

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30 to department rules that superseded regulations and  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 certain 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. 464.203, F.S.; revising the certification  
344 requirements for certified nursing assistants;  
345 amending s. 464.208, F.S.; repealing unused rulemaking  
346 authority relating to background screening information  
347 of certified nursing assistants; repealing s.  
348 466.00775, F.S., relating to unused rulemaking  
349 authority relating to dental health access and dental  
350 laboratory registration provisions; amending ss.  
351 212.08, 499.003, 499.601, and 499.61, F.S.; updating  
352 departmental designation; amending s. 514.011, F.S.;  
353 revising the definition of "public bathing place";  
354 amending s. 514.021, F.S.; restricting rulemaking  
355 authority of the department; limiting scope of  
356 standards for public pools and public bathing places;  
357 prohibiting the department from adopting by rule any  
358 regulation regarding the design, alteration, or repair  
359 of a public pool or public bathing; eliminating  
360 authority of the department to review plans, issue  
361 approvals, and enforce occupancy provisions of the  
362 Florida Building Code; amending s. 514.023, F.S.;  
363 adding public bathing places to the provisions  
364 allowing sampling of beach waters to determine

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

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

421 directing the division to address particular topics in  
 422 the plan; requiring all executive branch agencies to  
 423 assist the department in creating the plan; requesting  
 424 all other state agencies to assist the department in  
 425 creating the plan; amending ss. 154.503, 381.0041,  
 426 384.25, 392.56, 395.1027, 411.203, 456.032, 513.10,  
 427 768.28, and 775.0877, F.S.; conforming cross-  
 428 references; providing effective dates.

429  
 430 Be It Enacted by the Legislature of the State of Florida:

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

434 20.43 Department of Health.—There is created a Department  
 435 of Health.

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

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

446 (b) Implement interventions that prevent or limit the  
 447 impact or spread of diseases and health conditions ~~Maintain a~~  
 448 ~~constant surveillance of disease occurrence and accumulate~~



449 ~~health statistics necessary to establish disease trends and to~~  
 450 ~~design health programs.~~

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

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

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

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

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

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

475 ~~(i) Develop working associations with all agencies and~~  
 476 ~~organizations involved and interested in health and health care~~

477 ~~delivery.~~

478 ~~(j) Analyze trends in the evolution of health systems, and~~  
479 ~~identify and promote the use of innovative, cost-effective~~  
480 ~~health delivery systems.~~

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

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

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

498 (2)(a) The head of the Department of Health is the State  
499 Surgeon General and State Health Officer. The State Surgeon  
500 General must be a physician licensed under chapter 458 or  
501 chapter 459 who has advanced training or extensive experience in  
502 public health administration. The State Surgeon General is  
503 appointed by the Governor subject to confirmation by the Senate.  
504 The State Surgeon General serves at the pleasure of the

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

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

520 (3) The following divisions of the Department of Health  
521 are established:

522 (a) Division of Administration.

523 (b) Division of Emergency Preparedness and Community  
524 Support Environmental Health.

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

526 (d) Division of Community Health Promotion ~~Family Health~~  
527 ~~Services.~~

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

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

531 (g) Division of Medical Quality Assurance, which is  
532 responsible for the following boards and professions established

- 533 within the division:
- 534 1. The Board of Acupuncture, created under chapter 457.
  - 535 2. The Board of Medicine, created under chapter 458.
  - 536 3. The Board of Osteopathic Medicine, created under  
537 chapter 459.
  - 538 4. The Board of Chiropractic Medicine, created under  
539 chapter 460.
  - 540 5. The Board of Podiatric Medicine, created under chapter  
541 461.
  - 542 6. Naturopathy, as provided under chapter 462.
  - 543 7. The Board of Optometry, created under chapter 463.
  - 544 8. The Board of Nursing, created under part I of chapter  
545 464.
  - 546 9. Nursing assistants, as provided under part II of  
547 chapter 464.
  - 548 10. The Board of Pharmacy, created under chapter 465.
  - 549 11. The Board of Dentistry, created under chapter 466.
  - 550 12. Midwifery, as provided under chapter 467.
  - 551 13. The Board of Speech-Language Pathology and Audiology,  
552 created under part I of chapter 468.
  - 553 14. The Board of Nursing Home Administrators, created  
554 under part II of chapter 468.
  - 555 15. The Board of Occupational Therapy, created under part  
556 III of chapter 468.
  - 557 16. Respiratory therapy, as provided under part V of  
558 chapter 468.
  - 559 17. Dietetics and nutrition practice, as provided under  
560 part X of chapter 468.

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

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

590        Section 2. Subsections (14) through (22) of section  
 591 20.435, Florida Statutes, are renumbered as subsection (13)  
 592 through (20), respectively, and present subsections (13) and  
 593 (17) of that section are amended to read:

594        20.435 Department of Health; trust funds.—The following  
 595 trust funds shall be administered by the Department of Health:

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

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

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

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

606        ~~(a) Funds to be credited to and uses of the trust fund  
 607 shall be administered in accordance with the provisions of s.  
 608 1009.66.~~

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

614        Section 3. Section 154.05, Florida Statutes, is amended to  
 615 read:

616        154.05 Cooperation and agreements between counties.—

617 Counties may establish cooperative arrangements for shared  
618 county health departments in the following ways:

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

644       (2) Two or more counties may combine for the operation of

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

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

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

665 (2) EXEMPTIONS; MEDICAL.—

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



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

694 (b) For the purposes of this subsection:

695 1. "Prosthetic and orthopedic appliances" means any  
696 apparatus, instrument, device, or equipment used to replace or  
697 substitute for any missing part of the body, to alleviate the  
698 malfunction of any part of the body, or to assist any disabled  
699 person in leading a normal life by facilitating such person's  
700 mobility. Such apparatus, instrument, device, or equipment shall

701 be exempted according to an individual prescription or  
702 prescriptions written by a physician licensed under chapter 458,  
703 chapter 459, chapter 460, chapter 461, or chapter 466, or  
704 according to a list prescribed and approved by the Department of  
705 Health, which list shall be certified to the Department of  
706 Revenue from time to time and included in the rules promulgated  
707 by the Department of Revenue.

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

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

721 4. "Prescription" includes any order for drugs or  
722 medicinal supplies written or transmitted by any means of  
723 communication by a duly licensed practitioner authorized by the  
724 laws of the state to prescribe such drugs or medicinal supplies  
725 and intended to be dispensed by a pharmacist. The term also  
726 includes an orally transmitted order by the lawfully designated  
727 agent of such practitioner. The term also includes an order  
728 written or transmitted by a practitioner licensed to practice in

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

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

742 (d) Lithotripters are exempt.

743 (e) Human organs are exempt.

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

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

752 (h) The purchase by a veterinarian of commonly recognized  
753 substances possessing curative or remedial properties which are  
754 ordered and dispensed as treatment for a diagnosed health  
755 disorder by or on the prescription of a duly licensed  
756 veterinarian, and which are applied to or consumed by animals

757 for alleviation of pain or the cure or prevention of sickness,  
 758 disease, or suffering are exempt. Also exempt are the purchase  
 759 by a veterinarian of antiseptics, absorbent cotton, gauze for  
 760 bandages, lotions, vitamins, and worm remedies.

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

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

770 (k) This subsection shall be strictly construed and  
 771 enforced.

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

774 215.5602 James and Esther King Biomedical Research  
 775 Program.—

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

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

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

785 (c) A list of publications in peer reviewed journals  
786 involving research supported by grants or fellowships awarded  
787 under the program.

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

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

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

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

813 1004.43, \$5 million shall be appropriated to the Sylvester  
 814 Comprehensive Cancer Center of the University of Miami, and \$5  
 815 million shall be appropriated to the ~~University of Florida~~  
 816 Shands Cancer Hospital Center.

817 Section 6. Section 381.001, Florida Statutes, is amended  
 818 to read:

819 381.001 ~~Legislative intent;~~ Public health system.—

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

840 ~~(2) It is the intent of the Legislature that the~~

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

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

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

869 Section 7. Section 381.0011, Florida Statutes, is amended  
 870 to read:

871 381.0011 Duties and powers of the Department of Health.—It  
 872 is the duty of the Department of Health to:

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

878 ~~(2) Formulate general policies affecting the public health~~  
 879 ~~of the state.~~

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

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

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

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

896 ~~1. The closure of premises.~~



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

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

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

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

905           ~~6. The disinfection of quarantined animals, persons, or~~  
 906 ~~premises.~~

907           ~~7. Methods of quarantine.~~

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

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

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

925 ~~which case the workshop must be held within 14 days after the~~  
 926 ~~issuance of the emergency alert or advisory.~~

927 ~~(6)-(8) Act as registrar of vital statistics.~~

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

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

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

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

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

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

948 Section 8. Section 381.0013, Florida Statutes, is  
 949 repealed.

950 Section 9. Section 381.0014, Florida Statutes, is  
 951 repealed.

952 Section 10. Section 381.0015, Florida Statutes, is

953 | repealed.

954 |       Section 11. Section 381.0016, Florida Statutes, is amended  
955 | to read:

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

960 |       Section 12. Section 381.0017, Florida Statutes, is  
961 | repealed.

962 |       Section 13. Section 381.0025, Florida Statutes, is  
963 | repealed.

964 |       Section 14. Paragraph (d) of subsection (1) of section  
965 | 381.003, Florida Statutes, is amended to read:

966 |       381.003 Communicable disease and AIDS prevention and  
967 | control.—

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

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

979 |       Section 15. Section 381.0031, Florida Statutes, is amended  
980 | to read:

981           381.0031 Epidemiological research; report of diseases of  
 982 public health significance to department.-

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

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

993           ~~(3)~~ Periodically the department shall issue a list of  
 994 infectious or noninfectious diseases determined by it to be a  
 995 threat to public health and therefore of significance to public  
 996 health and shall furnish a copy of the list to the practitioners  
 997 listed in subsection (2) ~~(1)~~. The list shall be based on the  
 998 diseases recommended to be nationally notifiable by the Council  
 999 of State and Territorial Epidemiologists and the Centers for  
 1000 Disease Control and Prevention. The department may expand upon  
 1001 the list if a disease emerges for which regular, frequent, and  
 1002 timely information regarding individual cases is considered  
 1003 necessary for the prevention and control of a disease specific  
 1004 to Florida.

1005           ~~(4)~~ Reports required by this section must be in  
 1006 accordance with methods specified by rule of the department.

1007           ~~(5)~~ Information submitted in reports required by this  
 1008 section is confidential, exempt from the provisions of s.

1009 119.07(1), and is to be made public only when necessary to  
 1010 public health. A report so submitted is not a violation of the  
 1011 confidential relationship between practitioner and patient.

1012 (6)~~(5)~~ The department may obtain and inspect copies of  
 1013 medical records, records of laboratory tests, and other medical-  
 1014 related information for reported cases of diseases of public  
 1015 health significance described in subsection (2). The department  
 1016 shall examine the records of a person who has a disease of  
 1017 public health significance only for purposes of preventing and  
 1018 eliminating outbreaks of disease and making epidemiological  
 1019 investigations of reported cases of diseases of public health  
 1020 significance, notwithstanding any other law to the contrary.  
 1021 Health care practitioners, licensed health care facilities, and  
 1022 laboratories shall allow the department to inspect and obtain  
 1023 copies of such medical records and medical-related information,  
 1024 notwithstanding any other law to the contrary. Release of  
 1025 medical records and medical-related information to the  
 1026 department by a health care practitioner, licensed health care  
 1027 facility, or laboratory, or by an authorized employee or agent  
 1028 thereof, does not constitute a violation of the confidentiality  
 1029 of patient records. A health care practitioner, health care  
 1030 facility, or laboratory, or any employee or agent thereof, may  
 1031 not be held liable in any manner for damages and is not subject  
 1032 to criminal penalties for providing patient records to the  
 1033 department as authorized by this section.

1034 (7)~~(6)~~ The department may adopt rules related to reporting  
 1035 diseases of significance to public health, which must specify  
 1036 the information to be included in the report, who is required to

1037 report, the method and time period for reporting, requirements  
 1038 for enforcement, and required followup activities by the  
 1039 department which are necessary to protect public health.

1040 (8) This section does not affect s. 384.25.

1041 Section 16. Subsections (4) is added to section 381.00315,  
 1042 Florida Statutes, to read:

1043 381.00315 Public health advisories; public health  
 1044 emergencies; quarantines.—The State Health Officer is  
 1045 responsible for declaring public health emergencies and  
 1046 quarantines and issuing public health advisories.

1047 (4) The department shall adopt rules to specify the  
 1048 conditions and procedures for imposing and releasing a  
 1049 quarantine. The rules must include provisions related to:

1050 (a) The closure of premises.

1051 (b) The movement of persons or animals exposed to or  
 1052 infected with a communicable disease.

1053 (c) The tests or treatment, including vaccination, for  
 1054 communicable disease required prior to employment or admission  
 1055 to the premises or to comply with a quarantine.

1056 (d) Testing or destruction of animals with or suspected of  
 1057 having a disease transmissible to humans.

1058 (e) Access by the department to quarantined premises.

1059 (f) The disinfection of quarantined animals, persons, or  
 1060 premises.

1061 (g) Methods of quarantine.

1062 (5) The rules adopted under this section and actions taken  
 1063 by the department pursuant to a declared public health emergency  
 1064 or quarantine shall supersede all rules enacted by other state

1065 departments, boards or commissions, and ordinances and  
 1066 regulations enacted by political subdivisions of the state. Any  
 1067 person who violates any rule adopted under this section, any  
 1068 quarantine, or any requirement adopted by the department  
 1069 pursuant to a declared public health emergency, commits a  
 1070 misdemeanor of the second degree, punishable as provided in s.  
 1071 775.082 or s. 775.083.

