recommend primary areas of  
 2283 environmental health practice in which environmental health  
 2284 professionals should be required to obtain certification.

2285 2. The board shall recommend minimum standards of practice  
 2286 which the department shall incorporate into rule.

2287 3. The board shall evaluate and recommend to the  
 2288 department existing registrations and certifications which meet  
 2289 or exceed minimum department standards and should, therefore,  
 2290 exempt holders of such certificates or registrations from  
 2291 compliance with this section.

2292 4. The board shall hear appeals of certificate denials,  
 2293 revocation, or suspension and shall advise the department as to  
 2294 the disposition of such an appeal.

2295 5. The board shall meet as often as necessary, but no less  
 2296 than semiannually, handle appeals to the department, and conduct

2297 other duties of the board.

2298 6. Members of the board shall receive no compensation but  
 2299 are entitled to reimbursement for per diem and travel expenses  
 2300 in accordance with s. 112.061.

2301 (4)~~(5)~~ STANDARDS FOR CERTIFICATION.—The department shall  
 2302 adopt rules that establish definitions of terms and minimum  
 2303 standards of education, training, or experience for those  
 2304 persons subject to this section. The rules must also address the  
 2305 process for application, examination, issuance, expiration, and  
 2306 renewal of certification and ethical standards of practice for  
 2307 the profession.

2308 (a) Persons employed as environmental health professionals  
 2309 shall exhibit a knowledge of rules and principles of  
 2310 environmental and public health law in Florida through  
 2311 examination. A person may not conduct environmental health  
 2312 evaluations in a primary program area unless he or she is  
 2313 currently certified in that program area or works under the  
 2314 direct supervision of a certified environmental health  
 2315 professional.

2316 1. All persons who begin employment in a primary  
 2317 environmental health program on or after September 21, 1994,  
 2318 must be certified in that program within 6 months after  
 2319 employment.

2320 2. Persons employed in the primary environmental health  
 2321 program of a food protection program or an onsite sewage  
 2322 treatment and disposal system prior to September 21, 1994, shall  
 2323 be considered certified while employed in that position and  
 2324 shall be required to adhere to any professional standards

2325 established by the department pursuant to paragraph (b),  
 2326 complete any continuing education requirements imposed under  
 2327 paragraph (d), and pay the certificate renewal fee imposed under  
 2328 subsection (6) ~~(7)~~.

2329 3. Persons employed in the primary environmental health  
 2330 program of a food protection program or an onsite sewage  
 2331 treatment and disposal system prior to September 21, 1994, who  
 2332 change positions or program areas and transfer into another  
 2333 primary environmental health program area on or after September  
 2334 21, 1994, must be certified in that program within 6 months  
 2335 after such transfer, except that they will not be required to  
 2336 possess the college degree required under paragraph (e).

2337 4. Registered sanitarians shall be considered certified  
 2338 and shall be required to adhere to any professional standards  
 2339 established by the department pursuant to paragraph (b).

2340 Section 40. Section 381.0203, Florida Statutes, is amended  
 2341 to read:

2342 381.0203 Pharmacy services.—

2343 (1) The department may contract on a statewide basis for  
 2344 the purchase of drugs, as defined in s. 499.003, to be used by  
 2345 state agencies and political subdivisions, and may adopt rules  
 2346 to administer this section.

2347 (2) The department shall establish and maintain a pharmacy  
 2348 services program, including, but not limited to:

2349 (a) A central pharmacy to support pharmaceutical services  
 2350 provided by the county health departments, including  
 2351 pharmaceutical repackaging, dispensing, and the purchase and  
 2352 distribution of immunizations and other pharmaceuticals.

2353 ~~(b) Regulation of drugs, cosmetics, and household products~~  
 2354 ~~pursuant to chapter 499.~~

2355 (b)~~(e)~~ Consultation to county health departments as  
 2356 required by s. 154.04(1)(c).

2357 ~~(d) A contraception distribution program which shall be~~  
 2358 ~~implemented, to the extent resources permit, through the~~  
 2359 ~~licensed pharmacies of county health departments. A woman who is~~  
 2360 ~~eligible for participation in the contraceptive distribution~~  
 2361 ~~program is deemed a patient of the county health department.~~

2362 ~~1. To be eligible for participation in the program a woman~~  
 2363 ~~must:~~

2364 ~~a. Be a client of the department or the Department of~~  
 2365 ~~Children and Family Services.~~

2366 ~~b. Be of childbearing age with undesired fertility.~~

2367 ~~e. Have an income between 150 and 200 percent of the~~  
 2368 ~~federal poverty level.~~

2369 ~~d. Have no Medicaid benefits or applicable health~~  
 2370 ~~insurance benefits.~~

2371 ~~e. Have had a medical examination by a licensed health~~  
 2372 ~~care provider within the past 6 months.~~

2373 ~~f. Have a valid prescription for contraceptives that are~~  
 2374 ~~available through the contraceptive distribution program.~~

2375 ~~g. Consent to the release of necessary medical information~~  
 2376 ~~to the county health department.~~

2377 ~~2. Fees charged for the contraceptives under the program~~  
 2378 ~~must cover the cost of purchasing and providing contraceptives~~  
 2379 ~~to women participating in the program.~~

2380 ~~3. The department may adopt rules to administer this~~

2381 ~~program.~~

2382 Section 41. Subsection (1) of section 381.0261, Florida  
2383 Statutes, is amended to read:

2384 381.0261 Summary of patient's bill of rights;  
2385 distribution; penalty.—

2386 (1) The Department of Health shall publish on its Internet  
2387 website ~~Agency for Health Care Administration shall have printed~~  
2388 ~~and made continuously available to health care facilities~~  
2389 ~~licensed under chapter 395, physicians licensed under chapter~~  
2390 ~~458, osteopathic physicians licensed under chapter 459, and~~  
2391 ~~pediatric physicians licensed under chapter 461~~ a summary of the  
2392 Florida Patient's Bill of Rights and Responsibilities. In  
2393 adopting and making available to patients the summary of the  
2394 Florida Patient's Bill of Rights and Responsibilities, health  
2395 care providers and health care facilities are not limited to the  
2396 format in which the department publishes ~~Agency for Health Care~~  
2397 ~~Administration prints and distributes~~ the summary.

2398 Section 42. Section 381.0301, Florida Statutes, is  
2399 repealed.

2400 Section 43. Section 381.0302, Florida Statutes, is  
2401 repealed.

2402 Section 44. Subsection (5) of section 381.0303, Florida  
2403 Statutes, is amended to read:

2404 381.0303 Special needs shelters.—

2405 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State  
2406 Surgeon General may establish a special needs shelter  
2407 interagency committee and serve as, or appoint a designee to  
2408 serve as, the committee's chair. The department shall provide

2409 any necessary staff and resources to support the committee in  
 2410 the performance of its duties. The committee shall address and  
 2411 resolve problems related to special needs shelters not addressed  
 2412 in the state comprehensive emergency medical plan and shall  
 2413 consult on the planning and operation of special needs shelters.

2414 (a) The committee shall~~+~~

2415 ~~1.~~ develop, negotiate, and regularly review any necessary  
 2416 interagency agreements, and~~-~~

2417 ~~2.~~ undertake other such activities as the department deems  
 2418 necessary to facilitate the implementation of this section.

2419 ~~3. Submit recommendations to the Legislature as necessary.~~

2420 (b) The special needs shelter interagency committee shall  
 2421 be composed of representatives of emergency management, health,  
 2422 medical, and social services organizations. Membership shall  
 2423 include, but shall not be limited to, representatives of the  
 2424 Departments of Health, Children and Family Services, Elderly  
 2425 Affairs, and Education; the Agency for Health Care  
 2426 Administration; the Division of Emergency Management; the  
 2427 Florida Medical Association; the Florida Osteopathic Medical  
 2428 Association; Associated Home Health Industries of Florida, Inc.;  
 2429 the Florida Nurses Association; the Florida Health Care  
 2430 Association; the Florida Assisted Living Affiliation; the  
 2431 Florida Hospital Association; the Florida Statutory Teaching  
 2432 Hospital Council; the Florida Association of Homes for the  
 2433 Aging; the Florida Emergency Preparedness Association; the  
 2434 American Red Cross; Florida Hospices and Palliative Care, Inc.;  
 2435 the Association of Community Hospitals and Health Systems; the  
 2436 Florida Association of Health Maintenance Organizations; the

2437 Florida League of Health Systems; the Private Care Association;  
 2438 the Salvation Army; the Florida Association of Aging Services  
 2439 Providers; the AARP; and the Florida Renal Coalition.

2440 (c) Meetings of the committee shall be held in  
 2441 Tallahassee, and members of the committee shall serve at the  
 2442 expense of the agencies or organizations they represent. The  
 2443 committee shall make every effort to use teleconference or  
 2444 videoconference capabilities in order to ensure statewide input  
 2445 and participation.

2446 Section 45. Section 381.04015, Florida Statutes, is  
 2447 repealed.

2448 Section 46. Subsections (2), (3), and (4) of section  
 2449 381.0403, Florida Statutes, are amended to read:

2450 381.0403 The Community Hospital Education Act.—

2451 (2) ESTABLISHMENT OF PROGRAM ~~LEGISLATIVE INTENT.—~~

2452 ~~(a) It is the intent of the Legislature that health care~~  
 2453 ~~services for the citizens of this state be upgraded and that a~~  
 2454 ~~program for continuing these services be maintained through a~~  
 2455 ~~plan for community medical education. The~~ A ~~program is intended~~  
 2456 ~~established to~~ plan for community medical education, ~~provide~~  
 2457 ~~additional outpatient and inpatient services,~~ increase the ~~a~~  
 2458 ~~continuing~~ supply of highly trained physicians, and expand  
 2459 graduate medical education.

2460 ~~(b) The Legislature further acknowledges the critical need~~  
 2461 ~~for increased numbers of primary care physicians to provide the~~  
 2462 ~~necessary current and projected health and medical services. In~~  
 2463 ~~order to meet both present and anticipated needs, the~~  
 2464 ~~Legislature supports an expansion in the number of family~~



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2465 ~~practice residency positions. The Legislature intends that the~~  
2466 ~~funding for graduate education in family practice be maintained~~  
2467 ~~and that funding for all primary care specialties be provided at~~  
2468 ~~a minimum of \$10,000 per resident per year. Should funding for~~  
2469 ~~this act remain constant or be reduced, it is intended that all~~  
2470 ~~programs funded by this act be maintained or reduced~~  
2471 ~~proportionately.~~

2472 (3) PROGRAM FOR COMMUNITY HOSPITAL EDUCATION; STATE AND  
2473 LOCAL PLANNING.—

2474 (a) ~~There is established under the Department of Health a~~  
2475 ~~program for statewide graduate medical education. It is intended~~  
2476 ~~that continuing graduate medical education programs for interns~~  
2477 ~~and residents be established on a statewide basis. The program~~  
2478 shall provide financial support for primary care specialty  
2479 interns and residents based on recommendations of policies  
2480 ~~recommended and approved by~~ the Community Hospital Education  
2481 Council, herein established, and the Department of Health, as  
2482 authorized by the General Appropriations Act. Only those  
2483 programs with at least three residents or interns in each year  
2484 of the training program are qualified to apply for financial  
2485 support. Programs with fewer than three residents or interns per  
2486 training year are qualified to apply for financial support, but  
2487 only if the appropriate accrediting entity for the particular  
2488 specialty has approved the program for fewer positions. New  
2489 ~~programs added after fiscal year 1997-1998~~ shall have 5 years to  
2490 attain the requisite number of residents or interns. When  
2491 feasible and to the extent allowed through the General  
2492 Appropriations Act, state funds shall be used to generate

2493 federal matching funds under Medicaid, or other federal  
2494 programs, and the resulting combined state and federal funds  
2495 shall be allocated to participating hospitals for the support of  
2496 graduate medical education.

2497 (b) For the purposes of this section, primary care  
2498 specialties include emergency medicine, family practice,  
2499 internal medicine, pediatrics, psychiatry,  
2500 obstetrics/gynecology, and combined pediatrics and internal  
2501 medicine, and other primary care specialties as may be included  
2502 by the council and Department of Health.

2503 (c) Medical institutions throughout the state may apply to  
2504 the Community Hospital Education Council for grants-in-aid for  
2505 financial support of their approved programs. Recommendations  
2506 for funding of approved programs shall be forwarded to the  
2507 Department of Health.

2508 (d) The program shall provide a plan for community  
2509 clinical teaching and training with the cooperation of the  
2510 medical profession, hospitals, and clinics. The plan shall also  
2511 include formal teaching opportunities for intern and resident  
2512 training. In addition, the plan shall establish an off-campus  
2513 medical faculty with university faculty review to be located  
2514 throughout the state in local communities.

2515 (4) PROGRAM FOR GRADUATE MEDICAL EDUCATION INNOVATIONS.—

2516 (a) There is established under the Department of Health a  
2517 program for fostering graduate medical education innovations.  
2518 Funds appropriated annually by the Legislature for this purpose  
2519 shall be distributed to participating hospitals or consortia of  
2520 participating hospitals and Florida medical schools or to a

2521 Florida medical school for the direct costs of providing  
 2522 graduate medical education in community-based clinical settings  
 2523 on a competitive grant or formula basis to achieve state health  
 2524 care workforce policy objectives, including, but not limited to:

2525 1. Increasing the number of residents in primary care and  
 2526 other high demand specialties or fellowships;

2527 2. Enhancing retention of primary care physicians in  
 2528 Florida practice;

2529 3. Promoting practice in medically underserved areas of  
 2530 the state;

2531 4. Encouraging racial and ethnic diversity within the  
 2532 state's physician workforce; and

2533 5. Encouraging increased production of geriatricians.