1072 Section 17. Section 381.0032, Florida Statutes, is  
 1073 repealed.

1074 Section 18. Section 381.00325, Florida Statutes, is  
 1075 repealed.

1076 Section 19. Subsection (1) of section 381.0034, Florida  
 1077 Statutes, is amended to read:

1078 381.0034 Requirement for instruction on HIV and AIDS.—

1079 (1) ~~As of July 1, 1991,~~ The Department of Health shall  
 1080 require each person licensed or certified under chapter 401,  
 1081 chapter 467, part IV of chapter 468, or chapter 483, as a  
 1082 condition of biennial relicensure, to complete an educational  
 1083 course approved by the department on the modes of transmission,  
 1084 infection control procedures, clinical management, and  
 1085 prevention of human immunodeficiency virus and acquired immune  
 1086 deficiency syndrome. Such course shall include information on  
 1087 current Florida law on acquired immune deficiency syndrome and  
 1088 its impact on testing, confidentiality of test results, and  
 1089 treatment of patients. Each such licensee or certificateholder  
 1090 shall submit confirmation of having completed said course, on a  
 1091 form provided by the department, when submitting fees or  
 1092 application for each biennial renewal.

1093           Section 20. Section 381.0037, Florida Statutes, is  
 1094 repealed.

1095           Section 21. Subsections (2) through (11) of section  
 1096 381.004, Florida Statutes, are renumbered as subsections (1)  
 1097 through (10), respectively, and present subsection (1),  
 1098 paragraph (a) of present subsection (3), paragraph (d) of  
 1099 present subsection (5), present subsection (7), and paragraph  
 1100 (c) of present subsection (11) of that section are amended to  
 1101 read:

1102           381.004 HIV testing.—

1103           ~~(1) LEGISLATIVE INTENT. The Legislature finds that the use~~  
 1104 ~~of tests designed to reveal a condition indicative of human~~  
 1105 ~~immunodeficiency virus infection can be a valuable tool in~~  
 1106 ~~protecting the public health. The Legislature finds that despite~~  
 1107 ~~existing laws, regulations, and professional standards which~~  
 1108 ~~require or promote the informed, voluntary, and confidential use~~  
 1109 ~~of tests designed to reveal human immunodeficiency virus~~  
 1110 ~~infection, many members of the public are deterred from seeking~~  
 1111 ~~such testing because they misunderstand the nature of the test~~  
 1112 ~~or fear that test results will be disclosed without their~~  
 1113 ~~consent. The Legislature finds that the public health will be~~  
 1114 ~~served by facilitating informed, voluntary, and confidential use~~  
 1115 ~~of tests designed to detect human immunodeficiency virus~~  
 1116 ~~infection.~~

1117           (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED  
 1118 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

1119           (a) No person in this state shall order a test designed to  
 1120 identify the human immunodeficiency virus, or its antigen or



1121 antibody, without first obtaining the informed consent of the  
 1122 person upon whom the test is being performed, except as  
 1123 specified in paragraph (h). Informed consent shall be preceded  
 1124 by an explanation of the right to confidential treatment of  
 1125 information identifying the subject of the test and the results  
 1126 of the test to the extent provided by law. Information shall  
 1127 also be provided on the fact that a positive HIV test result  
 1128 will be reported to the county health department with sufficient  
 1129 information to identify the test subject and on the availability  
 1130 and location of sites at which anonymous testing is performed.  
 1131 As required in paragraph (3) (c) ~~(4) (e)~~, each county health  
 1132 department shall maintain a list of sites at which anonymous  
 1133 testing is performed, including the locations, phone numbers,  
 1134 and hours of operation of the sites. Consent need not be in  
 1135 writing provided there is documentation in the medical record  
 1136 that the test has been explained and the consent has been  
 1137 obtained.

1138 (4) ~~(5)~~ HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS;  
 1139 REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM  
 1140 REGISTRATION.—No county health department and no other person in  
 1141 this state shall conduct or hold themselves out to the public as  
 1142 conducting a testing program for acquired immune deficiency  
 1143 syndrome or human immunodeficiency virus status without first  
 1144 registering with the Department of Health, reregistering each  
 1145 year, complying with all other applicable provisions of state  
 1146 law, and meeting the following requirements:

1147 (d) The program must meet all the informed consent  
 1148 criteria contained in subsection (2) ~~(3)~~.

1149 (7) EXEMPTIONS.—Except as provided in paragraph (3) (d)  
 1150 ~~(4) (d)~~ and ss. 627.429 and 641.3007, insurers and others  
 1151 participating in activities related to the insurance application  
 1152 and underwriting process shall be exempt from this section.

1153 (10) (11) TESTING AS A CONDITION OF TREATMENT OR  
 1154 ADMISSION.—

1155 (c) Any violation of this subsection or the rules  
 1156 implementing it shall be punishable as provided in subsection  
 1157 (5) ~~(6)~~.

1158 Section 22. Subsection (2) of section 381.0046, Florida  
 1159 Statutes, is amended to read:

1160 381.0046 Statewide HIV and AIDS prevention campaign.—

1161 (2) The Department of Health shall establish dedicated  
 1162 ~~four~~ positions within the department for HIV and AIDS regional  
 1163 minority coordinators and ~~one position for~~ a statewide HIV and  
 1164 AIDS minority coordinator. The coordinators shall facilitate  
 1165 statewide efforts to implement and coordinate HIV and AIDS  
 1166 prevention and treatment programs. ~~The statewide coordinator~~  
 1167 ~~shall report directly to the chief of the Bureau of HIV and AIDS~~  
 1168 ~~within the Department of Health.~~

1169 Section 23. Subsection (3) of section 381.005, Florida  
 1170 Statutes, is renumbered as subsection (2), and present  
 1171 subsection (2) of that section is amended to read:

1172 381.005 Primary and preventive health services.—

1173 ~~(2) Between October 1, or earlier if the vaccination is~~  
 1174 ~~available, and February 1 of each year, subject to the~~  
 1175 ~~availability of an adequate supply of the necessary vaccine,~~  
 1176 ~~each hospital licensed pursuant to chapter 395 shall implement a~~

1177 ~~program to offer immunizations against the influenza virus and~~  
 1178 ~~pneumococcal bacteria to all patients age 65 or older, in~~  
 1179 ~~accordance with the recommendations of the Advisory Committee on~~  
 1180 ~~Immunization Practices of the United States Centers for Disease~~  
 1181 ~~Control and Prevention and subject to the clinical judgment of~~  
 1182 ~~the responsible practitioner.~~

1183 Section 24. Subsections (3) through (7) of section  
 1184 381.0051, Florida Statutes, are renumbered as subsections (2)  
 1185 through (6), respectively, and present subsection (2) of that  
 1186 section is amended to read:

1187 381.0051 Family planning.—

1188 ~~(2) LEGISLATIVE INTENT. It is the intent of the~~  
 1189 ~~Legislature to make available to citizens of the state of~~  
 1190 ~~childbearing age comprehensive medical knowledge, assistance,~~  
 1191 ~~and services relating to the planning of families and maternal~~  
 1192 ~~health care.~~

1193 Section 25. Subsection (5) of section 381.0052, Florida  
 1194 Statutes, is amended to read:

1195 381.0052 Dental health.—

1196 ~~(5) The department may adopt rules to implement this~~  
 1197 ~~section.~~

1198 Section 26. Subsection (4) of section 381.0053, Florida  
 1199 Statutes, is amended to read:

1200 381.0053 Comprehensive nutrition program.—

1201 ~~(4) The department may promulgate rules to implement the~~  
 1202 ~~provisions of this section.~~

1203 Section 27. Section 381.0054, Florida Statutes, is  
 1204 repealed.

1205 Section 28. Subsections (3) through (11) of section  
 1206 381.0056, Florida Statutes are renumbered as subsections (2)  
 1207 through (9), respectively, and present subsections (2), (3), and  
 1208 (11) of that section are amended to read:

1209 381.0056 School health services program.—

1210 ~~(2) The Legislature finds that health services conducted~~  
 1211 ~~as a part of the total school health program should be carried~~  
 1212 ~~out to appraise, protect, and promote the health of students.~~  
 1213 ~~School health services supplement, rather than replace, parental~~  
 1214 ~~responsibility and are designed to encourage parents to devote~~  
 1215 ~~attention to child health, to discover health problems, and to~~  
 1216 ~~encourage use of the services of their physicians, dentists, and~~  
 1217 ~~community health agencies.~~

1218 (2)~~(3)~~ As ~~When~~ used in ~~or for purposes of~~ this section:

1219 (a) "Emergency health needs" means onsite management and  
 1220 aid for illness or injury pending the student's return to the  
 1221 classroom or release to a parent, guardian, designated friend,  
 1222 or designated health care provider.

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

1233 health department, local school district, or school in the  
 1234 delivery of school health services, and agrees to the terms and  
 1235 conditions for the delivery of such services as required by this  
 1236 section and as documented in the local school health services  
 1237 plan.

1238 (c) "Invasive screening" means any screening procedure in  
 1239 which the skin or any body orifice is penetrated.

1240 (d) "Physical examination" means a thorough evaluation of  
 1241 the health status of an individual.

1242 (e) "School health services plan" means the document that  
 1243 describes the services to be provided, the responsibility for  
 1244 provision of the services, the anticipated expenditures to  
 1245 provide the services, and evidence of cooperative planning by  
 1246 local school districts and county health departments.

1247 (f) "Screening" means presumptive identification of  
 1248 unknown or unrecognized diseases or defects by the application  
 1249 of tests that can be given with ease and rapidity to apparently  
 1250 healthy persons.

1251 ~~(11) School health programs funded by health care~~  
 1252 ~~districts or entities defined in subsection (3) must be~~  
 1253 ~~supplementary to and consistent with the requirements of this~~  
 1254 ~~section and ss. 381.0057 and 381.0059.~~

1255 Section 29. Subsections (2) through (7) of section  
 1256 381.0057, Florida Statutes, are renumbered as subsections (1)  
 1257 through (6), respectively, and present subsections (1), (4), and  
 1258 (6) of that section are amended to read:

1259 381.0057 Funding for school health services.—

1260 ~~(1) It is the intent of the Legislature that funds in~~

1261 ~~addition to those provided under the School Health Services Act~~  
 1262 ~~be provided to those school districts and schools where there is~~  
 1263 ~~a high incidence of medically underserved high-risk children,~~  
 1264 ~~low birthweight babies, infant mortality, or teenage pregnancy.~~  
 1265 ~~The purpose of this funding is to phase in those programs which~~  
 1266 ~~offer the greatest potential for promoting the health of~~  
 1267 ~~students and reducing teenage pregnancy.~~

1268 (3)~~(4)~~ Any school district, school, or laboratory school  
 1269 which desires to receive state funding under the provisions of  
 1270 this section shall submit a proposal to the joint committee  
 1271 established in subsection (2) ~~(3)~~. The proposal shall state the  
 1272 goals of the program, provide specific plans for reducing  
 1273 teenage pregnancy, and describe all of the health services to be  
 1274 available to students with funds provided pursuant to this  
 1275 section, including a combination of initiatives such as health  
 1276 education, counseling, extracurricular, and self-esteem  
 1277 components. School health services shall not promote elective  
 1278 termination of pregnancy as a part of counseling services. Only  
 1279 those program proposals which have been developed jointly by  
 1280 county health departments and local school districts or schools,  
 1281 and which have community and parental support, shall be eligible  
 1282 for funding. Funding shall be available specifically for  
 1283 implementation of one of the following programs:

1284 (a) School health improvement pilot project.—The program  
 1285 shall include basic health care to an elementary school, middle  
 1286 school, and high school feeder system. Program services shall  
 1287 include, but not be limited to:

1288 1. Planning, implementing, and evaluating school health

1289 services. Staffing shall include a full-time, trained school  
1290 health aide in each elementary, middle, and high school; one  
1291 full-time nurse to supervise the aides in the elementary and  
1292 middle schools; and one full-time nurse in each high school.

1293 2. Providing student health appraisals and identification  
1294 of actual or potential health problems by screenings, nursing  
1295 assessments, and record reviews.

1296 3. Expanding screening activities.

1297 4. Improving the student utilization of school health  
1298 services.

1299 5. Coordinating health services for students with parents  
1300 or guardians and other agencies in the community.

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

1317 pregnancy, acquired immune deficiency syndrome, sexually  
1318 transmitted diseases, and destructive lifestyle conditions, such  
1319 as alcohol and drug abuse. Moneys for this program shall be used  
1320 to fund three teams, each consisting of one half-time  
1321 psychologist, one full-time nurse, and one full-time social  
1322 worker. Each team shall provide student support services to an  
1323 elementary school, middle school, and high school that are a  
1324 part of one feeder school system and shall coordinate all  
1325 activities with the school administrator and guidance counselor  
1326 at each school. A program which places all three teams in middle  
1327 schools or high schools may also be proposed.

1328 (c) Full service schools.—The full-service schools shall  
1329 integrate the services of the Department of Health that are  
1330 critical to the continuity-of-care process. The department shall  
1331 provide services to students on the school grounds. Department  
1332 personnel shall provide their specialized services as an  
1333 extension of the educational environment. Such services may  
1334 include nutritional services, medical services, aid to dependent  
1335 children, parenting skills, counseling for abused children, and  
1336 education for the students' parents or guardians.

1337  
1338 Funding may also be available for any other program that is  
1339 comparable to a program described in this subsection but is  
1340 designed to meet the particular needs of the community.

1341 (5)~~(6)~~ Each school district or school program that is  
1342 funded through the provisions of this section shall provide a  
1343 mechanism through which a parent may, by written request, exempt  
1344 a child from all or certain services provided by a school health



1345 services program described in subsection (3) ~~(4)~~.

1346 Section 30. Section 381.00591, Florida Statutes, is  
1347 amended to read:

1348 381.00591 Department of Health; National Environmental  
1349 Laboratory accreditation; application; ~~rules.~~—The Department of  
1350 Health may apply for and become a National Environmental  
1351 Laboratory Accreditation Program accreditation body ~~accrediting~~  
1352 ~~authority. The department, as an accrediting entity, may adopt~~  
1353 ~~rules pursuant to ss. 120.536(1) and 120.54, to implement~~  
1354 ~~standards of the National Environmental Laboratory Accreditation~~  
1355 ~~Program, including requirements for proficiency testing~~  
1356 ~~providers and other rules that are not inconsistent with this~~  
1357 ~~section, including rules pertaining to fees, application~~  
1358 ~~procedures, standards applicable to environmental or public~~  
1359 ~~water supply laboratories, and compliance.~~

1360 Section 31. Subsection (9) of section 381.00593, Florida  
1361 Statutes, is renumbered as subsection (8), and present  
1362 subsection (8) of that section is amended to read:

1363 381.00593 Public school volunteer health care practitioner  
1364 program.—

1365 ~~(8) The Department of Health, in cooperation with the~~  
1366 ~~Department of Education, may adopt rules necessary to implement~~  
1367 ~~this section. The rules shall include the forms to be completed~~  
1368 ~~and procedures to be followed by applicants and school personnel~~  
1369 ~~under the program.~~

1370 Section 32. Subsections (2) through (6) of section  
1371 381.0062, Florida Statutes, are renumbered as subsections (1)  
1372 through (5), respectively, and present subsections (1) and (4)

1373 of that section are amended to read:

1374 381.0062 Supervision; private and certain public water  
1375 systems.-

1376 ~~(1) LEGISLATIVE INTENT. It is the intent of the~~  
1377 ~~Legislature to protect the public's health by establishing~~  
1378 ~~standards for the construction, modification, and operation of~~  
1379 ~~public and private water systems to assure consumers that the~~  
1380 ~~water provided by those systems is potable.~~

1381 (3)~~(4)~~ RIGHT OF ENTRY.-For purposes of this section,  
1382 department personnel may enter, at any reasonable time and if  
1383 they have reasonable cause to believe a violation of this  
1384 section is occurring or about to occur, upon any and all parts  
1385 of the premises of such limited use public and multifamily  
1386 drinking water systems, to make an examination and investigation  
1387 to determine the sanitary and safety conditions of such systems.  
1388 ~~Any person who interferes with, hinders, or opposes any employee~~  
1389 ~~of the department in the discharge of his or her duties pursuant~~  
1390 ~~to the provisions of this section is subject to the penalties~~  
1391 ~~provided in s. 381.0025.~~

1392 Section 33. Subsection (1), (3), and (4) of section  
1393 381.0065, Florida Statutes, are amended to read:

1394 381.0065 Onsite sewage treatment and disposal systems;  
1395 regulation.-

1396 (1) LEGISLATIVE INTENT.-

1397 ~~(a) It is the intent of the Legislature that proper~~  
1398 ~~management of onsite sewage treatment and disposal systems is~~  
1399 ~~paramount to the health, safety, and welfare of the public. It~~  
1400 ~~is further the intent of the Legislature that the department~~

1401 ~~shall administer an evaluation program to ensure the operational~~  
 1402 ~~condition of the system and identify any failure with the~~  
 1403 ~~system.~~

1404 ~~(b)~~ It is the intent of the Legislature that where a  
 1405 publicly owned or investor-owned sewerage system is not  
 1406 available, the department shall issue permits for the  
 1407 construction, installation, modification, abandonment, or repair  
 1408 of onsite sewage treatment and disposal systems under conditions  
 1409 as described in this section and rules adopted under this  
 1410 section. It is further the intent of the Legislature that the  
 1411 installation and use of onsite sewage treatment and disposal  
 1412 systems not adversely affect the public health or significantly  
 1413 degrade the groundwater or surface water.

1414 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The  
 1415 department shall:

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

1429 performed by individuals who are authorized by law to perform  
1430 such inspections and who shall inform a person having ownership,  
1431 control, or use of an onsite sewage treatment and disposal  
1432 system of the inspection standards and of that person's  
1433 authority to request an inspection based on all or part of the  
1434 standards.

1435 (b) Perform application reviews and site evaluations,  
1436 issue permits, and conduct inspections and complaint  
1437 investigations associated with the construction, installation,  
1438 maintenance, modification, abandonment, operation, use, or  
1439 repair of an onsite sewage treatment and disposal system for a  
1440 residence or establishment with an estimated domestic sewage  
1441 flow of 10,000 gallons or less per day, or an estimated  
1442 commercial sewage flow of 5,000 gallons or less per day, which  
1443 is not currently regulated under chapter 403.

1444 (c) Develop a comprehensive program to ensure that onsite  
1445 sewage treatment and disposal systems regulated by the  
1446 department are sized, designed, constructed, installed,  
1447 repaired, modified, abandoned, used, operated, and maintained in  
1448 compliance with this section and rules adopted under this  
1449 section to prevent groundwater contamination and surface water  
1450 contamination and to preserve the public health. The department  
1451 is the final administrative interpretive authority regarding  
1452 rule interpretation. In the event of a conflict regarding rule  
1453 interpretation, the State Surgeon General ~~Division Director for~~  
1454 ~~Environmental Health of the department~~, or his or her designee,  
1455 shall timely assign a staff person to resolve the dispute.

1456 (d) Grant variances in hardship cases under the conditions

1457 | prescribed in this section and rules adopted under this section.

1458 |       (e) Permit the use of a limited number of innovative  
 1459 | systems for a specific period of time, when there is compelling  
 1460 | evidence that the system will function properly and reliably to  
 1461 | meet the requirements of this section and rules adopted under  
 1462 | this section.

1463 |       (f) Issue annual operating permits under this section.

1464 |       (g) Establish and collect fees as established under s.  
 1465 | 381.0066 for services provided with respect to onsite sewage  
 1466 | treatment and disposal systems.

1467 |       (h) Conduct enforcement activities, including imposing  
 1468 | fines, issuing citations, suspensions, revocations, injunctions,  
 1469 | and emergency orders for violations of this section, part I of  
 1470 | chapter 386, or part III of chapter 489 or for a violation of  
 1471 | any rule adopted under this section, part I of chapter 386, or  
 1472 | part III of chapter 489.

1473 |       (i) Provide or conduct education and training of  
 1474 | department personnel, service providers, and the public  
 1475 | regarding onsite sewage treatment and disposal systems.

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

1485 focus on improvements of onsite sewage treatment and disposal  
1486 systems, including use of performance-based standards and  
1487 reduction of environmental impact. Research projects shall be  
1488 initially approved by the technical review and advisory panel  
1489 and shall be applicable to and reflect the soil conditions  
1490 specific to Florida. Such projects shall be awarded through  
1491 competitive negotiation, using the procedures provided in s.  
1492 287.055, to public or private entities that have experience in  
1493 onsite sewage treatment and disposal systems in Florida and that  
1494 are principally located in Florida. Research projects shall not  
1495 be awarded to firms or entities that employ or are associated  
1496 with persons who serve on either the technical review and  
1497 advisory panel or the research review and advisory committee.

1498 (k) Approve the installation of individual graywater  
1499 disposal systems in which blackwater is treated by a central  
1500 sewerage system.

1501 (l) Regulate and permit the sanitation, handling,  
1502 treatment, storage, reuse, and disposal of byproducts from any  
1503 system regulated under this chapter and not regulated by the  
1504 Department of Environmental Protection.

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

1513 maintenance, use, and operation of any such facility for  
1514 temporary use.

1515 (n) Regulate and permit maintenance entities for  
1516 performance-based treatment systems and aerobic treatment unit  
1517 systems. To ensure systems are maintained and operated according  
1518 to manufacturer's specifications and designs, the department  
1519 shall establish by rule minimum qualifying criteria for  
1520 maintenance entities. The criteria shall include: training,  
1521 access to approved spare parts and components, access to  
1522 manufacturer's maintenance and operation manuals, and service  
1523 response time. The maintenance entity shall employ a contractor  
1524 licensed under s. 489.105(3)(m), or part III of chapter 489, or  
1525 a state-licensed wastewater plant operator, who is responsible  
1526 for maintenance and repair of all systems under contract.

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

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



1569 municipality or political subdivision of the state may not issue  
1570 a building or plumbing permit for any building that requires the  
1571 use of an onsite sewage treatment and disposal system unless the  
1572 owner or builder has received a construction permit for such  
1573 system from the department. A building or structure may not be  
1574 occupied and a municipality, political subdivision, or any state  
1575 or federal agency may not authorize occupancy until the  
1576 department approves the final installation of the onsite sewage  
1577 treatment and disposal system. A municipality or political  
1578 subdivision of the state may not approve any change in occupancy  
1579 or tenancy of a building that uses an onsite sewage treatment  
1580 and disposal system until the department has reviewed the use of  
1581 the system with the proposed change, approved the change, and  
1582 amended the operating permit.

1583 (a) Subdivisions and lots in which each lot has a minimum  
1584 area of at least one-half acre and either a minimum dimension of  
1585 100 feet or a mean of at least 100 feet of the side bordering  
1586 the street and the distance formed by a line parallel to the  
1587 side bordering the street drawn between the two most distant  
1588 points of the remainder of the lot may be developed with a water  
1589 system regulated under s. 381.0062 and onsite sewage treatment  
1590 and disposal systems, provided the projected daily sewage flow  
1591 does not exceed an average of 1,500 gallons per acre per day,  
1592 and provided satisfactory drinking water can be obtained and all  
1593 distance and setback, soil condition, water table elevation, and  
1594 other related requirements of this section and rules adopted  
1595 under this section can be met.

1596 (b) Subdivisions and lots using a public water system as

1597 defined in s. 403.852 may use onsite sewage treatment and  
1598 disposal systems, provided there are no more than four lots per  
1599 acre, provided the projected daily sewage flow does not exceed  
1600 an average of 2,500 gallons per acre per day, and provided that  
1601 all distance and setback, soil condition, water table elevation,  
1602 and other related requirements that are generally applicable to  
1603 the use of onsite sewage treatment and disposal systems are met.

1604 (c) Notwithstanding paragraphs (a) and (b), for  
1605 subdivisions platted of record on or before October 1, 1991,  
1606 when a developer or other appropriate entity has previously made  
1607 or makes provisions, including financial assurances or other  
1608 commitments, acceptable to the Department of Health, that a  
1609 central water system will be installed by a regulated public  
1610 utility based on a density formula, private potable wells may be  
1611 used with onsite sewage treatment and disposal systems until the  
1612 agreed-upon densities are reached. In a subdivision regulated by  
1613 this paragraph, the average daily sewage flow may not exceed  
1614 2,500 gallons per acre per day. This section does not affect the  
1615 validity of existing prior agreements. After October 1, 1991,  
1616 the exception provided under this paragraph is not available to  
1617 a developer or other appropriate entity.

1618 (d) Paragraphs (a) and (b) do not apply to any proposed  
1619 residential subdivision with more than 50 lots or to any  
1620 proposed commercial subdivision with more than 5 lots where a  
1621 publicly owned or investor-owned sewerage system is available.  
1622 It is the intent of this paragraph not to allow development of  
1623 additional proposed subdivisions in order to evade the  
1624 requirements of this paragraph.

1625 (e) Onsite sewage treatment and disposal systems must not  
 1626 be placed closer than:

1627 1. Seventy-five feet from a private potable well.

1628 2. Two hundred feet from a public potable well serving a  
 1629 residential or nonresidential establishment having a total  
 1630 sewage flow of greater than 2,000 gallons per day.

1631 3. One hundred feet from a public potable well serving a  
 1632 residential or nonresidential establishment having a total  
 1633 sewage flow of less than or equal to 2,000 gallons per day.

1634 4. Fifty feet from any nonpotable well.

1635 5. Ten feet from any storm sewer pipe, to the maximum  
 1636 extent possible, but in no instance shall the setback be less  
 1637 than 5 feet.

1638 6. Seventy-five feet from the mean high-water line of a  
 1639 tidally influenced surface water body.

1640 7. Seventy-five feet from the mean annual flood line of a  
 1641 permanent nontidal surface water body.

1642 8. Fifteen feet from the design high-water line of  
 1643 retention areas, detention areas, or swales designed to contain  
 1644 standing or flowing water for less than 72 hours after a  
 1645 rainfall or the design high-water level of normally dry drainage  
 1646 ditches or normally dry individual lot stormwater retention  
 1647 areas.

1648 (f) Except as provided under paragraphs (e) and (t), no  
 1649 limitations shall be imposed by rule, relating to the distance  
 1650 between an onsite disposal system and any area that either  
 1651 permanently or temporarily has visible surface water.