2534 (b) Participating hospitals or consortia of participating  
 2535 hospitals and Florida medical schools or a Florida medical  
 2536 school providing graduate medical education in community-based  
 2537 clinical settings may apply to the Community Hospital Education  
 2538 Council for funding under this innovations program, except when  
 2539 such innovations directly compete with services or programs  
 2540 provided by participating hospitals or consortia of  
 2541 participating hospitals, or by both hospitals and consortia.  
 2542 Innovations program funding shall be allocated ~~provide funding~~  
 2543 based on recommendations of ~~policies recommended and approved by~~  
 2544 the Community Hospital Education Council and the Department of  
 2545 Health, as authorized by the General Appropriations Act.

2546 (c) Participating hospitals or consortia of participating  
 2547 hospitals and Florida medical schools or Florida medical schools  
 2548 awarded an innovations grant shall provide the Community

2549 Hospital Education Council and Department of Health with an  
 2550 annual report on their project.

2551 Section 47. Subsection (7) of section 381.0405, Florida  
 2552 Statutes, is amended to read:

2553 381.0405 Office of Rural Health.—

2554 ~~(7) APPROPRIATION. The Legislature shall appropriate such~~  
 2555 ~~sums as are necessary to support the Office of Rural Health.~~

2556 Section 48. Subsection (3) of section 381.0406, Florida  
 2557 Statutes, is amended to read:

2558 381.0406 Rural health networks.—

2559 (3) ~~Because each rural area is unique, with a different~~  
 2560 ~~health care provider mix,~~ Health care provider membership may  
 2561 vary, but all networks shall include members that provide public  
 2562 health, comprehensive primary care, emergency medical care, and  
 2563 acute inpatient care.

2564 Section 49. Effective October 1, 2014, section 381.0407,  
 2565 Florida Statutes, is repealed.

2566 Section 50. Section 381.045, Florida Statutes, is  
 2567 repealed.

2568 Section 51. Subsection (7) of section 381.06015, Florida  
 2569 Statutes, is amended to read:

2570 381.06015 Public Cord Blood Tissue Bank.—

2571 ~~(7) In order to fund the provisions of this section the~~  
 2572 ~~consortium participants, the Agency for Health Care~~  
 2573 ~~Administration, and the Department of Health shall seek private~~  
 2574 ~~or federal funds to initiate program actions for fiscal year~~  
 2575 ~~2000-2001.~~

2576 Section 52. Section 381.0605, Florida Statutes, is

2577 repealed.

2578 Section 53. Sections 381.1001, 381.1015, 381.102, and  
 2579 381.103, Florida Statutes, are repealed.

2580 Section 54. Subsections (3) through (5) of section  
 2581 381.4018, Florida Statutes, are renumbered as subsections (2)  
 2582 through (4), respectively, and present subsection (2) and  
 2583 paragraph (f) of present subsection (4) of that section are  
 2584 amended to read:

2585 381.4018 Physician workforce assessment and development.—

2586 ~~(2) LEGISLATIVE INTENT. The Legislature recognizes that~~  
 2587 ~~physician workforce planning is an essential component of~~  
 2588 ~~ensuring that there is an adequate and appropriate supply of~~  
 2589 ~~well-trained physicians to meet this state's future health care~~  
 2590 ~~service needs as the general population and elderly population~~  
 2591 ~~of the state increase. The Legislature finds that items to~~  
 2592 ~~consider relative to assessing the physician workforce may~~  
 2593 ~~include physician practice status; specialty mix; geographic~~  
 2594 ~~distribution; demographic information, including, but not~~  
 2595 ~~limited to, age, gender, race, and cultural considerations; and~~  
 2596 ~~needs of current or projected medically underserved areas in the~~  
 2597 ~~state. Long-term strategic planning is essential as the period~~  
 2598 ~~from the time a medical student enters medical school to~~  
 2599 ~~completion of graduate medical education may range from 7 to 10~~  
 2600 ~~years or longer. The Legislature recognizes that strategies to~~  
 2601 ~~provide for a well-trained supply of physicians must include~~  
 2602 ~~ensuring the availability and capacity of quality medical~~  
 2603 ~~schools and graduate medical education programs in this state,~~  
 2604 ~~as well as using new or existing state and federal programs~~

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2605 ~~providing incentives for physicians to practice in needed~~  
2606 ~~specialties and in underserved areas in a manner that addresses~~  
2607 ~~projected needs for physician manpower.~~

2608 (3)~~(4)~~ GENERAL FUNCTIONS.—The department shall maximize  
2609 the use of existing programs under the jurisdiction of the  
2610 department and other state agencies and coordinate governmental  
2611 and nongovernmental stakeholders and resources in order to  
2612 develop a state strategic plan and assess the implementation of  
2613 such strategic plan. In developing the state strategic plan, the  
2614 department shall:

2615 (f) Develop strategies to maximize federal and state  
2616 programs that provide for the use of incentives to attract  
2617 physicians to this state or retain physicians within the state.  
2618 Such strategies should explore and maximize federal-state  
2619 partnerships that provide incentives for physicians to practice  
2620 in federally designated shortage areas. Strategies shall also  
2621 consider the use of state programs, such as the ~~Florida Health~~  
2622 ~~Service Corps established pursuant to s. 381.0302 and the~~  
2623 Medical Education Reimbursement and Loan Repayment Program  
2624 pursuant to s. 1009.65, which provide for education loan  
2625 repayment or loan forgiveness and provide monetary incentives  
2626 for physicians to relocate to underserved areas of the state.

2627 Section 55. Section 381.60225, Florida Statutes, is  
2628 repealed.

2629 Section 56. Sections 381.732, 381.733, and 381.734,  
2630 Florida Statutes, are repealed.

2631 Section 57. Section 381.7352, Florida Statutes, is amended  
2632 to read:

2633 381.7352 Legislative findings and intent.—

2634 ~~(1) The Legislature finds that despite state investments~~

2635 ~~in health care programs, certain racial and ethnic populations~~

2636 ~~in Florida continue to have significantly poorer health outcomes~~

2637 ~~when compared to non-Hispanic whites. The Legislature finds that~~

2638 ~~local solutions to health care problems can have a dramatic and~~

2639 ~~positive effect on the health status of these populations. Local~~

2640 ~~governments and communities are best equipped to identify the~~

2641 ~~health education, health promotion, and disease prevention needs~~

2642 ~~of the racial and ethnic populations in their communities,~~

2643 ~~mobilize the community to address health outcome disparities,~~

2644 ~~enlist and organize local public and private resources, and~~

2645 ~~faith-based organizations to address these disparities, and~~

2646 ~~evaluate the effectiveness of interventions.~~

2647 (2) It is therefore the intent of the Legislature to

2648 provide funds within Florida counties and Front Porch Florida

2649 Communities, in the form of Reducing Racial and Ethnic Health

2650 Disparities: Closing the Gap grants, to stimulate the

2651 development of community-based and neighborhood-based projects

2652 which will improve the health outcomes of racial and ethnic

2653 populations. Further, it is the intent of the Legislature that

2654 these programs foster the development of coordinated,

2655 collaborative, and broad-based participation by public and

2656 private entities, and faith-based organizations. Finally, it is

2657 the intent of the Legislature that the grant program function as

2658 a partnership between state and local governments, faith-based

2659 organizations, and private sector health care providers,

2660 including managed care, voluntary health care resources, social

2661 service providers, and nontraditional partners.

2662 Section 58. Subsection (3) of section 381.7353, Florida  
 2663 Statutes, is amended to read:

2664 381.7353 Reducing Racial and Ethnic Health Disparities:  
 2665 Closing the Gap grant program; administration; department  
 2666 duties.—

2667 ~~(3) Pursuant to s. 20.43(6), the State Surgeon General may~~  
 2668 ~~appoint an ad hoc advisory committee to: examine areas where~~  
 2669 ~~public awareness, public education, research, and coordination~~  
 2670 ~~regarding racial and ethnic health outcome disparities are~~  
 2671 ~~lacking; consider access and transportation issues which~~  
 2672 ~~contribute to health status disparities; and make~~  
 2673 ~~recommendations for closing gaps in health outcomes and~~  
 2674 ~~increasing the public's awareness and understanding of health~~  
 2675 ~~disparities that exist between racial and ethnic populations.—~~

2676 Section 59. Subsections (5) and (6) of section 381.7356,  
 2677 Florida Statutes, are renumbered as subsections (4) and (5),  
 2678 respectively, and present subsection (4) of that section is  
 2679 amended to read:

2680 381.7356 Local matching funds; grant awards.—

2681 ~~(4) Dissemination of grant awards shall begin no later~~  
 2682 ~~than January 1, 2001.—~~

2683 Section 60. Subsection (3) of section 381.765, Florida  
 2684 Statutes, is amended to read:

2685 381.765 Retention of title to and disposal of equipment.—

2686 ~~(3) The department may adopt rules relating to records and~~  
 2687 ~~recordkeeping for department-owned property referenced in~~  
 2688 ~~subsections (1) and (2).—~~



2689 Section 61. Section 381.77, Florida Statutes, is repealed.

2690 Section 62. Section 381.795, Florida Statutes, is  
 2691 repealed.

2692 Section 63. Subsections (2) through (5) of section  
 2693 381.853, Florida Statutes, are renumbered as subsections (1)  
 2694 through (4), respectively, and present subsection (1) of that  
 2695 section is amended to read:

2696 381.853 Florida Center for Brain Tumor Research.—

2697 ~~(1) The Legislature finds that each year an estimated~~  
 2698 ~~190,000 citizens of the United States are diagnosed with~~  
 2699 ~~cancerous and noncancerous brain tumors and that biomedical~~  
 2700 ~~research is the key to finding cures for these tumors. The~~  
 2701 ~~Legislature further finds that, although brain tumor research is~~  
 2702 ~~being conducted throughout the state, there is a lack of~~  
 2703 ~~coordinated efforts among researchers and health care providers.~~  
 2704 ~~Therefore, the Legislature finds that there is a significant~~  
 2705 ~~need for a coordinated effort to achieve the goal of curing~~  
 2706 ~~brain tumors. The Legislature further finds that the biomedical~~  
 2707 ~~technology sector meets the criteria of a high-impact sector,~~  
 2708 ~~pursuant to s. 288.108(6), having a high importance to the~~  
 2709 ~~state's economy with a significant potential for growth and~~  
 2710 ~~contribution to our universities and quality of life.~~

2711 Section 64. Section 381.855, Florida Statutes, is  
 2712 repealed.

2713 Section 65. Section 381.87, Florida Statutes, is repealed.

2714 Section 66. Section 381.90, Florida Statutes, is repealed.

2715 Section 67. Subsection (1) of section 381.91, Florida  
 2716 Statutes, is amended to read:

2717 | 381.91 Jessie Trice Cancer Prevention Program.—

2718 | (1) It is the intent of the Legislature to:

2719 | ~~(a) Reduce the rates of illness and death from lung cancer~~  
 2720 | ~~and other cancers and improve the quality of life among low-~~  
 2721 | ~~income African-American and Hispanic populations through~~  
 2722 | ~~increased access to early, effective screening and diagnosis,~~  
 2723 | ~~education, and treatment programs.~~

2724 | ~~(b)~~ create a community faith-based disease-prevention  
 2725 | program in conjunction with the Health Choice Network and other  
 2726 | community health centers to build upon the natural referral and  
 2727 | education networks in place within minority communities and to  
 2728 | increase access to health service delivery in Florida and—

2729 | ~~(c)~~ establish a funding source to build upon local private  
 2730 | participation to sustain the operation of the program.

2731 | Section 68. Subsection (5) of section 381.922, Florida  
 2732 | Statutes, is amended to read:

2733 | 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
 2734 | Cancer Research Program.—

2735 | (5) The William G. "Bill" Bankhead, Jr., and David Coley  
 2736 | Cancer Research Program is funded pursuant to s. 215.5602(12).  
 2737 | Funds appropriated for the William G. "Bill" Bankhead, Jr., and  
 2738 | David Coley Cancer Research Program shall be distributed  
 2739 | pursuant to this section to provide grants to researchers  
 2740 | seeking cures for cancer and cancer-related illnesses, with  
 2741 | emphasis given to the goals enumerated in this section. From the  
 2742 | total funds appropriated, an amount of up to 10 percent may be  
 2743 | used for administrative expenses. ~~From funds appropriated to~~  
 2744 | ~~accomplish the goals of this section, up to \$250,000 shall be~~

2745 ~~available for the operating costs of the Florida Center for~~  
 2746 ~~Universal Research to Eradicate Disease.~~

2747 Section 69. Paragraph (g) of subsection (1) of section  
 2748 383.011, Florida Statutes, is amended to read:

2749 383.011 Administration of maternal and child health  
 2750 programs.—

2751 (1) The Department of Health is designated as the state  
 2752 agency for:

2753 (g) Receiving the federal funds for the "Special  
 2754 Supplemental Nutrition Program for Women, Infants, and  
 2755 Children," or WIC, authorized by the Child Nutrition Act of  
 2756 1966, as amended, and for providing clinical leadership for  
 2757 ~~administering~~ the statewide WIC program.