1652 (g) All provisions of this section and rules adopted under

1653 | this section relating to soil condition, water table elevation,  
1654 | distance, and other setback requirements must be equally applied  
1655 | to all lots, with the following exceptions:

1656 |       1. Any residential lot that was platted and recorded on or  
1657 | after January 1, 1972, or that is part of a residential  
1658 | subdivision that was approved by the appropriate permitting  
1659 | agency on or after January 1, 1972, and that was eligible for an  
1660 | onsite sewage treatment and disposal system construction permit  
1661 | on the date of such platting and recording or approval shall be  
1662 | eligible for an onsite sewage treatment and disposal system  
1663 | construction permit, regardless of when the application for a  
1664 | permit is made. If rules in effect at the time the permit  
1665 | application is filed cannot be met, residential lots platted and  
1666 | recorded or approved on or after January 1, 1972, shall, to the  
1667 | maximum extent possible, comply with the rules in effect at the  
1668 | time the permit application is filed. At a minimum, however,  
1669 | those residential lots platted and recorded or approved on or  
1670 | after January 1, 1972, but before January 1, 1983, shall comply  
1671 | with those rules in effect on January 1, 1983, and those  
1672 | residential lots platted and recorded or approved on or after  
1673 | January 1, 1983, shall comply with those rules in effect at the  
1674 | time of such platting and recording or approval. In determining  
1675 | the maximum extent of compliance with current rules that is  
1676 | possible, the department shall allow structures and  
1677 | appurtenances thereto which were authorized at the time such  
1678 | lots were platted and recorded or approved.

1679 |       2. Lots platted before 1972 are subject to a 50-foot  
1680 | minimum surface water setback and are not subject to lot size

1681 requirements. The projected daily flow for onsite sewage  
1682 treatment and disposal systems for lots platted before 1972 may  
1683 not exceed:

1684 a. Two thousand five hundred gallons per acre per day for  
1685 lots served by public water systems as defined in s. 403.852.

1686 b. One thousand five hundred gallons per acre per day for  
1687 lots served by water systems regulated under s. 381.0062.

1688 (h) 1. The department may grant variances in hardship  
1689 cases which may be less restrictive than the provisions  
1690 specified in this section. If a variance is granted and the  
1691 onsite sewage treatment and disposal system construction permit  
1692 has been issued, the variance may be transferred with the system  
1693 construction permit, if the transferee files, within 60 days  
1694 after the transfer of ownership, an amended construction permit  
1695 application providing all corrected information and proof of  
1696 ownership of the property and if the same variance would have  
1697 been required for the new owner of the property as was  
1698 originally granted to the original applicant for the variance.  
1699 There is no fee associated with the processing of this  
1700 supplemental information. A variance may not be granted under  
1701 this section until the department is satisfied that:

1702 a. The hardship was not caused intentionally by the action  
1703 of the applicant;

1704 b. No reasonable alternative, taking into consideration  
1705 factors such as cost, exists for the treatment of the sewage;  
1706 and

1707 c. The discharge from the onsite sewage treatment and  
1708 disposal system will not adversely affect the health of the

1709 applicant or the public or significantly degrade the groundwater  
1710 or surface waters.

1711  
1712 Where soil conditions, water table elevation, and setback  
1713 provisions are determined by the department to be satisfactory,  
1714 special consideration must be given to those lots platted before  
1715 1972.

1716 2. The department shall appoint and staff a variance  
1717 review and advisory committee, which shall meet monthly to  
1718 recommend agency action on variance requests. The committee  
1719 shall make its recommendations on variance requests at the  
1720 meeting in which the application is scheduled for consideration,  
1721 except for an extraordinary change in circumstances, the receipt  
1722 of new information that raises new issues, or when the applicant  
1723 requests an extension. The committee shall consider the criteria  
1724 in subparagraph 1. in its recommended agency action on variance  
1725 requests and shall also strive to allow property owners the full  
1726 use of their land where possible. The committee consists of the  
1727 following:

1728 a. The State Surgeon General, ~~Division Director for~~  
1729 ~~Environmental Health of the department~~ or his or her designee.

1730 b. A representative from the county health departments.

1731 c. A representative from the home building industry  
1732 recommended by the Florida Home Builders Association.

1733 d. A representative from the septic tank industry  
1734 recommended by the Florida Onsite Wastewater Association.

1735 e. A representative from the Department of Environmental  
1736 Protection.

1737 f. A representative from the real estate industry who is  
 1738 also a developer in this state who develops lots using onsite  
 1739 sewage treatment and disposal systems, recommended by the  
 1740 Florida Association of Realtors.

1741 g. A representative from the engineering profession  
 1742 recommended by the Florida Engineering Society.

1743  
 1744 Members shall be appointed for a term of 3 years, with such  
 1745 appointments being staggered so that the terms of no more than  
 1746 two members expire in any one year. Members shall serve without  
 1747 remuneration, but if requested, shall be reimbursed for per diem  
 1748 and travel expenses as provided in s. 112.061.

1749 (i) A construction permit may not be issued for an onsite  
 1750 sewage treatment and disposal system in any area zoned or used  
 1751 for industrial or manufacturing purposes, or its equivalent,  
 1752 where a publicly owned or investor-owned sewage treatment system  
 1753 is available, or where a likelihood exists that the system will  
 1754 receive toxic, hazardous, or industrial waste. An existing  
 1755 onsite sewage treatment and disposal system may be repaired if a  
 1756 publicly owned or investor-owned sewerage system is not  
 1757 available within 500 feet of the building sewer stub-out and if  
 1758 system construction and operation standards can be met. This  
 1759 paragraph does not require publicly owned or investor-owned  
 1760 sewerage treatment systems to accept anything other than  
 1761 domestic wastewater.

1762 1. A building located in an area zoned or used for  
 1763 industrial or manufacturing purposes, or its equivalent, when  
 1764 such building is served by an onsite sewage treatment and

1765 disposal system, must not be occupied until the owner or tenant  
1766 has obtained written approval from the department. The  
1767 department shall not grant approval when the proposed use of the  
1768 system is to dispose of toxic, hazardous, or industrial  
1769 wastewater or toxic or hazardous chemicals.

1770 2. Each person who owns or operates a business or facility  
1771 in an area zoned or used for industrial or manufacturing  
1772 purposes, or its equivalent, or who owns or operates a business  
1773 that has the potential to generate toxic, hazardous, or  
1774 industrial wastewater or toxic or hazardous chemicals, and uses  
1775 an onsite sewage treatment and disposal system that is installed  
1776 on or after July 5, 1989, must obtain an annual system operating  
1777 permit from the department. A person who owns or operates a  
1778 business that uses an onsite sewage treatment and disposal  
1779 system that was installed and approved before July 5, 1989, need  
1780 not obtain a system operating permit. However, upon change of  
1781 ownership or tenancy, the new owner or operator must notify the  
1782 department of the change, and the new owner or operator must  
1783 obtain an annual system operating permit, regardless of the date  
1784 that the system was installed or approved.

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



1793 system, the department shall initiate enforcement actions  
1794 against the owner or tenant to ensure adequate cleanup,  
1795 treatment, and disposal.

1796 (j) An onsite sewage treatment and disposal system for a  
1797 single-family residence that is designed by a professional  
1798 engineer registered in the state and certified by such engineer  
1799 as complying with performance criteria adopted by the department  
1800 must be approved by the department subject to the following:

1801 1. The performance criteria applicable to engineer-  
1802 designed systems must be limited to those necessary to ensure  
1803 that such systems do not adversely affect the public health or  
1804 significantly degrade the groundwater or surface water. Such  
1805 performance criteria shall include consideration of the quality  
1806 of system effluent, the proposed total sewage flow per acre,  
1807 wastewater treatment capabilities of the natural or replaced  
1808 soil, water quality classification of the potential surface-  
1809 water-receiving body, and the structural and maintenance  
1810 viability of the system for the treatment of domestic  
1811 wastewater. However, performance criteria shall address only the  
1812 performance of a system and not a system's design.

1813 2. The technical review and advisory panel shall assist  
1814 the department in the development of performance criteria  
1815 applicable to engineer-designed systems.

1816 3. A person electing to utilize an engineer-designed  
1817 system shall, upon completion of the system design, submit such  
1818 design, certified by a registered professional engineer, to the  
1819 county health department. The county health department may  
1820 utilize an outside consultant to review the engineer-designed

1821 system, with the actual cost of such review to be borne by the  
 1822 applicant. Within 5 working days after receiving an engineer-  
 1823 designed system permit application, the county health department  
 1824 shall request additional information if the application is not  
 1825 complete. Within 15 working days after receiving a complete  
 1826 application for an engineer-designed system, the county health  
 1827 department either shall issue the permit or, if it determines  
 1828 that the system does not comply with the performance criteria,  
 1829 shall notify the applicant of that determination and refer the  
 1830 application to the department for a determination as to whether  
 1831 the system should be approved, disapproved, or approved with  
 1832 modification. The department engineer's determination shall  
 1833 prevail over the action of the county health department. The  
 1834 applicant shall be notified in writing of the department's  
 1835 determination and of the applicant's rights to pursue a variance  
 1836 or seek review under the provisions of chapter 120.

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

1849 report quarterly to the department on the number of systems  
 1850 inspected and serviced.

1851 5. If an engineer-designed system fails to properly  
 1852 function or fails to meet performance standards, the system  
 1853 shall be re-engineered, if necessary, to bring the system into  
 1854 compliance with the provisions of this section.

1855 (k) An innovative system may be approved in conjunction  
 1856 with an engineer-designed site-specific system which is  
 1857 certified by the engineer to meet the performance-based criteria  
 1858 adopted by the department.

1859 (l) For the Florida Keys, the department shall adopt a  
 1860 special rule for the construction, installation, modification,  
 1861 operation, repair, maintenance, and performance of onsite sewage  
 1862 treatment and disposal systems which considers the unique soil  
 1863 conditions and water table elevations, densities, and setback  
 1864 requirements. On lots where a setback distance of 75 feet from  
 1865 surface waters, saltmarsh, and buttonwood association habitat  
 1866 areas cannot be met, an injection well, approved and permitted  
 1867 by the department, may be used for disposal of effluent from  
 1868 onsite sewage treatment and disposal systems. The following  
 1869 additional requirements apply to onsite sewage treatment and  
 1870 disposal systems in Monroe County:

1871 1. The county, each municipality, and those special  
 1872 districts established for the purpose of the collection,  
 1873 transmission, treatment, or disposal of sewage shall ensure, in  
 1874 accordance with the specific schedules adopted by the  
 1875 Administration Commission under s. 380.0552, the completion of  
 1876 onsite sewage treatment and disposal system upgrades to meet the

1877 requirements of this paragraph.

1878         2. Onsite sewage treatment and disposal systems must cease  
 1879 discharge by December 31, 2015, or must comply with department  
 1880 rules and provide the level of treatment which, on a permitted  
 1881 annual average basis, produces an effluent that contains no more  
 1882 than the following concentrations:

- 1883             a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- 1884             b. Suspended Solids of 10 mg/l.
- 1885             c. Total Nitrogen, expressed as N, of 10 mg/l.
- 1886             d. Total Phosphorus, expressed as P, of 1 mg/l.

1887  
 1888 In addition, onsite sewage treatment and disposal systems  
 1889 discharging to an injection well must provide basic disinfection  
 1890 as defined by department rule.

1891         3. On or after July 1, 2010, all new, modified, and  
 1892 repaired onsite sewage treatment and disposal systems must  
 1893 provide the level of treatment described in subparagraph 2.  
 1894 However, in areas scheduled to be served by central sewer by  
 1895 December 31, 2015, if the property owner has paid a connection  
 1896 fee or assessment for connection to the central sewer system, an  
 1897 onsite sewage treatment and disposal system may be repaired to  
 1898 the following minimum standards:

- 1899             a. The existing tanks must be pumped and inspected and  
 1900 certified as being watertight and free of defects in accordance  
 1901 with department rule; and
- 1902             b. A sand-lined drainfield or injection well in accordance  
 1903 with department rule must be installed.

1904         4. Onsite sewage treatment and disposal systems must be

1905 | monitored for total nitrogen and total phosphorus concentrations  
 1906 | as required by department rule.

1907 |         5. The department shall enforce proper installation,  
 1908 | operation, and maintenance of onsite sewage treatment and  
 1909 | disposal systems pursuant to this chapter, including ensuring  
 1910 | that the appropriate level of treatment described in  
 1911 | subparagraph 2. is met.

1912 |         6. The authority of a local government, including a  
 1913 | special district, to mandate connection of an onsite sewage  
 1914 | treatment and disposal system is governed by s. 4, chapter 99-  
 1915 | 395, Laws of Florida.

1916 |         (m) No product sold in the state for use in onsite sewage  
 1917 | treatment and disposal systems may contain any substance in  
 1918 | concentrations or amounts that would interfere with or prevent  
 1919 | the successful operation of such system, or that would cause  
 1920 | discharges from such systems to violate applicable water quality  
 1921 | standards. The department shall publish criteria for products  
 1922 | known or expected to meet the conditions of this paragraph. In  
 1923 | the event a product does not meet such criteria, such product  
 1924 | may be sold if the manufacturer satisfactorily demonstrates to  
 1925 | the department that the conditions of this paragraph are met.

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

1933 persons identified in paragraph (2) (j) ~~(2) (i)~~. The department  
 1934 shall accept evaluations submitted by professional engineers and  
 1935 such other persons as meet the expertise established by this  
 1936 section or by rule unless the department has a reasonable  
 1937 scientific basis for questioning the accuracy or completeness of  
 1938 the evaluation.

1939 (o) The department shall appoint a research review and  
 1940 advisory committee, which shall meet at least semiannually. The  
 1941 committee shall advise the department on directions for new  
 1942 research, review and rank proposals for research contracts, and  
 1943 review draft research reports and make comments. The committee  
 1944 is comprised of:

1945 1. A representative of the State Surgeon General, or his  
 1946 or her designee ~~Division of Environmental Health of the~~  
 1947 ~~Department of Health.~~

1948 2. A representative from the septic tank industry.

1949 3. A representative from the home building industry.

1950 4. A representative from an environmental interest group.

1951 5. A representative from the State University System, from  
 1952 a department knowledgeable about onsite sewage treatment and  
 1953 disposal systems.

1954 6. A professional engineer registered in this state who  
 1955 has work experience in onsite sewage treatment and disposal  
 1956 systems.

1957 7. A representative from local government who is  
 1958 knowledgeable about domestic wastewater treatment.

1959 8. A representative from the real estate profession.

1960 9. A representative from the restaurant industry.

1961 10. A consumer.

1962  
 1963 Members shall be appointed for a term of 3 years, with the  
 1964 appointments being staggered so that the terms of no more than  
 1965 four members expire in any one year. Members shall serve without  
 1966 remuneration, but are entitled to reimbursement for per diem and  
 1967 travel expenses as provided in s. 112.061.

1968 (p) An application for an onsite sewage treatment and  
 1969 disposal system permit shall be completed in full, signed by the  
 1970 owner or the owner's authorized representative, or by a  
 1971 contractor licensed under chapter 489, and shall be accompanied  
 1972 by all required exhibits and fees. No specific documentation of  
 1973 property ownership shall be required as a prerequisite to the  
 1974 review of an application or the issuance of a permit. The  
 1975 issuance of a permit does not constitute determination by the  
 1976 department of property ownership.

1977 (q) The department may not require any form of subdivision  
 1978 analysis of property by an owner, developer, or subdivider prior  
 1979 to submission of an application for an onsite sewage treatment  
 1980 and disposal system.

1981 (r) Nothing in this section limits the power of a  
 1982 municipality or county to enforce other laws for the protection  
 1983 of the public health and safety.

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

1989 units, the downspouts shall be directed away from the  
 1990 drainfield.

1991 (t) Notwithstanding the provisions of subparagraph (g)1.,  
 1992 onsite sewage treatment and disposal systems located in  
 1993 floodways of the Suwannee and Aucilla Rivers must adhere to the  
 1994 following requirements:

1995 1. The absorption surface of the drainfield shall not be  
 1996 subject to flooding based on 10-year flood elevations. Provided,  
 1997 however, for lots or parcels created by the subdivision of land  
 1998 in accordance with applicable local government regulations prior  
 1999 to January 17, 1990, if an applicant cannot construct a  
 2000 drainfield system with the absorption surface of the drainfield  
 2001 at an elevation equal to or above 10-year flood elevation, the  
 2002 department shall issue a permit for an onsite sewage treatment  
 2003 and disposal system within the 10-year floodplain of rivers,  
 2004 streams, and other bodies of flowing water if all of the  
 2005 following criteria are met:

- 2006 a. The lot is at least one-half acre in size;
- 2007 b. The bottom of the drainfield is at least 36 inches  
 2008 above the 2-year flood elevation; and
- 2009 c. The applicant installs either: a waterless,  
 2010 incinerating, or organic waste composting toilet and a graywater  
 2011 system and drainfield in accordance with department rules; an  
 2012 aerobic treatment unit and drainfield in accordance with  
 2013 department rules; a system approved by the State Health Office  
 2014 that is capable of reducing effluent nitrate by at least 50  
 2015 percent; or a system approved by the county health department  
 2016 pursuant to department rule other than a system using



2017 alternative drainfield materials. The United States Department  
 2018 of Agriculture Soil Conservation Service soil maps, State of  
 2019 Florida Water Management District data, and Federal Emergency  
 2020 Management Agency Flood Insurance maps are resources that shall  
 2021 be used to identify flood-prone areas.

2022 2. The use of fill or mounding to elevate a drainfield  
 2023 system out of the 10-year floodplain of rivers, streams, or  
 2024 other bodies of flowing water shall not be permitted if such a  
 2025 system lies within a regulatory floodway of the Suwannee and  
 2026 Aucilla Rivers. In cases where the 10-year flood elevation does  
 2027 not coincide with the boundaries of the regulatory floodway, the  
 2028 regulatory floodway will be considered for the purposes of this  
 2029 subsection to extend at a minimum to the 10-year flood  
 2030 elevation.

2031 (u) The owner of an aerobic treatment unit system shall  
 2032 maintain a current maintenance service agreement with an aerobic  
 2033 treatment unit maintenance entity permitted by the department.  
 2034 The maintenance entity shall obtain a system operating permit  
 2035 from the department for each aerobic treatment unit under  
 2036 service contract. The maintenance entity shall inspect each  
 2037 aerobic treatment unit system at least twice each year and shall  
 2038 report quarterly to the department on the number of aerobic  
 2039 treatment unit systems inspected and serviced. The owner shall  
 2040 allow the department to inspect during reasonable hours each  
 2041 aerobic treatment unit system at least annually, and such  
 2042 inspection may include collection and analysis of system-  
 2043 effluent samples for performance criteria established by rule of  
 2044 the department.

2045 (v) The department may require the submission of detailed  
 2046 system construction plans that are prepared by a professional  
 2047 engineer registered in this state. The department shall  
 2048 establish by rule criteria for determining when such a  
 2049 submission is required.

2050 Section 34. Section 381.0068, Florida Statutes, is amended  
 2051 to read:

2052 381.0068 Technical review and advisory panel.—

2053 (1) The Department of Health shall, ~~by July 1, 1996,~~  
 2054 establish and staff a technical review and advisory panel to  
 2055 assist the department with rule adoption.

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

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

2101 the department concerning proposed rules. The panel's comments  
 2102 must include any dissenting points of view concerning proposed  
 2103 rules. The panel shall hold meetings as it determines necessary  
 2104 to conduct its business, except that the chair, a quorum of the  
 2105 voting members of the panel, or the department may call  
 2106 meetings. The department shall keep minutes of all meetings of  
 2107 the panel. Panel members shall serve without remuneration, but,  
 2108 if requested, shall be reimbursed for per diem and travel  
 2109 expenses as provided in s. 112.061.

2110 Section 35. Subsection (1) of section 381.0072, Florida  
 2111 Statutes, is amended to read:

2112 381.0072 Food service protection.—It shall be the duty of  
 2113 the Department of Health to adopt and enforce sanitation rules  
 2114 consistent with law to ensure the protection of the public from  
 2115 food-borne illness. These rules shall provide the standards and  
 2116 requirements for the storage, preparation, serving, or display  
 2117 of food in food service establishments as defined in this  
 2118 section and which are not permitted or licensed under chapter  
 2119 500 or chapter 509.

2120 (1) DEFINITIONS.—As used in this section, the term:

2121 (a) "Department" means the Department of Health or its  
 2122 representative county health department.

2123 (b) "Food service establishment" means detention  
 2124 facilities, public or private schools, migrant labor camps,  
 2125 assisted living facilities, facilities participating in the  
 2126 United States Department of Agriculture Afterschool Meal Program  
 2127 that are located at a facility or site that is not inspected by  
 2128 another state agency for compliance with sanitation standards,

2129 adult family-care homes, adult day care centers, short-term  
 2130 residential treatment centers, residential treatment facilities,  
 2131 homes for special services, transitional living facilities,  
 2132 crisis stabilization units, hospices, prescribed pediatric  
 2133 extended care centers, intermediate care facilities for persons  
 2134 with developmental disabilities, boarding schools, civic or  
 2135 fraternal organizations, bars and lounges, vending machines that  
 2136 dispense potentially hazardous foods at facilities expressly  
 2137 named in this paragraph, and facilities used as temporary food  
 2138 events or mobile food units at any facility expressly named in  
 2139 this paragraph, where food is prepared and intended for  
 2140 individual portion service, including the site at which  
 2141 individual portions are provided, regardless of whether  
 2142 consumption is on or off the premises and regardless of whether  
 2143 there is a charge for the food. The term does not include any  
 2144 entity not expressly named in this paragraph; nor does the term  
 2145 include a domestic violence center certified and monitored by  
 2146 the Department of Children and Family Services under part XII of  
 2147 chapter 39 if the center does not prepare and serve food to its  
 2148 residents and does not advertise food or drink for public  
 2149 consumption.

2150 (c) "Operator" means the owner, operator, keeper,  
 2151 proprietor, lessee, manager, assistant manager, agent, or  
 2152 employee of a food service establishment.

2153 Section 36. Section 381.00781, Florida Statutes, is  
 2154 amended to read:

2155 381.00781 Fees; disposition.—

2156 ~~(1)~~ The department shall establish by rule the following

2157 fees:

2158 (1)~~(a)~~ Fee For the initial licensure of a tattoo  
 2159 establishment and the renewal of such license, a fee ~~which,~~  
 2160 ~~except as provided in subsection (2),~~ may not to exceed \$250 per  
 2161 year.

2162 (2)~~(b)~~ Fee For licensure of a temporary establishment, a  
 2163 fee ~~which, except as provided in subsection (2),~~ may not to  
 2164 exceed \$250.

2165 (3)~~(c)~~ Fee For the initial licensure of a tattoo artist  
 2166 and the renewal of such license, a fee ~~which, except as provided~~  
 2167 ~~in subsection (2),~~ may not to exceed \$150 per year.

2168 (3)~~(d)~~ Fee For registration or reregistration of a guest  
 2169 tattoo artist, a fee ~~which, except as provided in subsection~~  
 2170 ~~(2),~~ may not to exceed \$45.

2171 (4)~~(e)~~ Fee For reactivation of an inactive tattoo  
 2172 establishment license or tattoo artist license. A license  
 2173 becomes inactive if it is not renewed before the expiration of  
 2174 the current license.

2175 ~~(2) The department may annually adjust the maximum fees~~  
 2176 ~~authorized under subsection (1) according to the rate of~~  
 2177 ~~inflation or deflation indicated by the Consumer Price Index for~~  
 2178 ~~All Urban Consumers, U.S. City Average, All Items, as reported~~  
 2179 ~~by the United States Department of Labor.~~

2180 Section 37. Subsections (1) and (4) of section 381.0086,  
 2181 Florida Statutes, are amended to read:

2182 381.0086 Rules; variances; penalties.—

2183 (1) The department shall adopt rules necessary to protect  
 2184 the health and safety of migrant farmworkers and other migrant

2185 labor camp or residential migrant housing occupants, including  
 2186 rules governing field sanitation facilities. These rules must  
 2187 include definitions of terms, a process for ~~provisions relating~~  
 2188 ~~to~~ plan review of the construction of new, expanded, or  
 2189 remodeled camps or residential migrant housing, sites, buildings  
 2190 and structures; and standards for personal hygiene facilities,  
 2191 ~~lighting~~, sewage disposal, safety, minimum living space per  
 2192 occupant, bedding, food equipment, food storage and preparation,  
 2193 insect and rodent control, garbage, heating equipment, water  
 2194 supply, maintenance and operation of the camp or housing, ~~or~~  
 2195 ~~roads~~, and such other matters as the department finds to be  
 2196 appropriate or necessary to protect the life and health of the  
 2197 occupants. Housing operated by a public housing authority is  
 2198 exempt from the provisions of any administrative rule that  
 2199 conflicts with or is more stringent than the federal standards  
 2200 applicable to the housing.

2201 (4) A person who violates any provision of ss. 381.008-  
 2202 381.00895 or rules adopted under such sections is subject either  
 2203 to the penalties provided in ss. 381.0012, ~~381.0025~~, and  
 2204 381.0061 or to the penalties provided in s. 381.0087.

2205 Section 38. Subsections (1) and (7) of section 381.0098,  
 2206 Florida Statutes, are amended to read:

2207 381.0098 Biomedical waste.-

2208 (1) LEGISLATIVE INTENT. ~~It is the intent of the~~  
 2209 ~~Legislature to protect the public health by establishing~~  
 2210 ~~standards for the safe packaging, transport, storage, treatment,~~  
 2211 ~~and disposal of biomedical waste.~~ Except as otherwise provided  
 2212 herein, the Department of Health shall regulate the packaging,

2213 transport, storage, and treatment of biomedical waste. The  
 2214 Department of Environmental Protection shall regulate onsite and  
 2215 offsite incineration and disposal of biomedical waste.  
 2216 Consistent with the foregoing, the Department of Health shall  
 2217 have the exclusive authority to establish treatment efficacy  
 2218 standards for biomedical waste and the Department of  
 2219 Environmental Protection shall have the exclusive authority to  
 2220 establish statewide standards relating to environmental impacts,  
 2221 if any, of treatment and disposal including, but not limited to,  
 2222 water discharges and air emissions. An interagency agreement  
 2223 between the Department of Environmental Protection and the  
 2224 Department of Health shall be developed to ensure maximum  
 2225 efficiency in coordinating, administering, and regulating  
 2226 biomedical wastes.

2227 (7) ENFORCEMENT AND PENALTIES.—Any person or public body  
 2228 in violation of this section or rules adopted under this section  
 2229 is subject to penalties provided in ss. 381.0012, ~~381.0025,~~ and  
 2230 381.0061. However, an administrative fine not to exceed \$2,500  
 2231 may be imposed for each day such person or public body is in  
 2232 violation of this section. The department may deny, suspend, or  
 2233 revoke any biomedical waste permit or registration if the  
 2234 permittee violates this section, any rule adopted under this  
 2235 section, or any lawful order of the department.