2758 1. The department shall establish an interagency agreement  
 2759 with the Department of Children and Family Services for  
 2760 management of the program. Responsibilities are delegated to  
 2761 each department, as follows:

2762 a. The department shall provide clinical leadership,  
 2763 manage program eligibility, and distribute nutritional guidance  
 2764 and information to participants.

2765 b. The Department of Children and Family Services shall  
 2766 develop and implement an electronic benefits transfer system.

2767 c. The Department of Children and Family Services shall  
 2768 develop a cost containment plan that provides timely and  
 2769 accurate adjustments based on wholesale price fluctuations and  
 2770 adjusts for the number of cash registers in calculating  
 2771 statewide averages.

2772 d. The department shall coordinate submission of

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2773 information to appropriate federal officials in order to obtain  
2774 approval of the electronic benefits system and cost containment  
2775 plan, which must include participation of WIC-only stores.

2776 2. The department shall assist the Department of Children  
2777 and Family Services in the development of the electronic  
2778 benefits system to ensure full implementation no later than July  
2779 1, 2013.

2780 Section 70. Section 383.141, Florida Statutes, is created  
2781 to read:

2782 383.141 Prenatally diagnosed conditions; patient to be  
2783 provided information; definitions; information clearinghouse;  
2784 advisory council.—

2785 (1) As used in this section, the term:

2786 (a) "Down syndrome" means a chromosomal disorder caused by  
2787 an error in cell division which results in the presence of an  
2788 extra whole or partial copy of chromosome 21.

2789 (b) "Developmental disability" includes Down syndrome and  
2790 other developmental disabilities defined by s. 393.063(9).

2791 (c) "Health care provider" means a practitioner licensed  
2792 under chapter 458 or chapter 459.

2793 (d) "Prenatally diagnosed condition" means an adverse  
2794 fetal health condition identified by prenatal testing.

2795 (e) "Prenatal test" or "prenatal testing" means a  
2796 diagnostic procedure or screening procedure performed on a  
2797 pregnant woman or her unborn offspring to obtain information  
2798 about the offspring's health or development.

2799 (2) When a developmental disability is diagnosed based on  
2800 the results of a prenatal test, the health care provider who

2801 ordered the prenatal test, or his or her designee, shall provide  
 2802 the patient with current information about the nature of the  
 2803 developmental disability, the accuracy of the prenatal test, and  
 2804 resources for obtaining relevant support services, including  
 2805 hotlines, resource centers, and information clearinghouses  
 2806 related to Down syndrome or other prenatally diagnosed  
 2807 developmental disabilities; support programs for parents and  
 2808 families; and developmental evaluation and intervention services  
 2809 under s. 391.303.

2810 (3) The Department of Health shall establish on its  
 2811 Internet website a clearinghouse of information related to  
 2812 developmental disabilities concerning providers of supportive  
 2813 services, information hotlines specific to Down syndrome and  
 2814 other prenatally diagnosed developmental disabilities, resource  
 2815 centers, educational programs, other support programs for  
 2816 parents and families, and developmental evaluation and  
 2817 intervention services under s. 391.303. Such information shall  
 2818 be made available to health care providers for use in counseling  
 2819 pregnant women whose unborn children have been prenatally  
 2820 diagnosed with developmental disabilities.

2821 (a) There is established an advisory council within the  
 2822 Department of Health which consists of health care providers and  
 2823 caregivers who perform health care services for persons who have  
 2824 developmental disabilities, including Down syndrome and autism.

2825 This group shall consist of nine members as follows:

- 2826 1. Three members appointed by the Governor;
- 2827 2. Three members appointed by the President of the Senate;

2828 and

2829 3. Three members appointed by the Speaker of the House of  
 2830 Representatives.

2831 (b) The advisory council shall provide technical  
 2832 assistance to the Department of Health in the establishment of  
 2833 the information clearinghouse and give the department the  
 2834 benefit of the council members' knowledge and experience  
 2835 relating to the needs of patients and families of patients with  
 2836 developmental disabilities and available support services.

2837 (c) Members of the council shall elect a chairperson and a  
 2838 vice chairperson. The elected chairperson and vice chairperson  
 2839 shall serve in these roles until their terms of appointment on  
 2840 the council expire.

2841 (d) The advisory council shall meet quarterly to review  
 2842 this clearinghouse of information, and may meet more often at  
 2843 the call of the chairperson or as determined by a majority of  
 2844 members.

2845 (e) The council members shall be appointed to 4-year  
 2846 terms, except that, to provide for staggered terms, one initial  
 2847 appointee each from the Governor, the President of the Senate,  
 2848 and the Speaker of the House of Representatives shall be  
 2849 appointed to a 2-year term, one appointee each from these  
 2850 officials shall be appointed to a 3-year term, and the remaining  
 2851 initial appointees shall be appointed to 4-year terms. All  
 2852 subsequent appointments shall be for 4-year terms. A vacancy  
 2853 shall be filled for the remainder of the unexpired term in the  
 2854 same manner as the original appointment.

2855 (f) Members of the council shall serve without  
 2856 compensation. Meetings of the council may be held in person,

2857 without reimbursement for travel expenses, or by teleconference  
 2858 or other electronic means.

2859 (g) The Department of Health shall provide administrative  
 2860 support for the advisory council.

2861 Section 71. Effective July 1, 2012, section 385.210,  
 2862 Florida Statutes, is repealed.

2863 Section 72. Section 391.016, Florida Statutes, is amended  
 2864 to read:

2865 391.016 Purposes and functions ~~Legislative intent.~~—The  
 2866 ~~Legislature intends that the~~ Children's Medical Services program  
 2867 is established for the following purposes and authorized to  
 2868 perform the following functions:

2869 (1) Provide to children with special health care needs a  
 2870 family-centered, comprehensive, and coordinated statewide  
 2871 managed system of care that links community-based health care  
 2872 with multidisciplinary, regional, and tertiary pediatric  
 2873 specialty care. The program shall coordinate and maintain a  
 2874 consistent ~~may provide for the coordination and maintenance of~~  
 2875 ~~consistency of the~~ medical home for participating children in  
 2876 ~~families with a Children's Medical Services program participant,~~  
 2877 ~~in order to achieve family-centered care.~~

2878 (2) Provide essential preventive, evaluative, and early  
 2879 intervention services for children at risk for or having special  
 2880 health care needs, in order to prevent or reduce long-term  
 2881 disabilities.

2882 ~~(3) Serve as a principal provider for children with~~  
 2883 ~~special health care needs under Titles XIX and XXI of the Social~~  
 2884 ~~Security Act.~~

2885 ~~(4) Be complementary to children's health training~~  
 2886 ~~programs essential for the maintenance of a skilled pediatric~~  
 2887 ~~health care workforce for all Floridians.~~

2888 Section 73. Section 391.021, Florida Statutes, is amended  
 2889 to read:

2890 391.021 Definitions.—When used in this act, the term  
 2891 ~~unless the context clearly indicates otherwise:~~

2892 (1) "Children's Medical Services network" or "network"  
 2893 means a statewide managed care service system that includes  
 2894 health care providers, as defined in this section.

2895 (2) "Children with special health care needs" means those  
 2896 children younger than 21 years of age who have chronic and  
 2897 serious physical, developmental, behavioral, or emotional  
 2898 conditions and who ~~also~~ require health care and related services  
 2899 of a type or amount beyond that which is generally required by  
 2900 children.

2901 (3) "Department" means the Department of Health.

2902 (4) "Eligible individual" means a child with a special  
 2903 health care need or a female with a high-risk pregnancy, who  
 2904 meets the financial and medical eligibility standards  
 2905 established in s. 391.029.

2906 (5) "Health care provider" means a health care  
 2907 professional, health care facility, or entity licensed or  
 2908 certified to provide health services in this state that meets  
 2909 the criteria as established by the department.

2910 (6) "Health services" includes the prevention, diagnosis,  
 2911 and treatment of human disease, pain, injury, deformity, or  
 2912 disabling conditions.



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2913 (7) "Participant" means an eligible individual who is  
 2914 enrolled in the Children's Medical Services program.

2915 (8) "Program" means the Children's Medical Services  
 2916 program established in the department.

2917 Section 74. Section 391.025, Florida Statutes, is amended  
 2918 to read:

2919 391.025 Applicability and scope.—

2920 (1) The Children's Medical Services program consists of  
 2921 the following components:

2922 (a) The newborn screening program established in s.  
 2923 383.14.

2924 (b) The regional perinatal intensive care centers program  
 2925 established in ss. 383.15-383.21.

2926 ~~(c) A federal or state program authorized by the~~  
 2927 ~~Legislature.~~

2928 (c) ~~(d)~~ The developmental evaluation and intervention  
 2929 program, including the Florida Infants and Toddlers Early  
 2930 Intervention Program.

2931 (d) ~~(e)~~ The Children's Medical Services network.

2932 (2) The Children's Medical Services program shall not be  
 2933 deemed an insurer and is not subject to the licensing  
 2934 requirements of the Florida Insurance Code or the rules adopted  
 2935 thereunder, ~~when providing services to children who receive~~  
 2936 ~~Medicaid benefits, other Medicaid-eligible children with special~~  
 2937 ~~health care needs, and children participating in the Florida~~  
 2938 ~~Kidcare program.~~

2939 Section 75. Section 391.026, Florida Statutes, is amended  
 2940 to read:

2941           391.026 Powers and duties of the department.—The  
 2942 department shall have the following powers, duties, and  
 2943 responsibilities:

2944           (1) To provide or contract for the provision of health  
 2945 services to eligible individuals.

2946           (2) To provide services to abused and neglected children  
 2947 through child protective teams pursuant to s. 39.303.

2948           ~~(3)(2) To determine the medical and financial eligibility~~  
 2949 ~~standards for the program and to~~ determine the medical and  
 2950 financial eligibility of individuals seeking health services  
 2951 from the program.

2952           ~~(3) To recommend priorities for the implementation of~~  
 2953 ~~comprehensive plans and budgets.~~

2954           (4) To coordinate a comprehensive delivery system for  
 2955 eligible individuals to take maximum advantage of all available  
 2956 funds.

2957           (5) To ~~promote, establish, and~~ coordinate with programs  
 2958 relating to children's medical services in cooperation with  
 2959 other public and private agencies ~~and to coordinate funding of~~  
 2960 ~~health care programs with federal, state, or local indigent~~  
 2961 ~~health care funding mechanisms.~~

2962           (6) To initiate and, ~~coordinate, and request review of~~  
 2963 applications to federal agencies and private organizations ~~and~~  
 2964 ~~state agencies~~ for funds, services, or commodities relating to  
 2965 children's medical programs.

2966           (7) To sponsor or promote grants for projects, programs,  
 2967 education, or research in the field of ~~medical needs of children~~  
 2968 with special health needs, with an emphasis on early diagnosis

2969 and treatment.

2970 (8) To oversee and operate the Children's Medical Services  
 2971 network.

2972 (9) To establish reimbursement mechanisms for the  
 2973 Children's Medical Services network.

2974 (10) To establish Children's Medical Services network  
 2975 standards and credentialing requirements for health care  
 2976 providers and health care services.

2977 (11) To serve as a provider and principal case manager for  
 2978 children with special health care needs under Titles XIX and XXI  
 2979 of the Social Security Act.

2980 (12) To monitor the provision of health services in the  
 2981 program, including the utilization and quality of health  
 2982 services.

2983 (13) To administer the Children with Special Health Care  
 2984 Needs program in accordance with Title V of the Social Security  
 2985 Act.

2986 (14) To establish and operate a grievance resolution  
 2987 process for participants and health care providers.

2988 (15) To maintain program integrity in the Children's  
 2989 Medical Services program.

2990 (16) To receive and manage health care premiums,  
 2991 capitation payments, and funds from federal, state, local, and  
 2992 private entities for the program. The department may contract  
 2993 with a third-party administrator for processing claims,  
 2994 monitoring medical expenses, and other related services  
 2995 necessary to the efficient and cost-effective operation of the  
 2996 Children's Medical Services network. The department is

2997 | authorized to maintain a minimum reserve for the Children's  
 2998 | Medical Services network in an amount that is the greater of:  
 2999 |       (a) Ten percent of total projected expenditures for Title  
 3000 | XIX-funded and Title XXI-funded children; or  
 3001 |       (b) Two percent of total annualized payments from the  
 3002 | Agency for Health Care Administration for Title XIX and Title  
 3003 | XXI of the Social Security Act.  
 3004 |       (17) To provide or contract for ~~appoint health care~~  
 3005 | ~~consultants for the purpose of providing~~ peer review and other  
 3006 | quality-improvement activities ~~making recommendations to enhance~~  
 3007 | ~~the delivery and quality of services in the Children's Medical~~  
 3008 | ~~Services program.~~  
 3009 |       (18) To adopt rules pursuant to ss. 120.536(1) and 120.54  
 3010 | to administer the Children's Medical Services Act. ~~The rules may~~  
 3011 | ~~include requirements for definitions of terms, program~~  
 3012 | ~~organization, and program description; a process for selecting~~  
 3013 | ~~an area medical director; responsibilities of applicants and~~  
 3014 | ~~clients; requirements for service applications, including~~  
 3015 | ~~required medical and financial information; eligibility~~  
 3016 | ~~requirements for initial treatment and for continued~~  
 3017 | ~~eligibility, including financial and custody issues;~~  
 3018 | ~~methodologies for resource development and allocation, including~~  
 3019 | ~~medical and financial considerations; requirements for~~  
 3020 | ~~reimbursement services rendered to a client; billing and payment~~  
 3021 | ~~requirements for providers; requirements for qualification,~~  
 3022 | ~~appointments, verification, and emergency exceptions for health-~~  
 3023 | ~~professional consultants; general and diagnostic specific~~  
 3024 | ~~standards for diagnostic and treatment facilities; and standards~~

3025 ~~for the method of service delivery, including consultant~~  
 3026 ~~services, respect for privacy considerations, examination~~  
 3027 ~~requirements, family support plans, and clinic design.~~

3028 Section 76. Section 391.028, Florida Statutes, is amended  
 3029 to read:

3030 391.028 Administration. ~~The Children's Medical Services~~  
 3031 ~~program shall have a central office and area offices.~~

3032 (1) The Director of Children's Medical Services must be a  
 3033 physician licensed under chapter 458 or chapter 459 who has  
 3034 specialized training and experience in the provision of health  
 3035 care to children and who has recognized skills in leadership and  
 3036 the promotion of children's health programs. The director shall  
 3037 be the deputy secretary and the Deputy State Health Officer for  
 3038 Children's Medical Services and is appointed by and reports to  
 3039 the State Surgeon General. The director may appoint such other  
 3040 staff as necessary for the operation of the program ~~division~~  
 3041 ~~directors~~ subject to the approval of the State Surgeon General.

3042 (2) The director shall provide for operational system  
 3043 using such department staff and contract providers as necessary.  
 3044 The program shall implement the following program activities  
 3045 under physician supervision on a statewide basis ~~designate~~  
 3046 ~~Children's Medical Services area offices to perform operational~~  
 3047 ~~activities, including, but not limited to:~~

3048 (a) ~~Providing~~ Case management services for ~~the~~ network  
 3049 participants;-

3050 (b) Management and ~~Providing local~~ oversight of local ~~the~~  
 3051 program activities;-

3052 (c) ~~Determining an individual's~~ Medical and financial

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3053 eligibility determination for the program in accordance with s.  
 3054 391.029;~~;~~

3055 (d) ~~Participating in the~~ Determination of a level of care  
 3056 and medical complexity for long-term care services;~~;~~

3057 (e) Authorizing services in the program and developing  
 3058 spending plans;~~;~~

3059 (f) ~~Participating in the~~ Development of treatment plans;  
 3060 and~~;~~

3061 (g) ~~Taking part in the~~ Resolution of complaints and  
 3062 grievances from participants and health care providers.

3063 (3) Each Children's Medical Services area office shall be  
 3064 directed by a physician licensed under chapter 458 or chapter  
 3065 459 who has specialized training and experience in the provision  
 3066 of health care to children. The director of a Children's Medical  
 3067 Services area office shall be appointed by the director from the  
 3068 active panel of Children's Medical Services physician  
 3069 consultants.

3070 Section 77. Section 391.029, Florida Statutes, is amended  
 3071 to read:

3072 391.029 Program eligibility.—

3073 (1) Eligibility ~~The department shall establish the medical~~  
 3074 ~~criteria to determine if an applicant~~ for the Children's Medical  
 3075 Services program is based on the diagnosis of one or more  
 3076 chronic and serious medical conditions and the family's need for  
 3077 specialized services that are not available or accessible by the  
 3078 family from any other source ~~an eligible individual.~~

3079 (2) The following individuals are ~~financially~~ eligible to  
 3080 receive services through the program:

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

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

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

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

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

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

(c) An infant who receives an award of compensation under  
 s. 766.31(1). The Florida Birth-Related Neurological Injury  
 Compensation Association shall reimburse the Children's Medical

3109 Services Network the state's share of funding, which must  
 3110 thereafter be used to obtain matching federal funds under Title  
 3111 XXI of the Social Security Act.

3112 ~~(4) The department shall determine the financial and~~  
 3113 ~~medical eligibility of children for the program. The department~~  
 3114 ~~shall also determine the financial ability of the parents, or~~  
 3115 ~~persons or other agencies having legal custody over such~~  
 3116 ~~individuals, to pay the costs of health services under the~~  
 3117 ~~program. The department may pay reasonable travel expenses~~  
 3118 ~~related to the determination of eligibility for or the provision~~  
 3119 ~~of health services.~~

3120 (4)~~(5)~~ Any child who has been provided with surgical or  
 3121 medical care or treatment under this act prior to being adopted  
 3122 and has serious and chronic special health needs shall continue  
 3123 to be eligible to be provided with such care or treatment after  
 3124 his or her adoption, regardless of the financial ability of the  
 3125 persons adopting the child.

3126 Section 78. Section 391.0315, Florida Statutes, is amended  
 3127 to read:

3128 391.0315 Benefits.—Benefits provided under the program for  
 3129 children with special health care needs shall be equivalent to  
 3130 ~~the same~~ benefits provided to children as specified in ss.  
 3131 409.905 and 409.906. The department may offer additional  
 3132 benefits for early intervention services, respite services,  
 3133 genetic testing, genetic and nutritional counseling, and parent  
 3134 support services, if such services are determined to be  
 3135 medically necessary. ~~No child or person determined eligible for~~  
 3136 ~~the program who is eligible under Title XIX or Title XXI of the~~



3137 ~~Social Security Act shall receive any service other than an~~  
 3138 ~~initial health care screening or treatment of an emergency~~  
 3139 ~~medical condition as defined in s. 395.002, until such child or~~  
 3140 ~~person is enrolled in Medicaid or a Title XXI program.~~

3141 Section 79. Effective January 1, 2013, section 392.51,  
 3142 Florida Statutes, is amended to read:

3143 392.51 Tuberculosis control Findings and intent.~~-A~~  
 3144 statewide system is established to control tuberculosis  
 3145 infection and mitigate its effects. The system consists ~~The~~  
 3146 ~~Legislature finds and declares that active tuberculosis is a~~  
 3147 ~~highly contagious infection that is sometimes fatal and~~  
 3148 ~~constitutes a serious threat to the public health. The~~  
 3149 ~~Legislature finds that there is a significant reservoir of~~  
 3150 ~~tuberculosis infection in this state and that there is a need to~~  
 3151 ~~develop community programs to identify tuberculosis and to~~  
 3152 ~~respond quickly with appropriate measures. The Legislature finds~~  
 3153 ~~that some patients who have active tuberculosis have complex~~  
 3154 ~~medical, social, and economic problems that make outpatient~~  
 3155 ~~control of the disease difficult, if not impossible, without~~  
 3156 ~~posing a threat to the public health. The Legislature finds that~~  
 3157 ~~in order to protect the citizenry from those few persons who~~  
 3158 ~~pose a threat to the public, it is necessary to establish a~~  
 3159 ~~system of mandatory contact identification, treatment to cure,~~  
 3160 ~~hospitalization, and isolation for contagious cases, and to~~  
 3161 ~~provide a system of voluntary, community-oriented care and~~  
 3162 ~~surveillance in all other cases. The Legislature finds that the~~  
 3163 ~~delivery of Tuberculosis control services shall be provided~~ is  
 3164 ~~best accomplished by the coordinated efforts of the respective~~

3165 county health departments and contracted or other private health  
 3166 care providers, ~~the A.G. Holley State Hospital, and the private~~  
 3167 ~~health care delivery system.~~

3168 Section 80. Effective January 1, 2013, subsection (4) of  
 3169 section 392.61, Florida Statutes, is amended to read:

3170 392.61 Community tuberculosis control programs.—

3171 ~~(4) The department shall develop, by rule, a methodology~~  
 3172 ~~for distributing funds appropriated for tuberculosis control~~  
 3173 ~~programs. Criteria to be considered in this methodology include,~~  
 3174 ~~but are not limited to, the basic infrastructure available for~~  
 3175 ~~tuberculosis control, caseload requirements, laboratory support~~  
 3176 ~~services needed, and epidemiologic factors.~~

3177 Section 81. Effective January 1, 2013, section 392.62,  
 3178 Florida Statutes, is amended to read:

3179 392.62 Hospitalization and placement programs.—

3180 (1) The department shall contract for operation of ~~operate~~  
 3181 a program for the treatment hospitalization of persons who have  
 3182 active tuberculosis in hospitals licensed under chapter 395 and  
 3183 may provide for appropriate placement of persons who have active  
 3184 tuberculosis in other health care facilities or residential  
 3185 facilities. The department shall require the contractor to use  
 3186 existing licensed community hospitals and other facilities for  
 3187 the care and treatment to cure of persons who have active  
 3188 tuberculosis or a history of noncompliance with prescribed drug  
 3189 regimens and require inpatient or other residential services.

3190 ~~(2) The department may operate a licensed hospital for the~~  
 3191 ~~care and treatment to cure of persons who have active~~  
 3192 ~~tuberculosis. The hospital may have a forensic unit where, under~~

3193 ~~medical protocol, a patient can be held in a secure or~~  
 3194 ~~protective setting. The department shall also seek to maximize~~  
 3195 ~~use of existing licensed community hospitals for the care and~~  
 3196 ~~treatment to cure of persons who have active tuberculosis.~~

3197 (2)(3) The program for control of tuberculosis shall  
 3198 provide funding for participating facilities and require any  
 3199 such facilities to meet the following conditions ~~Any licensed~~  
 3200 ~~hospital operated by the department, any licensed hospital under~~  
 3201 ~~contract with the department, and any other health care facility~~  
 3202 ~~or residential facility operated by or under contract with the~~  
 3203 ~~department for the care and treatment of patients who have~~  
 3204 ~~active tuberculosis shall:~~

3205 (a) Admit patients voluntarily and under court order as  
 3206 appropriate for each particular facility;

3207 (b) Require that each patient pay the actual cost of care  
 3208 provided whether the patient is admitted voluntarily or by court  
 3209 order;

3210 (c) Provide for ~~a method of paying for~~ the care of  
 3211 patients in the program regardless of ability to pay ~~who cannot~~  
 3212 ~~afford to do so;~~

3213 (d) Require a primary clinical diagnosis of active  
 3214 tuberculosis by a physician licensed under chapter 458 or  
 3215 chapter 459 before admitting the patient; provided that there  
 3216 may be more than one primary diagnosis;

3217 (e) Provide a method of notification to the county health  
 3218 department and to the patient's family, if any, before  
 3219 discharging the patient from the hospital or other facility;

3220 (f) Provide for the necessary exchange of medical

3221 information to assure adequate community treatment to cure and  
 3222 followup of discharged patients, as appropriate; and

3223 (g) Provide for a method of medical care and counseling  
 3224 and for housing, social service, and employment referrals, if  
 3225 appropriate, for all patients discharged from the hospital.

3226 (3)~~(4)~~ A hospital may, pursuant to court order, place a  
 3227 patient in temporary isolation for a period of no more than 72  
 3228 continuous hours. The department shall obtain a court order in  
 3229 the same manner as prescribed in s. 392.57. Nothing in this  
 3230 subsection precludes a hospital from isolating an infectious  
 3231 patient for medical reasons.

3232 (4)~~(5)~~ Any person committed under s. 392.57 who leaves the  
 3233 tuberculosis hospital or residential facility without having  
 3234 been discharged by the designated medical authority, except as  
 3235 provided in s. 392.63, shall be apprehended by the sheriff of  
 3236 the county in which the person is found and immediately  
 3237 delivered to the facility from which he or she left.

3238 Section 82. Subsection (1) of section 395.1027, Florida  
 3239 Statutes, is amended to read:

3240 395.1027 Regional poison control centers.—

3241 (1) There shall be created three certified regional poison  
 3242 control centers, one each in the north, central, and southern  
 3243 regions of the state. Each regional poison control center shall  
 3244 be affiliated with and physically located in a certified Level I  
 3245 trauma center. Each regional poison control center shall be  
 3246 affiliated with an accredited medical school or college of  
 3247 pharmacy. The regional poison control centers shall be  
 3248 coordinated under the aegis of the Division of Children's

3249 Medical Services ~~Prevention and Intervention~~ in the department.  
 3250       Section 83. The Department of Health shall develop and  
 3251 implement a transition plan for the closure of A.G. Holley State  
 3252 Hospital. The plan shall include specific steps to end voluntary  
 3253 admissions; transfer patients to alternate facilities;  
 3254 communicate with families, providers, other affected parties,  
 3255 and the general public; enter into any necessary contracts with  
 3256 providers; and coordinate with the Department of Management  
 3257 Services regarding the disposition of equipment and supplies and  
 3258 the closure of the facility; and the Agency for Health Care  
 3259 Administration is directed to modify its reimbursement plans and  
 3260 seek federal approval, if necessary, to continue Medicaid  
 3261 funding throughout the treatment period in community hospitals  
 3262 and other facilities. The plan shall be submitted to the  
 3263 Governor, the Speaker of the House of Representatives, and the  
 3264 President of the Senate by May 31, 2012. The department shall  
 3265 fully implement the plan by January 1, 2013.