2236 Section 39. Subsections (2) through (8) of section  
 2237 381.0101, Florida Statutes, are renumbered as subsection (1)  
 2238 through (7), respectively, and present subsections (1), (3), and  
 2239 (4) and paragraph (a) of present subsection (5) of that section  
 2240 are amended to read:



2241 381.0101 Environmental health professionals.—

2242 ~~(1) LEGISLATIVE INTENT. Persons responsible for providing~~

2243 ~~technical and scientific evaluations of environmental health and~~

2244 ~~sanitary conditions in business establishments and communities~~

2245 ~~throughout the state may create a danger to the public health if~~

2246 ~~they are not skilled or competent to perform such evaluations.~~

2247 ~~The public relies on the judgment of environmental health~~

2248 ~~professionals employed by both government agencies and~~

2249 ~~industries to assure them that environmental hazards are~~

2250 ~~identified and removed before they endanger the health or safety~~

2251 ~~of the public. The purpose of this section is to assure the~~

2252 ~~public that persons specifically responsible for performing~~

2253 ~~environmental health and sanitary evaluations have been~~

2254 ~~certified by examination as competent to perform such work.~~

2255 (2)~~(3)~~ CERTIFICATION REQUIRED.—A ~~No~~ person may not ~~shall~~

2256 perform environmental health or sanitary evaluations in any

2257 primary program area of environmental health without being

2258 certified by the department as competent to perform such

2259 evaluations. This section does not apply to:

2260 (a) Persons performing inspections of public food service

2261 establishments licensed under chapter 509; or

2262 (b) Persons performing site evaluations in order to

2263 determine proper placement and installation of onsite wastewater

2264 treatment and disposal systems who have successfully completed a

2265 department-approved soils morphology course and who are working

2266 under the direct responsible charge of an engineer licensed

2267 under chapter 471.

2268 (3)~~(4)~~ ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—

2269 The State Health Officer shall appoint an advisory board to  
 2270 assist the department in the promulgation of rules for  
 2271 certification, testing, establishing standards, and seeking  
 2272 enforcement actions against certified professionals.

2273 (a) The board shall be comprised of the Division Director  
 2274 for Emergency Preparedness and Community Support ~~Environmental~~  
 2275 ~~Health~~ or his or her designee, one individual who will be  
 2276 certified under this section, one individual not employed in a  
 2277 governmental capacity who will or does employ a certified  
 2278 environmental health professional, one individual whose business  
 2279 is or will be evaluated by a certified environmental health  
 2280 professional, a citizen of the state who neither employs nor is  
 2281 routinely evaluated by a person certified under this section.

2282 (b) The board shall advise the department as to the  
 2283 minimum disciplinary guidelines and standards of competency and  
 2284 proficiency necessary to obtain certification in a primary area  
 2285 of environmental health practice.

2286 1. The board shall recommend primary areas of  
 2287 environmental health practice in which environmental health  
 2288 professionals should be required to obtain certification.

2289 2. The board shall recommend minimum standards of practice  
 2290 which the department shall incorporate into rule.

2291 3. The board shall evaluate and recommend to the  
 2292 department existing registrations and certifications which meet  
 2293 or exceed minimum department standards and should, therefore,  
 2294 exempt holders of such certificates or registrations from  
 2295 compliance with this section.

2296 4. The board shall hear appeals of certificate denials,

2297 | revocation, or suspension and shall advise the department as to  
 2298 | the disposition of such an appeal.

2299 |         5. The board shall meet as often as necessary, but no less  
 2300 | than semiannually, handle appeals to the department, and conduct  
 2301 | other duties of the board.

2302 |         6. Members of the board shall receive no compensation but  
 2303 | are entitled to reimbursement for per diem and travel expenses  
 2304 | in accordance with s. 112.061.

2305 |         (4)~~(5)~~ STANDARDS FOR CERTIFICATION.—The department shall  
 2306 | adopt rules that establish definitions of terms and minimum  
 2307 | standards of education, training, or experience for those  
 2308 | persons subject to this section. The rules must also address the  
 2309 | process for application, examination, issuance, expiration, and  
 2310 | renewal of certification and ethical standards of practice for  
 2311 | the profession.

2312 |         (a) Persons employed as environmental health professionals  
 2313 | shall exhibit a knowledge of rules and principles of  
 2314 | environmental and public health law in Florida through  
 2315 | examination. A person may not conduct environmental health  
 2316 | evaluations in a primary program area unless he or she is  
 2317 | currently certified in that program area or works under the  
 2318 | direct supervision of a certified environmental health  
 2319 | professional.

2320 |         1. All persons who begin employment in a primary  
 2321 | environmental health program on or after September 21, 1994,  
 2322 | must be certified in that program within 6 months after  
 2323 | employment.

2324 |         2. Persons employed in the primary environmental health

2325 program of a food protection program or an onsite sewage  
 2326 treatment and disposal system prior to September 21, 1994, shall  
 2327 be considered certified while employed in that position and  
 2328 shall be required to adhere to any professional standards  
 2329 established by the department pursuant to paragraph (b),  
 2330 complete any continuing education requirements imposed under  
 2331 paragraph (d), and pay the certificate renewal fee imposed under  
 2332 subsection (6) ~~(7)~~.

2333 3. Persons employed in the primary environmental health  
 2334 program of a food protection program or an onsite sewage  
 2335 treatment and disposal system prior to September 21, 1994, who  
 2336 change positions or program areas and transfer into another  
 2337 primary environmental health program area on or after September  
 2338 21, 1994, must be certified in that program within 6 months  
 2339 after such transfer, except that they will not be required to  
 2340 possess the college degree required under paragraph (e).

2341 4. Registered sanitarians shall be considered certified  
 2342 and shall be required to adhere to any professional standards  
 2343 established by the department pursuant to paragraph (b).

2344 Section 40. Section 381.0203, Florida Statutes, is amended  
 2345 to read:

2346 381.0203 Pharmacy services.—

2347 (1) The department may contract on a statewide basis for  
 2348 the purchase of drugs, as defined in s. 499.003, to be used by  
 2349 state agencies and political subdivisions, and may adopt rules  
 2350 to administer this section.

2351 (2) The department shall establish and maintain a pharmacy  
 2352 services program, including, but not limited to:

2353 (a) A central pharmacy to support pharmaceutical services  
 2354 provided by the county health departments, including  
 2355 pharmaceutical repackaging, dispensing, and the purchase and  
 2356 distribution of immunizations and other pharmaceuticals.

2357 ~~(b) Regulation of drugs, cosmetics, and household products~~  
 2358 ~~pursuant to chapter 499.~~

2359 (b)(e) Consultation to county health departments as  
 2360 required by s. 154.04(1)(c).

2361 ~~(d) A contraception distribution program which shall be~~  
 2362 ~~implemented, to the extent resources permit, through the~~  
 2363 ~~licensed pharmacies of county health departments. A woman who is~~  
 2364 ~~eligible for participation in the contraceptive distribution~~  
 2365 ~~program is deemed a patient of the county health department.~~

2366 ~~1. To be eligible for participation in the program a woman~~  
 2367 ~~must:~~

2368 ~~a. Be a client of the department or the Department of~~  
 2369 ~~Children and Family Services.~~

2370 ~~b. Be of childbearing age with undesired fertility.~~

2371 ~~e. Have an income between 150 and 200 percent of the~~  
 2372 ~~federal poverty level.~~

2373 ~~d. Have no Medicaid benefits or applicable health~~  
 2374 ~~insurance benefits.~~

2375 ~~e. Have had a medical examination by a licensed health~~  
 2376 ~~care provider within the past 6 months.~~

2377 ~~f. Have a valid prescription for contraceptives that are~~  
 2378 ~~available through the contraceptive distribution program.~~

2379 ~~g. Consent to the release of necessary medical information~~  
 2380 ~~to the county health department.~~

2381           ~~2. Fees charged for the contraceptives under the program~~  
 2382 ~~must cover the cost of purchasing and providing contraceptives~~  
 2383 ~~to women participating in the program.~~

2384           ~~3. The department may adopt rules to administer this~~  
 2385 ~~program.~~

2386           Section 41. Subsection (1) of section 381.0261, Florida  
 2387 Statutes, is amended to read:

2388           381.0261 Summary of patient's bill of rights;  
 2389 distribution; penalty.—

2390           (1) The Department of Health shall publish on its Internet  
 2391 website ~~Agency for Health Care Administration shall have printed~~  
 2392 ~~and made continuously available to health care facilities~~  
 2393 ~~licensed under chapter 395, physicians licensed under chapter~~  
 2394 ~~458, osteopathic physicians licensed under chapter 459, and~~  
 2395 ~~pediatric physicians licensed under chapter 461~~ a summary of the  
 2396 Florida Patient's Bill of Rights and Responsibilities. In  
 2397 adopting and making available to patients the summary of the  
 2398 Florida Patient's Bill of Rights and Responsibilities, health  
 2399 care providers and health care facilities are not limited to the  
 2400 format in which the department publishes ~~Agency for Health Care~~  
 2401 ~~Administration prints and distributes~~ the summary.

2402           Section 42. Section 381.0301, Florida Statutes, is  
 2403 repealed.

2404           Section 43. Section 381.0302, Florida Statutes, is  
 2405 repealed.

2406           Section 44. Subsection (5) of section 381.0303, Florida  
 2407 Statutes, is amended to read:

2408           381.0303 Special needs shelters.—

2409 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State  
 2410 Surgeon General may establish a special needs shelter  
 2411 interagency committee and serve as, or appoint a designee to  
 2412 serve as, the committee's chair. The department shall provide  
 2413 any necessary staff and resources to support the committee in  
 2414 the performance of its duties. The committee shall address and  
 2415 resolve problems related to special needs shelters not addressed  
 2416 in the state comprehensive emergency medical plan and shall  
 2417 consult on the planning and operation of special needs shelters.

2418 (a) The committee shall:

2419 ~~1.~~ develop, negotiate, and regularly review any necessary  
 2420 interagency agreements, and

2421 ~~2.~~ undertake other such activities as the department deems  
 2422 necessary to facilitate the implementation of this section.

2423 ~~3. Submit recommendations to the Legislature as necessary.~~

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

2437 Aging; the Florida Emergency Preparedness Association; the  
 2438 American Red Cross; Florida Hospices and Palliative Care, Inc.;  
 2439 the Association of Community Hospitals and Health Systems; the  
 2440 Florida Association of Health Maintenance Organizations; the  
 2441 Florida League of Health Systems; the Private Care Association;  
 2442 the Salvation Army; the Florida Association of Aging Services  
 2443 Providers; the AARP; and the Florida Renal Coalition.

2444 (c) Meetings of the committee shall be held in  
 2445 Tallahassee, and members of the committee shall serve at the  
 2446 expense of the agencies or organizations they represent. The  
 2447 committee shall make every effort to use teleconference or  
 2448 videoconference capabilities in order to ensure statewide input  
 2449 and participation.

2450 Section 45. Section 381.04015, Florida Statutes, is  
 2451 repealed.

2452 Section 46. Subsections (2), (3), and (4) of section  
 2453 381.0403, Florida Statutes, are amended to read:

2454 381.0403 The Community Hospital Education Act.—

2455 (2) ESTABLISHMENT OF PROGRAM ~~LEGISLATIVE INTENT.~~—

2456 ~~(a) It is the intent of the Legislature that health care~~  
 2457 ~~services for the citizens of this state be upgraded and that a~~  
 2458 ~~program for continuing these services be maintained through a~~  
 2459 ~~plan for community medical education. The~~ A ~~program is intended~~  
 2460 established to plan for community medical education, provide  
 2461 additional outpatient and inpatient services, increase the a  
 2462 ~~continuing~~ supply of highly trained physicians, and expand  
 2463 graduate medical education.

2464 ~~(b) The Legislature further acknowledges the critical need~~



2465 ~~for increased numbers of primary care physicians to provide the~~  
2466 ~~necessary current and projected health and medical services. In~~  
2467 ~~order to meet both present and anticipated needs, the~~  
2468 ~~Legislature supports an expansion in the number of family~~  
2469 ~~practice residency positions. The Legislature intends that the~~  
2470 ~~funding for graduate education in family practice be maintained~~  
2471 ~~and that funding for all primary care specialties be provided at~~  
2472 ~~a minimum of \$10,000 per resident per year. Should funding for~~  
2473 ~~this act remain constant or be reduced, it is intended that all~~  
2474 ~~programs funded by this act be maintained or reduced~~  
2475 ~~proportionately.~~

2476 (3) PROGRAM FOR COMMUNITY HOSPITAL EDUCATION; STATE AND  
2477 LOCAL PLANNING.—

2478 (a) ~~There is established under the Department of Health a~~  
2479 ~~program for statewide graduate medical education. It is intended~~  
2480 ~~that continuing graduate medical education programs for interns~~  
2481 ~~and residents be established on a statewide basis. The program~~  
2482 shall provide financial support for primary care specialty  
2483 interns and residents based on recommendations of policies  
2484 ~~recommended and approved by the Community Hospital Education~~  
2485 ~~Council, herein established, and the Department of Health, as~~  
2486 authorized by the General Appropriations Act. Only those  
2487 programs with at least three residents or interns in each year  
2488 of the training program are qualified to apply for financial  
2489 support. Programs with fewer than three residents or interns per  
2490 training year are qualified to apply for financial support, but  
2491 only if the appropriate accrediting entity for the particular  
2492 specialty has approved the program for fewer positions. New

2493 | programs ~~added after fiscal year 1997-1998~~ shall have 5 years to  
 2494 | attain the requisite number of residents or interns. When  
 2495 | feasible and to the extent allowed through the General  
 2496 | Appropriations Act, state funds shall be used to generate  
 2497 | federal matching funds under Medicaid, or other federal  
 2498 | programs, and the resulting combined state and federal funds  
 2499 | shall be allocated to participating hospitals for the support of  
 2500 | graduate medical education.

2501 |         (b) For the purposes of this section, primary care  
 2502 | specialties include emergency medicine, family practice,  
 2503 | internal medicine, pediatrics, psychiatry,  
 2504 | obstetrics/gynecology, and combined pediatrics and internal  
 2505 | medicine, and other primary care specialties as may be included  
 2506 | by the council and Department of Health.

2507 |         (c) Medical institutions throughout the state may apply to  
 2508 | the Community Hospital Education Council for grants-in-aid for  
 2509 | financial support of their approved programs. Recommendations  
 2510 | for funding of approved programs shall be forwarded to the  
 2511 | Department of Health.

2512 |         (d) The program shall provide a plan for community  
 2513 | clinical teaching and training with the cooperation of the  
 2514 | medical profession, hospitals, and clinics. The plan shall also  
 2515 | include formal teaching opportunities for intern and resident  
 2516 | training. In addition, the plan shall establish an off-campus  
 2517 | medical faculty with university faculty review to be located  
 2518 | throughout the state in local communities.

2519 |         (4) PROGRAM FOR GRADUATE MEDICAL EDUCATION INNOVATIONS.—

2520 |         (a) There is established under the Department of Health a

2521 program for fostering graduate medical education innovations.  
 2522 Funds appropriated annually by the Legislature for this purpose  
 2523 shall be distributed to participating hospitals or consortia of  
 2524 participating hospitals and Florida medical schools or to a  
 2525 Florida medical school for the direct costs of providing  
 2526 graduate medical education in community-based clinical settings  
 2527 on a competitive grant or formula basis to achieve state health  
 2528 care workforce policy objectives, including, but not limited to:

- 2529 1. Increasing the number of residents in primary care and
- 2530 other high demand specialties or fellowships;
- 2531 2. Enhancing retention of primary care physicians in
- 2532 Florida practice;
- 2533 3. Promoting practice in medically underserved areas of
- 2534 the state;
- 2535 4. Encouraging racial and ethnic diversity within the
- 2536 state's physician workforce; and
- 2537 5. Encouraging increased production of geriatricians.

2538 (b) Participating hospitals or consortia of participating  
 2539 hospitals and Florida medical schools or a Florida medical  
 2540 school providing graduate medical education in community-based  
 2541 clinical settings may apply to the Community Hospital Education  
 2542 Council for funding under this innovations program, except when  
 2543 such innovations directly compete with services or programs  
 2544 provided by participating hospitals or consortia of  
 2545 participating hospitals, or by both hospitals and consortia.  
 2546 Innovations program funding shall be allocated ~~provide funding~~  
 2547 based on recommendations of ~~policies recommended and approved by~~  
 2548 the Community Hospital Education Council and the Department of

2549 Health, as authorized by the General Appropriations Act.

2550 (c) Participating hospitals or consortia of participating  
 2551 hospitals and Florida medical schools or Florida medical schools  
 2552 awarded an innovations grant shall provide the Community  
 2553 Hospital Education Council and Department of Health with an  
 2554 annual report on their project.

2555 Section 47. Subsection (7) of section 381.0405, Florida  
 2556 Statutes, is amended to read:

2557 381.0405 Office of Rural Health.—

2558 ~~(7) APPROPRIATION. The Legislature shall appropriate such~~  
 2559 ~~sums as are necessary to support the Office of Rural Health.~~

2560 Section 48. Subsection (3) of section 381.0406, Florida  
 2561 Statutes, is amended to read:

2562 381.0406 Rural health networks.—

2563 ~~(3) Because each rural area is unique, with a different~~  
 2564 ~~health care provider mix,~~ Health care provider membership may  
 2565 vary, but all networks shall include members that provide public  
 2566 health, comprehensive primary care, emergency medical care, and  
 2567 acute inpatient care.

2568 Section 49. Effective October 1, 2014, section 381.0407,  
 2569 Florida Statutes, is repealed.

2570 Section 50. Section 381.045, Florida Statutes, is  
 2571 repealed.

2572 Section 51. Subsection (7) of section 381.06015, Florida  
 2573 Statutes, is amended to read:

2574 381.06015 Public Cord Blood Tissue Bank.—

2575 ~~(7) In order to fund the provisions of this section the~~  
 2576 ~~consortium participants, the Agency for Health Care~~

2577 ~~Administration, and the Department of Health shall seek private~~  
 2578 ~~or federal funds to initiate program actions for fiscal year~~  
 2579 ~~2000-2001.~~

2580 Section 52. Section 381.0605, Florida Statutes, is  
 2581 repealed.

2582 Section 53. Sections 381.1001, 381.1015, 381.102, and  
 2583 381.103, Florida Statutes, are repealed.

2584 Section 54. Subsections (3) through (5) of section  
 2585 381.4018, Florida Statutes, are renumbered as subsections (2)  
 2586 through (4), respectively, and present subsection (2) and  
 2587 paragraph (f) of present subsection (4) of that section are  
 2588 amended to read:

2589 381.4018 Physician workforce assessment and development.-

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

2605 ~~provide for a well-trained supply of physicians must include~~  
2606 ~~ensuring the availability and capacity of quality medical~~  
2607 ~~schools and graduate medical education programs in this state,~~  
2608 ~~as well as using new or existing state and federal programs~~  
2609 ~~providing incentives for physicians to practice in needed~~  
2610 ~~specialties and in underserved areas in a manner that addresses~~  
2611 ~~projected needs for physician manpower.~~

2612 (3) ~~(4)~~ GENERAL FUNCTIONS.—The department shall maximize  
2613 the use of existing programs under the jurisdiction of the  
2614 department and other state agencies and coordinate governmental  
2615 and nongovernmental stakeholders and resources in order to  
2616 develop a state strategic plan and assess the implementation of  
2617 such strategic plan. In developing the state strategic plan, the  
2618 department shall:

2619 (f) Develop strategies to maximize federal and state  
2620 programs that provide for the use of incentives to attract  
2621 physicians to this state or retain physicians within the state.  
2622 Such strategies should explore and maximize federal-state  
2623 partnerships that provide incentives for physicians to practice  
2624 in federally designated shortage areas. Strategies shall also  
2625 consider the use of state programs, such as the ~~Florida Health~~  
2626 ~~Service Corps established pursuant to s. 381.0302 and the~~  
2627 ~~Medical Education Reimbursement and Loan Repayment Program~~  
2628 ~~pursuant to s. 1009.65, which provide for education loan~~  
2629 ~~repayment or loan forgiveness and provide monetary incentives~~  
2630 ~~for physicians to relocate to underserved areas of the state.~~

2631 Section 55. Section 381.60225, Florida Statutes, is  
2632 repealed.

2633           Section 56. Sections 381.732, 381.733, and 381.734,  
 2634 Florida Statutes, are repealed.

2635           Section 57. Section 381.7352, Florida Statutes, is amended  
 2636 to read:

2637           381.7352 Legislative findings and intent.—

2638           ~~(1) The Legislature finds that despite state investments  
 2639 in health care programs, certain racial and ethnic populations  
 2640 in Florida continue to have significantly poorer health outcomes  
 2641 when compared to non-Hispanic whites. The Legislature finds that  
 2642 local solutions to health care problems can have a dramatic and  
 2643 positive effect on the health status of these populations. Local  
 2644 governments and communities are best equipped to identify the  
 2645 health education, health promotion, and disease prevention needs  
 2646 of the racial and ethnic populations in their communities,  
 2647 mobilize the community to address health outcome disparities,  
 2648 enlist and organize local public and private resources, and  
 2649 faith-based organizations to address these disparities, and  
 2650 evaluate the effectiveness of interventions.~~

2651           (2) It is ~~therefore~~ the intent of the Legislature to  
 2652 provide funds within Florida counties and Front Porch Florida  
 2653 Communities, in the form of Reducing Racial and Ethnic Health  
 2654 Disparities: Closing the Gap grants, to stimulate the  
 2655 development of community-based and neighborhood-based projects  
 2656 which will improve the health outcomes of racial and ethnic  
 2657 populations. Further, it is the intent of the Legislature that  
 2658 these programs foster the development of coordinated,  
 2659 collaborative, and broad-based participation by public and  
 2660 private entities, and faith-based organizations. Finally, it is

2661 the intent of the Legislature that the grant program function as  
 2662 a partnership between state and local governments, faith-based  
 2663 organizations, and private sector health care providers,  
 2664 including managed care, voluntary health care resources, social  
 2665 service providers, and nontraditional partners.

2666 Section 58. Subsection (3) of section 381.7353, Florida  
 2667 Statutes, is amended to read:

2668 381.7353 Reducing Racial and Ethnic Health Disparities:  
 2669 Closing the Gap grant program; administration; department  
 2670 duties.—

2671 ~~(3) Pursuant to s. 20.43(6), the State Surgeon General may~~  
 2672 ~~appoint an ad hoc advisory committee to: examine areas where~~  
 2673 ~~public awareness, public education, research, and coordination~~  
 2674 ~~regarding racial and ethnic health outcome disparities are~~  
 2675 ~~lacking; consider access and transportation issues which~~  
 2676 ~~contribute to health status disparities; and make~~  
 2677 ~~recommendations for closing gaps in health outcomes and~~  
 2678 ~~increasing the public's awareness and understanding of health~~  
 2679 ~~disparities that exist between racial and ethnic populations.~~

2680 Section 59. Subsections (5) and (6) of section 381.7356,  
 2681 Florida Statutes, are renumbered as subsections (4) and (5),  
 2682 respectively, and present subsection (4) of that section is  
 2683 amended to read:

2684 381.7356 Local matching funds; grant awards.—

2685 ~~(4) Dissemination of grant awards shall begin no later~~  
 2686 ~~than January 1, 2001.~~

2687 Section 60. Subsection (3) of section 381.765, Florida  
 2688 Statutes, is amended to read:



2689 381.765 Retention of title to and disposal of equipment.—  
 2690 ~~(3) The department may adopt rules relating to records and~~  
 2691 ~~recordkeeping for department-owned property referenced in~~  
 2692 ~~subsections (1) and (2).~~

2693 Section 61. Section 381.77, Florida Statutes, is repealed.

2694 Section 62. Section 381.795, Florida Statutes, is  
 2695 repealed.

2696 Section 63. Subsections (2) through (5) of section  
 2697 381.853, Florida Statutes, are renumbered as subsections (1)  
 2698 through (4), respectively, and present subsection (1) of that  
 2699 section is amended to read:

2700 381.853 Florida Center for Brain Tumor Research.—

2701 ~~(1) The Legislature finds that each year an estimated~~  
 2702 ~~190,000 citizens of the United States are diagnosed with~~  
 2703 ~~cancerous and noncancerous brain tumors and that biomedical~~  
 2704 ~~research is the key to finding cures for these tumors. The~~  
 2705 ~~Legislature further finds that, although brain tumor research is~~  
 2706 ~~being conducted throughout the state, there is a lack of~~  
 2707 ~~coordinated efforts among researchers and health care providers.~~  
 2708 ~~Therefore, the Legislature finds that there is a significant~~  
 2709 ~~need for a coordinated effort to achieve the goal of curing~~  
 2710 ~~brain tumors. The Legislature further finds that the biomedical~~  
 2711 ~~technology sector meets the criteria of a high-impact sector,~~  
 2712 ~~pursuant to s. 288.108(6), having a high importance to the~~  
 2713 ~~state's economy with a significant potential for growth and~~  
 2714 ~~contribution to our universities and quality of life.~~

2715 Section 64. Section 381.855, Florida Statutes, is  
 2716 repealed.

2717 Section 65. Section 381.87, Florida Statutes, is repealed.

2718 Section 66. Section 381.90, Florida Statutes, is repealed.

2719 Section 67. Subsection (1) of section 381.91, Florida  
 2720 Statutes, is amended to read:

2721 381.91 Jessie Trice Cancer Prevention Program.—

2722 (1) It is the intent of the Legislature to:

2723 ~~(a) Reduce the rates of illness and death from lung cancer~~  
 2724 ~~and other cancers and improve the quality of life among low-~~  
 2725 ~~income African-American and Hispanic populations through~~  
 2726 ~~increased access to early, effective screening and diagnosis,~~  
 2727 ~~education, and treatment programs.~~

2728 ~~(b)~~ create a community faith-based disease-prevention  
 2729 program in conjunction with the Health Choice Network and other  
 2730 community health centers to build upon the natural referral and  
 2731 education networks in place within minority communities and to  
 2732 increase access to health service delivery in Florida and-

2733 ~~(c)~~ establish a funding source to build upon local private  
 2734 participation to sustain the operation of the program.