3266       Section 84. Subsection (4) of section 401.243, Florida  
 3267 Statutes, is amended to read:  
 3268       401.243 Injury prevention.—The department shall establish  
 3269 an injury-prevention program with responsibility for the  
 3270 statewide coordination and expansion of injury-prevention  
 3271 activities. The duties of the department under the program may  
 3272 include, but are not limited to, data collection, surveillance,  
 3273 education, and the promotion of interventions. In addition, the  
 3274 department may:

3275       ~~(4) Adopt rules governing the implementation of grant~~  
 3276 ~~programs. The rules may include, but need not be limited to,~~

3277 ~~criteria regarding the application process, the selection of~~  
 3278 ~~grantees, the implementation of injury prevention activities,~~  
 3279 ~~data collection, surveillance, education, and the promotion of~~  
 3280 ~~interventions.~~

3281 Section 85. Subsection (6) of section 401.245, Florida  
 3282 Statutes, is renumbered as subsection (5), and present  
 3283 subsection (5) of that section is amended to read:

3284 401.245 Emergency Medical Services Advisory Council.—

3285 ~~(5) The department shall adopt rules to implement this~~  
 3286 ~~section, which rules shall serve as formal operating procedures~~  
 3287 ~~for the Emergency Medical Services Advisory Council.~~

3288 Section 86. Section 401.271, Florida Statutes, is amended  
 3289 to read:

3290 401.271 Certification of emergency medical technicians and  
 3291 paramedics who are on active duty with the Armed Forces of the  
 3292 United States; spouses of members of the Armed Forces.—

3293 ~~(1)~~ Any member of the Armed Forces of the United States on  
 3294 active duty who, at the time he or she became a member, was in  
 3295 good standing with the department and was entitled to practice  
 3296 as an emergency medical technician or paramedic in the state  
 3297 remains in good standing without registering, paying dues or  
 3298 fees, or performing any other act, as long as he or she is a  
 3299 member of the Armed Forces of the United States on active duty  
 3300 and for a period of 6 months after his or her discharge from  
 3301 active duty as a member of the Armed Forces of the United  
 3302 States.

3303 ~~(2) The department may adopt rules exempting the spouse of~~  
 3304 ~~a member of the Armed Forces of the United States on active duty~~

3305 ~~from certification renewal provisions while the spouse is absent~~  
 3306 ~~from the state because of the member's active duty with the~~  
 3307 ~~Armed Forces.~~

3308 Section 87. Section 402.45, Florida Statutes is repealed.

3309 Section 88. Subsections (3) and (4) of section 403.863,  
 3310 Florida Statutes, are amended to read:

3311 403.863 State public water supply laboratory certification  
 3312 program.—

3313 (3) The Department of Health shall have the responsibility  
 3314 for the operation and implementation of the state laboratory  
 3315 certification program. The Department of Health shall contract  
 3316 for the evaluation and review of laboratory certification  
 3317 applications, and laboratory inspections. ~~except that,~~ Upon  
 3318 completion of the evaluation and review of the laboratory  
 3319 certification application, the evaluation shall be forwarded,  
 3320 along with recommendations, to the department for review and  
 3321 comment, prior to final approval or disapproval by the  
 3322 Department of Health.

3323 (4) The following acts constitute grounds for which the  
 3324 disciplinary actions specified in subsection (5) may be taken:

3325 (a) Making false statements on an application or on any  
 3326 document associated with certification.

3327 (b) Making consistent errors in analyses or erroneous  
 3328 reporting.

3329 (c) Permitting personnel who are not qualified, as  
 3330 required by rules of the Department of Health, to perform  
 3331 analyses.

3332 (d) Falsifying the results of analyses.

3333 (e) Failing to employ approved laboratory methods in  
 3334 performing analyses as outlined in rules of the Department of  
 3335 Health.

3336 (f) Failing to properly maintain facilities and equipment  
 3337 according to the laboratory's quality assurance plan.

3338 (g) Failing to report analytical test results or maintain  
 3339 required records of test results as outlined in rules of the  
 3340 Department of Health.

3341 (h) Failing to participate successfully in a performance  
 3342 evaluation program approved by the Department of Health.

3343 (i) Violating any provision of this section or of the  
 3344 rules adopted under this section.

3345 (j) Falsely advertising services or credentials.

3346 (k) Failing to pay fees for initial certification or  
 3347 renewal certification or to pay inspection expenses incurred ~~by~~  
 3348 ~~the Department of Health.~~

3349 (l) Failing to report any change of an item included in  
 3350 the initial or renewal certification application.

3351 (m) Refusing to allow representatives of the department or  
 3352 the Department of Health to inspect a laboratory and its records  
 3353 during normal business hours.

3354 Section 89. Subsection (1) of section 400.914, Florida  
 3355 Statutes, is amended to read:

3356 400.914 Rules establishing standards.—

3357 (1) Pursuant to the intention of the Legislature to  
 3358 provide safe and sanitary facilities and healthful programs, the  
 3359 agency in conjunction with the Division of Children's Medical  
 3360 Services ~~Prevention and Intervention~~ of the Department of Health



3361 shall adopt and publish rules to implement the provisions of  
 3362 this part and part II of chapter 408, which shall include  
 3363 reasonable and fair standards. Any conflict between these  
 3364 standards and those that may be set forth in local, county, or  
 3365 city ordinances shall be resolved in favor of those having  
 3366 statewide effect. Such standards shall relate to:

3367 (a) The assurance that PPEC services are family centered  
 3368 and provide individualized medical, developmental, and family  
 3369 training services.

3370 (b) The maintenance of PPEC centers, not in conflict with  
 3371 the provisions of chapter 553 and based upon the size of the  
 3372 structure and number of children, relating to plumbing, heating,  
 3373 lighting, ventilation, and other building conditions, including  
 3374 adequate space, which will ensure the health, safety, comfort,  
 3375 and protection from fire of the children served.

3376 (c) The appropriate provisions of the most recent edition  
 3377 of the "Life Safety Code" (NFPA-101) shall be applied.

3378 (d) The number and qualifications of all personnel who  
 3379 have responsibility for the care of the children served.

3380 (e) All sanitary conditions within the PPEC center and its  
 3381 surroundings, including water supply, sewage disposal, food  
 3382 handling, and general hygiene, and maintenance thereof, which  
 3383 will ensure the health and comfort of children served.

3384 (f) Programs and basic services promoting and maintaining  
 3385 the health and development of the children served and meeting  
 3386 the training needs of the children's legal guardians.

3387 (g) Supportive, contracted, other operational, and  
 3388 transportation services.

3389 (h) Maintenance of appropriate medical records, data, and  
 3390 information relative to the children and programs. Such records  
 3391 shall be maintained in the facility for inspection by the  
 3392 agency.

3393 Section 90. Paragraph (f) of subsection (8) of section  
 3394 411.203, Florida Statutes, is amended to read:

3395 411.203 Continuum of comprehensive services.—The  
 3396 Department of Education and the Department of Health and  
 3397 Rehabilitative Services shall utilize the continuum of  
 3398 prevention and early assistance services for high-risk pregnant  
 3399 women and for high-risk and handicapped children and their  
 3400 families, as outlined in this section, as a basis for the  
 3401 intraagency and interagency program coordination, monitoring,  
 3402 and analysis required in this chapter. The continuum shall be  
 3403 the guide for the comprehensive statewide approach for services  
 3404 for high-risk pregnant women and for high-risk and handicapped  
 3405 children and their families, and may be expanded or reduced as  
 3406 necessary for the enhancement of those services. Expansion or  
 3407 reduction of the continuum shall be determined by intraagency or  
 3408 interagency findings and agreement, whichever is applicable.  
 3409 Implementation of the continuum shall be based upon applicable  
 3410 eligibility criteria, availability of resources, and interagency  
 3411 prioritization when programs impact both agencies, or upon  
 3412 single agency prioritization when programs impact only one  
 3413 agency. The continuum shall include, but not be limited to:

3414 (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND PARENTS  
 3415 OF HIGH-RISK CHILDREN.—

3416 (f) Parent support groups, such as ~~the community resource~~

3417 ~~mother or father program as established in s. 402.45, or parents~~  
 3418 as first teachers, to strengthen families and to enable families  
 3419 of high-risk children to better meet their needs.

3420 Section 91. Paragraph (d) of subsection (11) of section  
 3421 409.256, Florida Statutes, is amended to read:

3422 409.256 Administrative proceeding to establish paternity  
 3423 or paternity and child support; order to appear for genetic  
 3424 testing.—

3425 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND  
 3426 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL  
 3427 STATISTICS.—

3428 (d) Upon rendering a final order of paternity or a final  
 3429 order of paternity and child support, the department shall  
 3430 notify the Office ~~Division~~ of Vital Statistics of the Department  
 3431 of Health that the paternity of the child has been established.

3432 Section 92. Section 458.346, Florida Statutes, is  
 3433 repealed.

3434 Section 93. Subsection (3) of section 462.19, Florida  
 3435 Statutes, is renumbered as subsection (2), and present  
 3436 subsection (2) of that section is amended to read:

3437 462.19 Renewal of license; inactive status.—

3438 ~~(2) The department shall adopt rules establishing a~~  
 3439 ~~procedure for the biennial renewal of licenses.~~

3440 Section 94. Subsection (6) of section 464.019, Florida  
 3441 Statutes, is amended to read:

3442 464.019 Approval of nursing education programs.—

3443 (6) ACCOUNTABILITY.—

3444 (a)1. An approved program must achieve a graduate passage

3445 rate that is not lower than 10 percentage points less than the  
3446 average passage rate for graduates of comparable degree programs  
3447 who are United States educated first-time test takers on the  
3448 National Council of State Boards of Nursing Licensing  
3449 Examination during a calendar year, as calculated by the  
3450 contract testing service of the National Council of State Boards  
3451 of Nursing. For purposes of this subparagraph, an approved  
3452 program is comparable to all degree programs of the same program  
3453 type from among the following program types:

3454 a. Professional nursing education programs that terminate  
3455 in a bachelor's degree.

3456 b. Professional nursing education programs that terminate  
3457 in an associate degree.

3458 c. Professional nursing education programs that terminate  
3459 in a diploma.

3460 d. Practical nursing education programs.

3461 2. Beginning with graduate passage rates for calendar year  
3462 2010, if an approved program's graduate passage rates do not  
3463 equal or exceed the required passage rates for 2 consecutive  
3464 calendar years, the board shall place the program on  
3465 probationary status pursuant to chapter 120 and the program  
3466 director must appear before the board to present a plan for  
3467 remediation. The program shall remain on probationary status  
3468 until it achieves a graduate passage rate that equals or exceeds  
3469 the required passage rate for any 1 calendar year. The board  
3470 shall deny a program application for a new prelicensure nursing  
3471 education program submitted by an educational institution if the  
3472 institution has an existing program that is already on

3473 probationary status.

3474         3. Upon the program's achievement of a graduate passage  
 3475 rate that equals or exceeds the required passage rate, the  
 3476 board, at its next regularly scheduled meeting following release  
 3477 of the program's graduate passage rate by the National Council  
 3478 of State Boards of Nursing, shall remove the program's  
 3479 probationary status. However, if the program, during the 2  
 3480 calendar years following its placement on probationary status,  
 3481 does not achieve the required passage rate for any 1 calendar  
 3482 year, the board shall terminate the program pursuant to chapter  
 3483 120.

3484         (b) If an approved program fails to submit the annual  
 3485 report required in subsection (4), the board shall notify the  
 3486 program director and president or chief executive officer of the  
 3487 educational institution in writing within 15 days after the due  
 3488 date of the annual report. The program director must appear  
 3489 before the board at the board's next regularly scheduled meeting  
 3490 to explain the reason for the delay. The board shall terminate  
 3491 the program pursuant to chapter 120 if it does not submit the  
 3492 annual report within 6 months after the due date.

3493         (c) An approved program on probationary status shall  
 3494 disclose its probationary status in writing to the program's  
 3495 students and applicants.

3496         Section 95. Section 464.0197, Florida Statutes, is  
 3497 repealed.

3498         Section 96. Subsection (4) of section 464.208, Florida  
 3499 Statutes, is amended to read:

3500         464.208 Background screening information; rulemaking

3501 authority.—  
 3502 ~~(4) The board shall adopt rules to administer this part.~~

3503 Section 97. Section 466.00775, Florida Statutes, is  
 3504 repealed.

3505 Section 98. Subsection (4) of section 514.011, Florida  
 3506 Statutes, is amended to read:

3507 514.011 Definitions.—As used in this chapter:

3508 (4) "Public bathing place" means a body of water, natural  
 3509 or modified by humans, for swimming, diving, and recreational  
 3510 bathing, ~~together with adjacent shoreline or land area,~~  
 3511 ~~buildings, equipment, and appurtenances pertaining thereto,~~ used  
 3512 by consent of the owner or owners and held out to the public by  
 3513 any person or public body, irrespective of whether a fee is  
 3514 charged for the use thereof. The bathing water areas of public  
 3515 bathing places include, but are not limited to, lakes, ponds,  
 3516 rivers, streams, artificial impoundments, and waters along the  
 3517 coastal and intracoastal beaches and shores of the state.

3518 Section 99. Section 514.021, Florida Statutes, is amended  
 3519 to read:

3520 514.021 Department authorization.—

3521 (1) The department may adopt and enforce rules, ~~which may~~  
 3522 ~~include definitions of terms,~~ to protect the health, safety, or  
 3523 welfare of persons by setting sanitation and safety standards  
 3524 for using public swimming pools and public bathing places. The  
 3525 department shall review and revise such rules as necessary, but  
 3526 not less than biennially. Sanitation and safety standards shall  
 3527 ~~include, but not be limited to,~~ matters relating to ~~structure;~~  
 3528 ~~appurtenances; operation;~~ source of water supply;

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3529 microbiological ~~bacteriological~~, chemical, and physical quality  
3530 of water in the pool or bathing area; method of water  
3531 purification, treatment, and disinfection; lifesaving apparatus;  
3532 and measures to ensure safety of bathers; ~~and measures to ensure~~  
3533 ~~the personal cleanliness of bathers.~~

3534 (2) The department may not establish by rule any  
3535 regulation governing the design, alteration, modification, or  
3536 repair of public swimming pools and bathing places which has no  
3537 impact on sanitation and safety ~~the health, safety, and welfare~~  
3538 of persons using public swimming pools and bathing places.  
3539 Further, the department may not adopt by rule any regulation  
3540 governing the construction, erection, or demolition of public  
3541 swimming pools and bathing places. It is the intent of the  
3542 Legislature to preempt those functions to the Florida Building  
3543 Commission through adoption and maintenance of the Florida  
3544 Building Code. The department shall provide technical assistance  
3545 to the commission in updating the construction standards of the  
3546 Florida Building Code which govern public swimming pools ~~and~~  
3547 ~~bathing places. Further, the department is authorized to conduct~~  
3548 ~~plan reviews, to issue approvals, and to enforce the special-~~  
3549 ~~occupancy provisions of the Florida Building Code which apply to~~  
3550 ~~public swimming pools and bathing places in conducting any~~  
3551 ~~inspections authorized by this chapter.~~ This subsection does not  
3552 abrogate the authority of the department to adopt and enforce  
3553 appropriate sanitary regulations and requirements as authorized  
3554 in subsection (1).

3555 Section 100. Section 514.023, Florida Statutes, is amended  
3556 to read:

3557           514.023 Sampling of beach waters and public bathing  
 3558 places; health advisories.—

3559           (1) As used in this section, the term "beach waters" means  
 3560 the waters along the coastal and intracoastal beaches and shores  
 3561 of the state, and includes salt water and brackish water.

3562           (2) The department may adopt and enforce rules to protect  
 3563 the health, safety, and welfare of persons using the beach  
 3564 waters and public bathing places of the state. The rules must  
 3565 establish health standards and prescribe procedures and  
 3566 timeframes for bacteriological sampling of beach waters and  
 3567 public bathing places.

3568           (3) The department may issue health advisories if the  
 3569 quality of beach waters or a public bathing place fails to meet  
 3570 standards established by the department. The issuance of health  
 3571 advisories related to the results of bacteriological sampling of  
 3572 beach waters is preempted to the state.

3573           (4) When the department issues a health advisory against  
 3574 swimming in beach waters or a public bathing place on the basis  
 3575 of finding elevated levels of fecal coliform, Escherichia coli,  
 3576 or enterococci bacteria in a water sample, the department shall  
 3577 concurrently notify the municipality or county in which the  
 3578 affected beach waters are located, whichever has jurisdiction,  
 3579 and the local office of the Department of Environmental  
 3580 Protection, of the advisory. The local office of the Department  
 3581 of Environmental Protection shall promptly investigate  
 3582 wastewater treatment facilities within 1 mile of the affected  
 3583 beach waters or public bathing place to determine if a facility  
 3584 experienced an incident that may have contributed to the



3585 | contamination and provide the results of the investigation in  
 3586 | writing or by electronic means to the municipality or county, as  
 3587 | applicable.

3588 | ~~(5) Contingent upon legislative appropriation to the~~  
 3589 | ~~department in the amount of \$600,000 nonrecurring, the~~  
 3590 | ~~department will perform a 3-year study to determine the water~~  
 3591 | ~~quality at beaches throughout the state. The study will be~~  
 3592 | ~~performed in all counties that have public-access saltwater and~~  
 3593 | ~~brackish water beaches.~~

3594 | Section 101. Section 514.025, Florida Statutes, is amended  
 3595 | to read:

3596 | 514.025 Assignment of authority to county health  
 3597 | departments.-

3598 | (1) The department shall assign to county health  
 3599 | departments that are staffed with qualified engineering  
 3600 | personnel shall perform the functions of reviewing applications  
 3601 | and plans for the construction, development, or modification of  
 3602 | public swimming pools or bathing places; of conducting  
 3603 | inspections ~~for and issuance of initial operating permits;~~ and  
 3604 | of issuing all permits. If the county health department  
 3605 | determines that qualified staff are not available ~~is not~~  
 3606 | ~~assigned the functions of application and plan review and the~~  
 3607 | ~~issuance of initial operating permits,~~ the department shall be  
 3608 | responsible for such functions. ~~The department shall make the~~  
 3609 | ~~determination concerning the qualifications of county health~~  
 3610 | ~~department personnel to perform these functions and may make and~~  
 3611 | ~~enforce such rules pertaining thereto as it shall deem proper.~~

3612 | (2) ~~After the initial operating permit is issued, the~~

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3613 County health departments are responsible ~~shall assume full~~  
 3614 ~~responsibility~~ for routine surveillance of water quality in all  
 3615 public swimming pools and bathing places, including  
 3616 ~~responsibility for a minimum of two~~ routine inspections  
 3617 annually, complaint investigations, enforcement procedures, and  
 3618 ~~reissuance of operating permits, and renewal of~~ operating  
 3619 permits.

3620 (3) The department may assign the responsibilities and  
 3621 functions specified in this section to any multicounty  
 3622 independent special district created by the Legislature to  
 3623 perform multiple functions, to include municipal services and  
 3624 improvements, to the same extent and under the same conditions  
 3625 as provided in subsections (1) and (2), upon request of the  
 3626 special district.

3627 Section 102. Section 514.03, Florida Statutes, is amended  
 3628 to read:

3629 514.03 ~~Construction plans~~ Approval necessary to construct,  
 3630 develop, or modify public swimming pools or public bathing  
 3631 places. ~~It is unlawful for any person or public body to~~  
 3632 ~~construct, develop, or modify any public swimming pool or~~  
 3633 ~~bathing place, other than coastal or intracoastal beaches,~~  
 3634 ~~without a valid construction plans approval from the department.~~  
 3635 ~~This section does not preempt the authority of~~ Local governments  
 3636 or local enforcement districts may determine ~~to conduct plan~~  
 3637 ~~reviews and inspections of public swimming pools and bathing~~  
 3638 ~~places for~~ compliance with the general construction standards of  
 3639 the Florida Building Code, pursuant to s. 553.80. Local  
 3640 governments or local enforcement districts may conduct plan

3641 reviews and inspections of public swimming pools and public  
 3642 bathing places for this purpose.

3643 ~~(1) Any person or public body desiring to construct,~~  
 3644 ~~develop, or modify any public swimming pool or bathing place~~  
 3645 ~~shall file an application for a construction plans approval with~~  
 3646 ~~the department on application forms provided by the department~~  
 3647 ~~and shall accompany such application with:~~

3648 ~~(a) Engineering drawings, specifications, descriptions,~~  
 3649 ~~and detailed maps of the structure, its appurtenances, and its~~  
 3650 ~~intended operation.~~

3651 ~~(b) A description of the source or sources of water supply~~  
 3652 ~~and amount and quality of water available and intended to be~~  
 3653 ~~used.~~

3654 ~~(c) A description of the method and manner of water~~  
 3655 ~~purification, treatment, disinfection, and heating.~~

3656 ~~(d) Other applicable information deemed necessary by the~~  
 3657 ~~department to fulfill the requirements of this chapter.~~

3658 ~~(2) If the proposed construction of, development of, or~~  
 3659 ~~modification of a public swimming pool or bathing place meets~~  
 3660 ~~standards of public health and safety as defined in this chapter~~  
 3661 ~~and rules adopted hereunder, the department shall grant the~~  
 3662 ~~application for the construction plans approval within 30 days~~  
 3663 ~~after receipt of a complete submittal. If engineering plans~~  
 3664 ~~submitted are in substantial compliance with the standards~~  
 3665 ~~aforementioned, the department may approve the plans with~~  
 3666 ~~provisions for corrective action to be completed prior to~~  
 3667 ~~issuance of the operating permit.~~

3668 ~~(3) If the proposed construction, development, or~~

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3669 ~~modification of a public swimming pool or bathing place fails to~~  
 3670 ~~meet standards of public health and safety as defined in this~~  
 3671 ~~chapter and rules adopted hereunder, the department shall deny~~  
 3672 ~~the application for construction plans approval pursuant to the~~  
 3673 ~~provisions of chapter 120. Such denial shall be issued in~~  
 3674 ~~writing within 30 days and shall list the circumstances for~~  
 3675 ~~denial. Upon correction of such circumstances, an applicant~~  
 3676 ~~previously denied permission to construct, develop, or modify a~~  
 3677 ~~public swimming pool or bathing place may reapply for~~  
 3678 ~~construction plans approval.~~

3679 ~~(4) An approval of construction plans issued by the~~  
 3680 ~~department under this section becomes void 1 year after the date~~  
 3681 ~~the approval was issued if the construction is not commenced~~  
 3682 ~~within 1 year after the date of issuance.~~

3683 Section 103. Section 514.031, Florida Statutes, is amended  
 3684 to read:

3685 514.031 Permit necessary to operate public swimming pool  
 3686 ~~or bathing place.~~

3687 (1) It is unlawful for any person or public body to  
 3688 operate or continue to operate any public swimming pool ~~or~~  
 3689 ~~bathing place~~ without a valid permit from the department, such  
 3690 permit to be obtained in the following manner:

3691 (a) Any person or public body desiring to operate any  
 3692 public swimming pool ~~or bathing place~~ shall file an application  
 3693 for a permit with the department, on application forms provided  
 3694 by the department, and shall accompany such application with:

3695 1. ~~Descriptions of the structure, its appurtenances, and~~  
 3696 ~~its operation.~~

3697           ~~1.2.~~ Description of the source or sources of water supply,  
 3698 and the amount and quality of water available and intended to be  
 3699 used.

3700           ~~2.3.~~ Method and manner of water purification, treatment,  
 3701 disinfection, and heating.

3702           ~~3.4.~~ Safety equipment and standards to be used.

3703           ~~5. Measures to ensure personal cleanliness of bathers.~~

3704           ~~4.6.~~ Any other pertinent information deemed necessary by  
 3705 the department ~~to fulfill the requirements of this chapter.~~

3706           (b) If the department determines that the public swimming  
 3707 pool ~~or bathing place~~ is or may reasonably be expected to be  
 3708 operated in compliance with this chapter and the rules adopted  
 3709 hereunder, the department shall grant the application for  
 3710 permit.

3711           (c) If the department determines that the public swimming  
 3712 pool ~~or bathing place~~ does not meet the provisions outlined in  
 3713 this chapter or the rules adopted hereunder, the department  
 3714 shall deny the application for a permit pursuant to the  
 3715 provisions of chapter 120. Such denial shall be in writing and  
 3716 shall list the circumstances for the denial. Upon correction of  
 3717 such circumstances, an applicant previously denied permission to  
 3718 operate a public swimming pool or bathing place may reapply for  
 3719 a permit.

3720           (2) Operating permits shall not be required for coastal or  
 3721 intracoastal beaches.

3722           (3) Operating permits may be transferred ~~shall not be~~  
 3723 ~~transferable~~ from one name or owner to another. When the  
 3724 ownership or name of an existing public swimming pool ~~or bathing~~

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3725 ~~place~~ is changed and such establishment is operating at the time  
3726 of the change with a valid permit from the department, the new  
3727 owner of the establishment shall apply to the department, upon  
3728 forms provided by the department, within 30 days after such a  
3729 change, ~~for a reissuance of the existing permit.~~

3730 (4) Each such operating permit shall be renewed annually  
3731 and the permit must be posted in a conspicuous place.

3732 (5) An owner or operator of a public swimming pool,  
3733 including, but not limited to, a spa, wading, or special purpose  
3734 pool, to which admittance is obtained by membership for a fee  
3735 shall post in a prominent location within the facility the most  
3736 recent pool inspection report issued by the department  
3737 pertaining to the health and safety conditions of such facility.  
3738 The report shall be legible and readily accessible to members or  
3739 potential members. The department shall adopt rules to enforce  
3740 this subsection. A portable pool may not be used as a public  
3741 pool.

3742 Section 104. Section 514.033, Florida Statutes, is amended  
3743 to read:

3744 514.033 Creation of fee schedules authorized.—

3745 (1) The department is authorized to establish a schedule  
3746 of fees to be charged by the department or by any authorized  
3747 county health department as detailed in s. 514.025 ~~for the~~  
3748 ~~review of applications and plans to construct, develop, or~~  
3749 ~~modify a public swimming pool or bathing place, for the issuance~~  
3750 ~~of permits to operate such establishments, and for the review of~~  
3751 ~~variance applications for public swimming pools and bathing~~  
3752 ~~places.~~ Fees assessed under this chapter shall be in an amount

3753 sufficient to meet the cost of carrying out the provisions of  
 3754 this chapter.

3755 (2) The fee schedule shall be: for original construction  
 3756 or development plan approval, not less than \$275 and not more  
 3757 than \$500; for modification of original construction, not less  
 3758 than \$100 and not more than \$150; for an initial operating  
 3759 permit, not less than \$125 and not more than \$250; and for  
 3760 review of variance applications, not less than \$240 and not more  
 3761 than \$400. The department shall assess the minimum fees provided  
 3762 in this subsection until a fee schedule is promulgated by rule  
 3763 of the department.

3764 (3) Fees shall be ~~Any person or public body operating a~~  
 3765 ~~public swimming pool or bathing place shall pay to the~~  
 3766 ~~department an annual operating permit fee based on pool or~~  
 3767 ~~bathing place aggregate gallonage, which shall be: up to and~~  
 3768 including 25,000 gallons, not less than \$75 and not more than  
 3769 \$125; and in excess of 25,000 gallons, not less than \$160 and  
 3770 not more than \$265, except for a pool inspected pursuant to s.  
 3771 514.0115(2)(b) for which the annual fee shall be \$50.

3772 (4) Fees collected by the department in accordance with  
 3773 this chapter shall be deposited into the Grants and Donations  
 3774 Trust Fund ~~or Public Swimming Pool and Bathing Place Trust Fund~~  
 3775 ~~for the payment of costs incurred in the administration of this~~  
 3776 ~~chapter. Fees collected by county health departments performing~~  
 3777 ~~functions pursuant to s. 514.025 shall be deposited into the~~  
 3778 County Health Department Trust Fund. Any fee collected under  
 3779 this chapter is nonrefundable.

3780 (5) The department may not charge any fees for services

3781 provided under this chapter other than those fees authorized in  
 3782 this section. However, the department shall prorate the initial  
 3783 annual fee for an operating permit on a half-year basis.

3784 Section 105. Subsections (4) and (5) of section 514.05,  
 3785 Florida Statutes, are amended to read:

3786 514.05 Denial, suspension, or revocation of permit;  
 3787 administrative fines.—

3788 (4) All amounts collected pursuant to this section shall  
 3789 be deposited into the Grants and Donations Trust Fund ~~Public~~  
 3790 ~~Swimming Pool and Bathing Place Trust Fund~~ or into the County  
 3791 Health Department Trust Fund, whichever is applicable.

3792 (5) Under conditions specified by rule, the department may  
 3793 close a public pool that is not in compliance with this chapter  
 3794 or the rules adopted under this chapter.

3795 Section 106. Section 514.06, Florida Statutes, is amended  
 3796 to read:

3797 514.06 Injunction to restrain violations.—Any public  
 3798 swimming pool or public bathing place presenting a significant  
 3799 risk to public health by failing to meet the water quality and  
 3800 safety standards established pursuant to ~~constructed, developed,~~  
 3801 ~~operated, or maintained contrary to the provisions of this~~  
 3802 chapter is declared to be a public nuisance, dangerous to health  
 3803 or safety. Such nuisances may be abated or enjoined in an action  
 3804 brought by the county health department or the department.

3805 Section 107. Subsections (1) and (2) of section 633.115,  
 3806 Florida Statutes, are amended to read:

3807 633.115 Fire and Emergency Incident Information Reporting  
 3808 Program; duties; fire reports.—



3809 (1) (a) The Fire and Emergency Incident Information  
 3810 Reporting Program is created within the Division of State Fire  
 3811 Marshal. The program shall:

3812 1. Establish and maintain an electronic communication  
 3813 system capable of transmitting fire and emergency incident  
 3814 information to and between fire protection agencies.

3815 2. Initiate a Fire and Emergency Incident Information  
 3816 Reporting System that shall be responsible for:

3817 a. Receiving fire and emergency incident information from  
 3818 fire protection agencies.

3819 b. Preparing and disseminating annual reports to the  
 3820 Governor, the President of the Senate, the Speaker of the House  
 3821 of Representatives, fire protection agencies, and, upon request,  
 3822 the public. Each report shall include, but not be limited to,  
 3823 the information listed in the National Fire Incident Reporting  
 3824 System.

3825 c. Upon request, providing other states and federal  
 3826 agencies with fire and emergency incident data of this state.

3827 3. Adopt rules to effectively and efficiently implement,  
 3828 administer, manage, maintain, and use the Fire and Emergency  
 3829 Incident Information Reporting Program. The rules shall be  
 3830 considered minimum requirements and shall not preclude a fire  
 3831 protection agency from implementing its own requirements which  
 3832 shall not conflict with the rules of the Division of State Fire  
 3833 Marshal.

3834 4. By rule, establish procedures and a format for each  
 3835 fire protection agency to voluntarily monitor its records and  
 3836 submit reports to the program.

3837 5. Establish an electronic information database which is  
 3838 accessible and searchable by fire protection agencies.

3839 (b) The Division of State Fire Marshal shall consult with  
 3840 the Division of Forestry of the Department of Agriculture and  
 3841 Consumer Services and the Division ~~Bureau~~ of Emergency  
 3842 Preparedness and Community Support ~~Medical Services~~ of the  
 3843 Department of Health to coordinate data, ensure accuracy of the  
 3844 data, and limit duplication of efforts in data collection,  
 3845 analysis, and reporting.

3846 (2) The Fire and Emergency Incident Information System  
 3847 Technical Advisory Panel is created within the Division of State  
 3848 Fire Marshal. The panel shall advise, review, and recommend to  
 3849 the State Fire Marshal with respect to the requirements of this  
 3850 section. The membership of the panel shall consist of the  
 3851 following 15 members:

3852 (a) The current 13 members of the Firefighters Employment,  
 3853 Standards, and Training Council as established in s. 633.31.

3854 (b) One member from the Division of Forestry of the  
 3855 Department of Agriculture and Consumer Services, appointed by  
 3856 the division director.

3857 (c) One member from the Division ~~Bureau~~ of Emergency  
 3858 Preparedness and Community Support ~~Medical Services~~ of the  
 3859 Department of Health, appointed by the division director ~~bureau~~  
 3860 ~~chief~~.

3861 Section 108. Subsections (4), (5), (6), (8), (9), (10),  
 3862 (11), and (12) of section 1009.66, Florida Statutes, are amended  
 3863 to read:

3864 1009.66 Nursing Student Loan Forgiveness Program.—

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3865 (4) From the funds available, the Department of Education  
3866 ~~Health~~ may make loan principal repayments of up to \$4,000 a year  
3867 for up to 4 years on behalf of selected graduates of an  
3868 accredited or approved nursing program. All repayments shall be  
3869 contingent upon continued proof of employment in the designated  
3870 facilities in this state and shall be made directly to the  
3871 holder of the loan. The state shall bear no responsibility for  
3872 the collection of any interest charges or other remaining  
3873 balance. In the event that the designated facilities are  
3874 changed, a nurse shall continue to be eligible for loan  
3875 forgiveness as long as he or she continues to work in the  
3876 facility for which the original loan repayment was made and  
3877 otherwise meets all conditions of eligibility.

3878 (5) There is created the Nursing Student Loan Forgiveness  
3879 Trust Fund to be administered by the Department of Education  
3880 ~~Health~~ pursuant to this section and s. 1009.67 and department  
3881 rules. The Chief Financial Officer shall authorize expenditures  
3882 from the trust fund upon receipt of vouchers approved by the  
3883 Department of Education ~~Health~~. All moneys collected from the  
3884 private health care industry and other private sources for the  
3885 purposes of this section shall be deposited into the Nursing  
3886 Student Loan Forgiveness Trust Fund. Any balance in the trust  
3887 fund at the end of any fiscal year shall remain therein and  
3888 shall be available for carrying out the purposes of this section  
3889 and s. 1009.67.

3890 (6) In addition to licensing fees imposed under part I of  
3891 chapter 464, there is hereby levied and imposed an additional  
3892 fee of \$5, which fee shall be paid upon licensure or renewal of

3893 nursing licensure. Revenues collected from the fee imposed in  
 3894 this subsection shall be deposited in the Nursing Student Loan  
 3895 Forgiveness Trust Fund of the Department of Education ~~Health~~ and  
 3896 will be used solely for the purpose of carrying out the  
 3897 provisions of this section and s. 1009.67. Up to 50 percent of  
 3898 the revenues appropriated to implement this subsection may be  
 3899 used for the nursing scholarship program established pursuant to  
 3900 s. 1009.67.

3901 ~~(8) The Department of Health may solicit technical~~  
 3902 ~~assistance relating to the conduct of this program from the~~  
 3903 ~~Department of Education.~~

3904 (8)~~(9)~~ The Department of Education ~~Health~~ is authorized to  
 3905 recover from the Nursing Student Loan Forgiveness Trust Fund its  
 3906 costs for administering the Nursing Student Loan Forgiveness  
 3907 Program.

3908 (9)~~(10)~~ The Department of Education ~~Health~~ may adopt rules  
 3909 necessary to administer this program.

3910 (10)~~(11)~~ This section shall be implemented only as  
 3911 specifically funded.

3912 (11)~~(12)~~ Students receiving a nursing scholarship pursuant  
 3913 to s. 1009.67 are not eligible to participate in the Nursing  
 3914 Student Loan Forgiveness Program.

3915 Section 109. Section 1009.67, Florida Statutes, is amended  
 3916 to read:

3917 1009.67 Nursing scholarship program.—

3918 (1) There is established within the Department of  
 3919 Education ~~Health~~ a scholarship program for the purpose of  
 3920 attracting capable and promising students to the nursing

3921 profession.

3922 (2) A scholarship applicant shall be enrolled in an  
 3923 approved nursing program leading to the award of an associate  
 3924 degree, a baccalaureate degree, or a graduate degree in nursing.

3925 (3) A scholarship may be awarded for no more than 2 years,  
 3926 in an amount not to exceed \$8,000 per year. However, registered  
 3927 nurses pursuing a graduate degree for a faculty position or to  
 3928 practice as an advanced registered nurse practitioner may  
 3929 receive up to \$12,000 per year. These amounts shall be adjusted  
 3930 by the amount of increase or decrease in the consumer price  
 3931 index for urban consumers published by the United States  
 3932 Department of Commerce.

3933 (4) Credit for repayment of a scholarship shall be as  
 3934 follows:

3935 (a) For each full year of scholarship assistance, the  
 3936 recipient agrees to work for 12 months in a faculty position in  
 3937 a college of nursing or Florida College System institution  
 3938 nursing program in this state or at a health care facility in a  
 3939 medically underserved area as designated ~~approved~~ by the  
 3940 Department of Health. Scholarship recipients who attend school  
 3941 on a part-time basis shall have their employment service  
 3942 obligation prorated in proportion to the amount of scholarship  
 3943 payments received.

3944 (b) Eligible health care facilities include nursing homes  
 3945 and hospitals in this state, state-operated medical or health  
 3946 care facilities, public schools, county health departments,  
 3947 federally sponsored community health centers, colleges of  
 3948 nursing in universities in this state, and Florida College

3949 System institution nursing programs in this state, family  
 3950 practice teaching hospitals as defined in s. 395.805, or  
 3951 specialty children's hospitals as described in s. 409.9119. The  
 3952 recipient shall be encouraged to complete the service obligation  
 3953 at a single employment site. If continuous employment at the  
 3954 same site is not feasible, the recipient may apply to the  
 3955 department for a transfer to another approved health care  
 3956 facility.

3957 (c) Any recipient who does not complete an appropriate  
 3958 program of studies, who does not become licensed, who does not  
 3959 accept employment as a nurse at an approved health care  
 3960 facility, or who does not complete 12 months of approved  
 3961 employment for each year of scholarship assistance received  
 3962 shall repay to the Department of Education ~~Health~~, on a schedule  
 3963 to be determined by the department, the entire amount of the  
 3964 scholarship plus 18 percent interest accruing from the date of  
 3965 the scholarship payment. Moneys repaid shall be deposited into  
 3966 the Nursing Student Loan Forgiveness Trust Fund established in  
 3967 s. 1009.66. However, the department may provide additional time  
 3968 for repayment if the department finds that circumstances beyond  
 3969 the control of the recipient caused or contributed to the  
 3970 default.

3971 (5) Scholarship payments shall be transmitted to the  
 3972 recipient upon receipt of documentation that the recipient is  
 3973 enrolled in an approved nursing program. The Department of  
 3974 Education ~~Health~~ shall develop a formula to prorate payments to  
 3975 scholarship recipients so as not to exceed the maximum amount  
 3976 per academic year.

3977           (6) The Department of Education ~~Health~~ shall adopt rules,  
 3978 including rules to address extraordinary circumstances that may  
 3979 cause a recipient to default on either the school enrollment or  
 3980 employment contractual agreement, to implement this section.

3981           (7) The Department of Education ~~Health~~ may recover from  
 3982 the Nursing Student Loan Forgiveness Trust Fund its costs for  
 3983 administering the nursing scholarship program.

3984           Section 110. Department of Health; type two transfer.-

3985           (1) All powers, duties, functions, records, offices,  
 3986 personnel, associated administrative support positions,  
 3987 property, pending issues, existing contracts, administrative  
 3988 authority, administrative rules, and unexpended balances of  
 3989 appropriations, allocations, and other funds relating to the  
 3990 Nursing Student Loan Forgiveness Program and the nursing  
 3991 scholarship program in the Department of Health are transferred  
 3992 by a type two transfer, as defined in s. 20.06(2), Florida  
 3993 Statutes, to the Department of Education.

3994           (2) The Nursing Student Loan Forgiveness Trust Fund is  
 3995 transferred from the Department of Health to the Department of  
 3996 Education.

3997           (3) Any binding contract or interagency agreement related  
 3998 to the Nursing Student Loan Forgiveness Program existing before  
 3999 July 1, 2012, between the Department of Health, or an entity or  
 4000 agent of the agency, and any other agency, entity, or person  
 4001 shall continue as a binding contract or agreement for the  
 4002 remainder of the term of such contract or agreement on the  
 4003 successor department, agency, or entity responsible for the  
 4004 program, activity, or functions relative to the contract or

4005 agreement.

4006 (4) Notwithstanding s. 216.292 and pursuant to s. 216.351,  
 4007 Florida Statutes, upon approval by the Legislative Budget  
 4008 Commission, the Executive Office of the Governor may transfer  
 4009 funds and positions between agencies to implement this act.

4010 (5) The transfer of any program, activity, duty, or  
 4011 function under this act includes the transfer of any records and  
 4012 unexpended balances of appropriations, allocations, or other  
 4013 funds related to such program, activity, duty, or function.  
 4014 Unless otherwise provided, the successor organization to any  
 4015 program, activity, duty, or function transferred under this act  
 4016 shall become the custodian of any property of the organization  
 4017 that was responsible for the program, activity, duty, or  
 4018 function immediately before the transfer.

4019 Section 111. The Division of Medical Quality Assurance  
 4020 shall develop a plan to improve the efficiency of its functions.  
 4021 Specifically, the plan shall delineate methods to: reduce the  
 4022 average length of time for a qualified applicant to receive  
 4023 initial and renewal licensure, certification, or registration,  
 4024 by one-third; improve the agenda process for board meetings to  
 4025 increase transparency, timeliness, and usefulness for board  
 4026 decisionmaking; and improve the cost-effectiveness and  
 4027 efficiency of the joint functions of the division and the  
 4028 regulatory boards. In developing the plan, the division shall  
 4029 identify and analyze best practices found within the division  
 4030 and other state agencies with similar functions, options for  
 4031 information technology improvements, options for contracting  
 4032 with outside entities, and any other option the division deems



4033 useful. The division shall consult with and solicit  
 4034 recommendations from the regulatory boards in developing the  
 4035 plan. The division shall submit the plan to the Governor, the  
 4036 Speaker of the House of Representatives, and the President of  
 4037 the Senate by November 1, 2012. All executive branch agencies  
 4038 are instructed, and all other state agencies are requested, to  
 4039 assist the division in accomplishing its purposes under this  
 4040 section.

4041 Section 112. Paragraph (e) of subsection (2) of section  
 4042 154.503, Florida Statutes, is amended to read:

4043 154.503 Primary Care for Children and Families Challenge  
 4044 Grant Program; creation; administration.—

4045 (2) The department shall:

4046 (e) Coordinate with the primary care program developed  
 4047 pursuant to s. 154.011, the Florida Healthy Kids Corporation  
 4048 program created in s. 624.91, the school health services program  
 4049 created in ss. 381.0056 and 381.0057, ~~the Healthy Communities,~~  
 4050 ~~Healthy People Program created in s. 381.734,~~ and the volunteer  
 4051 health care provider program developed pursuant to s. 766.1115.

4052 Section 113. Subsection (1), paragraph (c) of subsection  
 4053 (3), and subsection (9) of section 381.0041, Florida Statutes,  
 4054 are amended to read:

4055 381.0041 Donation and transfer of human tissue; testing  
 4056 requirements.—

4057 (1) Every donation of blood, plasma, organs, skin, or  
 4058 other human tissue for transfusion or transplantation to another  
 4059 shall be tested prior to transfusion or other use for human  
 4060 immunodeficiency virus infection and other communicable diseases

4061 specified by rule of the Department of Health. Tests for the  
4062 human immunodeficiency virus infection shall be performed only  
4063 after obtaining written, informed consent from the potential  
4064 donor or the donor's legal representative. Such consent may be  
4065 given by a minor pursuant to s. 743.06. Obtaining consent shall  
4066 include a fair explanation of the procedures to be followed and  
4067 the meaning and use of the test results. Such explanation shall  
4068 include a description of the confidential nature of the test as  
4069 described in s. 381.004(2) ~~381.004(3)~~. If consent for testing is  
4070 not given, then the person shall not be accepted as a donor  
4071 except as otherwise provided in subsection (3).

4072 (3) No person shall collect any blood, organ, skin, or  
4073 other human tissue from one human being and hold it for, or  
4074 actually perform, any implantation, transplantation,  
4075 transfusion, grafting, or any other method of transfer to  
4076 another human being without first testing such tissue for the  
4077 human immunodeficiency virus and other communicable diseases  
4078 specified by rule of the Department of Health, or without  
4079 performing another process approved by rule of the Department of  
4080 Health capable of killing the causative agent of those diseases  
4081 specified by rule. Such testing shall not be required:

4082 (c) When there is insufficient time to obtain the results  
4083 of a confirmatory test for any tissue or organ which is to be  
4084 transplanted, notwithstanding the provisions of s. 381.004(2)(d)  
4085 ~~381.004(3)(d)~~. In such circumstances, the results of preliminary  
4086 screening tests may be released to the potential recipient's  
4087 treating physician for use in determining organ or tissue  
4088 suitability.

4089 (9) All blood banks shall be governed by the  
 4090 confidentiality provisions of s. 381.004(2) ~~381.004(3)~~.

4091 Section 114. Paragraph (b) of subsection (3) of section  
 4092 384.25, Florida Statutes, is amended to read:

4093 384.25 Reporting required.—

4094 (3) To ensure the confidentiality of persons infected with  
 4095 the human immunodeficiency virus (HIV), reporting of HIV  
 4096 infection and AIDS must be conducted using a system developed by  
 4097 the Centers for Disease Control and Prevention of the United  
 4098 States Public Health Service or an equivalent system.

4099 (b) The reporting may not affect or relate to anonymous  
 4100 HIV testing programs conducted pursuant to s. 381.004(3)  
 4101 ~~381.004(4)~~.

4102 Section 115. Subsection (5) of section 392.56, Florida  
 4103 Statutes, is amended to read:

4104 392.56 Hospitalization, placement, and residential  
 4105 isolation.—

4106 (5) If the department petitions the circuit court to order  
 4107 that a person who has active tuberculosis be hospitalized in a  
 4108 facility operated under s. 392.62~~(2)~~, the department shall  
 4109 notify the facility of the potential court order.

4110 Section 116. Subsection (2) of section 456.032, Florida  
 4111 Statutes, is amended to read:

4112 456.032 Hepatitis B or HIV carriers.—

4113 (2) Any person licensed by the department and any other  
 4114 person employed by a health care facility who contracts a blood-  
 4115 borne infection shall have a rebuttable presumption that the  
 4116 illness was contracted in the course and scope of his or her

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4117 employment, provided that the person, as soon as practicable,  
 4118 reports to the person's supervisor or the facility's risk  
 4119 manager any significant exposure, as that term is defined in s.  
 4120 381.004(1)(c) ~~381.004(2)(e)~~, to blood or body fluids. The  
 4121 employer may test the blood or body fluid to determine if it is  
 4122 infected with the same disease contracted by the employee. The  
 4123 employer may rebut the presumption by the preponderance of the  
 4124 evidence. Except as expressly provided in this subsection, there  
 4125 shall be no presumption that a blood-borne infection is a job-  
 4126 related injury or illness.

4127 Section 117. Subsection (15) of section 499.003, Florida  
 4128 Statutes, is amended to read:

4129 499.003 Definitions of terms used in this part.—As used in  
 4130 this part, the term:

4131 (15) "Department" means the Department of Business and  
 4132 Professional Regulation ~~Department of Health~~.

4133 Section 118. Subsection (2) of section 499.601, Florida  
 4134 Statutes, is amended to read:

4135 499.601 Legislative intent; construction.—

4136 (2) The provisions of this part are cumulative and shall  
 4137 not be construed as repealing or affecting any powers, duties,  
 4138 or authority of the department ~~of Health~~ under any other law of  
 4139 this state; except that, with respect to the regulation of ether  
 4140 as herein provided, in instances in which the provisions of this  
 4141 part may conflict with any other such law, the provisions of  
 4142 this part shall control.

4143 Section 119. Subsection (2) of section 499.61, Florida  
 4144 Statutes, is amended to read:

4145 499.61 Definitions.—As used in this part:

4146 (2) "Department" means the Department of Business and  
 4147 Professional Regulation ~~Department of Health~~.

4148 Section 120. Subsection (2) of section 513.10, Florida  
 4149 Statutes, is amended to read:

4150 513.10 Operating without permit; enforcement of chapter;  
 4151 penalties.—

4152 (2) This chapter or rules adopted under this chapter may  
 4153 be enforced in the manner provided in s. 381.0012 and as  
 4154 provided in this chapter. Violations of this chapter and the  
 4155 rules adopted under this chapter are subject to the penalties  
 4156 provided in this chapter and in s. ss. 381.0025 and 381.0061.

4157 Section 121. Paragraph (b) of subsection (9) of section  
 4158 768.28, Florida Statutes, is amended to read:

4159 768.28 Waiver of sovereign immunity in tort actions;  
 4160 recovery limits; limitation on attorney fees; statute of  
 4161 limitations; exclusions; indemnification; risk management  
 4162 programs.—

4163 (9)

4164 (b) As used in this subsection, the term:

4165 1. "Employee" includes any volunteer firefighter.

4166 2. "Officer, employee, or agent" includes, but is not  
 4167 limited to, any health care provider when providing services  
 4168 pursuant to s. 766.1115; ~~any member of the Florida Health~~  
 4169 ~~Services Corps, as defined in s. 381.0302, who provides~~  
 4170 ~~uncompensated care to medically indigent persons referred by the~~  
 4171 ~~Department of Health;~~ any nonprofit independent college or  
 4172 university located and chartered in this state which owns or

4173 operates an accredited medical school, and its employees or  
 4174 agents, when providing patient services pursuant to paragraph  
 4175 (10) (f); and any public defender or her or his employee or  
 4176 agent, including, among others, an assistant public defender and  
 4177 an investigator.

4178 Section 122. Subsection (1) of section 775.0877, Florida  
 4179 Statutes, is amended to read:

4180 775.0877 Criminal transmission of HIV; procedures;  
 4181 penalties.—

4182 (1) In any case in which a person has been convicted of or  
 4183 has pled nolo contendere or guilty to, regardless of whether  
 4184 adjudication is withheld, any of the following offenses, or the  
 4185 attempt thereof, which offense or attempted offense involves the  
 4186 transmission of body fluids from one person to another:

4187 (a) Section 794.011, relating to sexual battery;

4188 (b) Section 826.04, relating to incest;

4189 (c) Section 800.04, relating to lewd or lascivious  
 4190 offenses committed upon or in the presence of persons less than  
 4191 16 years of age;

4192 (d) Sections 784.011, 784.07(2) (a), and 784.08(2) (d),  
 4193 relating to assault;

4194 (e) Sections 784.021, 784.07(2) (c), and 784.08(2) (b),  
 4195 relating to aggravated assault;

4196 (f) Sections 784.03, 784.07(2) (b), and 784.08(2) (c),  
 4197 relating to battery;

4198 (g) Sections 784.045, 784.07(2) (d), and 784.08(2) (a),  
 4199 relating to aggravated battery;

4200 (h) Section 827.03(1), relating to child abuse;

4201 (i) Section 827.03(2), relating to aggravated child abuse;

4202 (j) Section 825.102(1), relating to abuse of an elderly  
4203 person or disabled adult;

4204 (k) Section 825.102(2), relating to aggravated abuse of an  
4205 elderly person or disabled adult;

4206 (l) Section 827.071, relating to sexual performance by  
4207 person less than 18 years of age;

4208 (m) Sections 796.03, 796.07, and 796.08, relating to  
4209 prostitution; or

4210 (n) Section 381.0041(11)(b), relating to donation of  
4211 blood, plasma, organs, skin, or other human tissue,

4212  
4213 the court shall order the offender to undergo HIV testing, to be  
4214 performed under the direction of the Department of Health in  
4215 accordance with s. 381.004, unless the offender has undergone  
4216 HIV testing voluntarily or pursuant to procedures established in  
4217 s. 381.004(2)(h)6. ~~381.004(3)(h)6.~~ or s. 951.27, or any other  
4218 applicable law or rule providing for HIV testing of criminal  
4219 offenders or inmates, subsequent to her or his arrest for an  
4220 offense enumerated in paragraphs (a)-(n) for which she or he was  
4221 convicted or to which she or he pled nolo contendere or guilty.  
4222 The results of an HIV test performed on an offender pursuant to  
4223 this subsection are not admissible in any criminal proceeding  
4224 arising out of the alleged offense.

4225 Section 123. Except as otherwise expressly provided in  
4226 this act, this act shall take effect upon becoming a law.