2735 Section 68. Subsection (5) of section 381.922, Florida  
 2736 Statutes, is amended to read:

2737 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
 2738 Cancer Research Program.—

2739 (5) The William G. "Bill" Bankhead, Jr., and David Coley  
 2740 Cancer Research Program is funded pursuant to s. 215.5602(12).  
 2741 Funds appropriated for the William G. "Bill" Bankhead, Jr., and  
 2742 David Coley Cancer Research Program shall be distributed  
 2743 pursuant to this section to provide grants to researchers  
 2744 seeking cures for cancer and cancer-related illnesses, with

2745 emphasis given to the goals enumerated in this section. From the  
 2746 total funds appropriated, an amount of up to 10 percent may be  
 2747 used for administrative expenses. ~~From funds appropriated to~~  
 2748 ~~accomplish the goals of this section, up to \$250,000 shall be~~  
 2749 ~~available for the operating costs of the Florida Center for~~  
 2750 ~~Universal Research to Eradicate Disease.~~

2751 Section 69. Paragraph (g) of subsection (1) of section  
 2752 383.011, Florida Statutes, is amended to read:

2753 383.011 Administration of maternal and child health  
 2754 programs.—

2755 (1) The Department of Health is designated as the state  
 2756 agency for:

2757 (g) Receiving the federal funds for the "Special  
 2758 Supplemental Nutrition Program for Women, Infants, and  
 2759 Children," or WIC, authorized by the Child Nutrition Act of  
 2760 1966, as amended, and for providing clinical leadership for  
 2761 ~~administering~~ the statewide WIC program.

2762 1. The department shall establish an interagency agreement  
 2763 with the Department of Children and Family Services for fiscal  
 2764 management of the program. Responsibilities are delegated to  
 2765 each department, as follows:

2766 a. The department shall provide clinical leadership,  
 2767 manage program eligibility, and distribute nutritional guidance  
 2768 and information to participants.

2769 b. The Department of Children and Family Services shall  
 2770 develop and implement an electronic benefits transfer system.

2771 c. The Department of Children and Family Services shall  
 2772 develop a cost containment plan that provides timely and

2773 accurate adjustments based on wholesale price fluctuations and  
 2774 adjusts for the number of cash registers in calculating  
 2775 statewide averages.

2776 d. The department shall coordinate submission of  
 2777 information to appropriate federal officials in order to obtain  
 2778 approval of the electronic benefits system and cost containment  
 2779 plan, which must include participation of WIC-only stores.

2780 2. The department shall assist the Department of Children  
 2781 and Family Services in the development of the electronic  
 2782 benefits system to ensure full implementation no later than July  
 2783 1, 2013.

2784 Section 70. Section 383.141, Florida Statutes, is created  
 2785 to read:

2786 383.141 Prenatally diagnosed conditions; patient to be  
 2787 provided information; definitions; information clearinghouse;  
 2788 advisory council.-

2789 (1) As used in this section, the term:

2790 (a) "Down syndrome" means a chromosomal disorder caused by  
 2791 an error in cell division which results in the presence of an  
 2792 extra whole or partial copy of chromosome 21.

2793 (b) "Developmental disability" includes Down syndrome and  
 2794 other developmental disabilities defined by s. 393.063(9).

2795 (c) "Health care provider" means a practitioner licensed  
 2796 under chapter 458 or chapter 459.

2797 (d) "Prenatally diagnosed condition" means an adverse  
 2798 fetal health condition identified by prenatal testing.

2799 (e) "Prenatal test" or "prenatal testing" means a  
 2800 diagnostic procedure or screening procedure performed on a

2801 pregnant woman or her unborn offspring to obtain information  
2802 about the offspring's health or development.

2803 (2) When a developmental disability is diagnosed based on  
2804 the results of a prenatal test, the health care provider who  
2805 ordered the prenatal test, or his or her designee, shall provide  
2806 the patient with current information about the nature of the  
2807 developmental disability, the accuracy of the prenatal test, and  
2808 resources for obtaining relevant support services, including  
2809 hotlines, resource centers, and information clearinghouses  
2810 related to Down syndrome or other prenatally diagnosed  
2811 developmental disabilities; support programs for parents and  
2812 families; and developmental evaluation and intervention services  
2813 under s. 391.303.

2814 (3) The Department of Health shall establish on its  
2815 Internet website a clearinghouse of information related to  
2816 developmental disabilities concerning providers of supportive  
2817 services, information hotlines specific to Down syndrome and  
2818 other prenatally diagnosed developmental disabilities, resource  
2819 centers, educational programs, other support programs for  
2820 parents and families, and developmental evaluation and  
2821 intervention services under s. 391.303. Such information shall  
2822 be made available to health care providers for use in counseling  
2823 pregnant women whose unborn children have been prenatally  
2824 diagnosed with developmental disabilities.

2825 (a) There is established an advisory council within the  
2826 Department of Health which consists of health care providers and  
2827 caregivers who perform health care services for persons who have  
2828 developmental disabilities, including Down syndrome and autism.

2829 This group shall consist of nine members as follows:

2830 1. Three members appointed by the Governor;

2831 2. Three members appointed by the President of the Senate;

2832 and

2833 3. Three members appointed by the Speaker of the House of  
 2834 Representatives.

2835 (b) The advisory council shall provide technical  
 2836 assistance to the Department of Health in the establishment of  
 2837 the information clearinghouse and give the department the  
 2838 benefit of the council members' knowledge and experience  
 2839 relating to the needs of patients and families of patients with  
 2840 developmental disabilities and available support services.

2841 (c) Members of the council shall elect a chairperson and a  
 2842 vice chairperson. The elected chairperson and vice chairperson  
 2843 shall serve in these roles until their terms of appointment on  
 2844 the council expire.

2845 (d) The advisory council shall meet quarterly to review  
 2846 this clearinghouse of information, and may meet more often at  
 2847 the call of the chairperson or as determined by a majority of  
 2848 members.

2849 (e) The council members shall be appointed to 4-year  
 2850 terms, except that, to provide for staggered terms, one initial  
 2851 appointee each from the Governor, the President of the Senate,  
 2852 and the Speaker of the House of Representatives shall be  
 2853 appointed to a 2-year term, one appointee each from these  
 2854 officials shall be appointed to a 3-year term, and the remaining  
 2855 initial appointees shall be appointed to 4-year terms. All  
 2856 subsequent appointments shall be for 4-year terms. A vacancy

2857 shall be filled for the remainder of the unexpired term in the  
 2858 same manner as the original appointment.

2859 (f) Members of the council shall serve without  
 2860 compensation. Meetings of the council may be held in person,  
 2861 without reimbursement for travel expenses, or by teleconference  
 2862 or other electronic means.

2863 (g) The Department of Health shall provide administrative  
 2864 support for the advisory council.

2865 Section 71. Effective July 1, 2012, section 385.210,  
 2866 Florida Statutes, is repealed.

2867 Section 72. Section 391.016, Florida Statutes, is amended  
 2868 to read:

2869 391.016 Purposes and functions ~~Legislative intent.~~—The  
 2870 ~~Legislature intends that the~~ Children's Medical Services program  
 2871 is established for the following purposes and authorized to  
 2872 perform the following functions:

2873 (1) Provide to children with special health care needs a  
 2874 family-centered, comprehensive, and coordinated statewide  
 2875 managed system of care that links community-based health care  
 2876 with multidisciplinary, regional, and tertiary pediatric  
 2877 specialty care. The program shall coordinate and maintain a  
 2878 consistent ~~may provide for the coordination and maintenance of~~  
 2879 ~~consistency of the~~ medical home for participating children in  
 2880 ~~families with a Children's Medical Services program participant,~~  
 2881 ~~in order to achieve family-centered care.~~

2882 (2) Provide essential preventive, evaluative, and early  
 2883 intervention services for children at risk for or having special  
 2884 health care needs, in order to prevent or reduce long-term

2885 disabilities.

2886 ~~(3) Serve as a principal provider for children with~~  
 2887 ~~special health care needs under Titles XIX and XXI of the Social~~  
 2888 ~~Security Act.~~

2889 ~~(4) Be complementary to children's health training~~  
 2890 ~~programs essential for the maintenance of a skilled pediatric~~  
 2891 ~~health care workforce for all Floridians.~~

2892 Section 73. Section 391.021, Florida Statutes, is amended  
 2893 to read:

2894 391.021 Definitions.—When used in this act, the term  
 2895 ~~unless the context clearly indicates otherwise:~~

2896 (1) "Children's Medical Services network" or "network"  
 2897 means a statewide managed care service system that includes  
 2898 health care providers, as defined in this section.

2899 (2) "Children with special health care needs" means those  
 2900 children younger than 21 years of age who have chronic and  
 2901 serious physical, developmental, behavioral, or emotional  
 2902 conditions and who ~~also~~ require health care and related services  
 2903 of a type or amount beyond that which is generally required by  
 2904 children.

2905 (3) "Department" means the Department of Health.

2906 (4) "Eligible individual" means a child with a special  
 2907 health care need or a female with a high-risk pregnancy, who  
 2908 meets the financial and medical eligibility standards  
 2909 established in s. 391.029.

2910 (5) "Health care provider" means a health care  
 2911 professional, health care facility, or entity licensed or  
 2912 certified to provide health services in this state that meets



2913 the criteria as established by the department.

2914 (6) "Health services" includes the prevention, diagnosis,  
2915 and treatment of human disease, pain, injury, deformity, or  
2916 disabling conditions.

2917 (7) "Participant" means an eligible individual who is  
2918 enrolled in the Children's Medical Services program.

2919 (8) "Program" means the Children's Medical Services  
2920 program established in the department.

2921 Section 74. Section 391.025, Florida Statutes, is amended  
2922 to read:

2923 391.025 Applicability and scope.—

2924 (1) The Children's Medical Services program consists of  
2925 the following components:

2926 (a) The newborn screening program established in s.  
2927 383.14.

2928 (b) The regional perinatal intensive care centers program  
2929 established in ss. 383.15-383.21.

2930 ~~(c) A federal or state program authorized by the~~  
2931 ~~Legislature.~~

2932 (c)~~(d)~~ The developmental evaluation and intervention  
2933 program, including the Florida Infants and Toddlers Early  
2934 Intervention Program.

2935 (d)~~(e)~~ The Children's Medical Services network.

2936 (2) The Children's Medical Services program shall not be  
2937 deemed an insurer and is not subject to the licensing  
2938 requirements of the Florida Insurance Code or the rules adopted  
2939 thereunder, ~~when providing services to children who receive~~  
2940 ~~Medicaid benefits, other Medicaid-eligible children with special~~

2941 ~~health care needs, and children participating in the Florida~~  
 2942 ~~Kidcare program.~~

2943 Section 75. Section 391.026, Florida Statutes, is amended  
 2944 to read:

2945 391.026 Powers and duties of the department.—The  
 2946 department shall have the following powers, duties, and  
 2947 responsibilities:

2948 (1) To provide or contract for the provision of health  
 2949 services to eligible individuals.

2950 (2) To provide services to abused and neglected children  
 2951 through child protective teams pursuant to s. 39.303.

2952 ~~(3)(2) To determine the medical and financial eligibility~~  
 2953 ~~standards for the program and to determine the medical and~~  
 2954 financial eligibility of individuals seeking health services  
 2955 from the program.

2956 ~~(3) To recommend priorities for the implementation of~~  
 2957 ~~comprehensive plans and budgets.~~

2958 (4) To coordinate a comprehensive delivery system for  
 2959 eligible individuals to take maximum advantage of all available  
 2960 funds.

2961 (5) To ~~promote, establish, and~~ coordinate with programs  
 2962 relating to children's medical services in cooperation with  
 2963 other public and private agencies ~~and to coordinate funding of~~  
 2964 ~~health care programs with federal, state, or local indigent~~  
 2965 ~~health care funding mechanisms.~~

2966 (6) To initiate and, coordinate, ~~and request review of~~  
 2967 applications to federal agencies and private organizations ~~and~~  
 2968 ~~state agencies~~ for funds, services, or commodities relating to

2969 children's medical programs.

2970 (7) To sponsor or promote grants for projects, programs,  
 2971 education, or research in the field of ~~medical needs of~~ children  
 2972 with special health needs, with an emphasis on early diagnosis  
 2973 and treatment.

2974 (8) To oversee and operate the Children's Medical Services  
 2975 network.

2976 (9) To establish reimbursement mechanisms for the  
 2977 Children's Medical Services network.

2978 (10) To establish Children's Medical Services network  
 2979 standards and credentialing requirements for health care  
 2980 providers and health care services.

2981 (11) To serve as a provider and principal case manager for  
 2982 children with special health care needs under Titles XIX and XXI  
 2983 of the Social Security Act.

2984 (12) To monitor the provision of health services in the  
 2985 program, including the utilization and quality of health  
 2986 services.

2987 (13) To administer the Children with Special Health Care  
 2988 Needs program in accordance with Title V of the Social Security  
 2989 Act.

2990 (14) To establish and operate a grievance resolution  
 2991 process for participants and health care providers.

2992 (15) To maintain program integrity in the Children's  
 2993 Medical Services program.

2994 (16) To receive and manage health care premiums,  
 2995 capitation payments, and funds from federal, state, local, and  
 2996 private entities for the program. The department may contract

2997 with a third-party administrator for processing claims,  
 2998 monitoring medical expenses, and other related services  
 2999 necessary to the efficient and cost-effective operation of the  
 3000 Children's Medical Services network. The department is  
 3001 authorized to maintain a minimum reserve for the Children's  
 3002 Medical Services network in an amount that is the greater of:

3003 (a) Ten percent of total projected expenditures for Title  
 3004 XIX-funded and Title XXI-funded children; or

3005 (b) Two percent of total annualized payments from the  
 3006 Agency for Health Care Administration for Title XIX and Title  
 3007 XXI of the Social Security Act.

3008 (17) To provide or contract for ~~appoint health care~~  
 3009 ~~consultants for the purpose of providing peer review and other~~  
 3010 ~~quality-improvement activities making recommendations to enhance~~  
 3011 ~~the delivery and quality of services in the Children's Medical~~  
 3012 ~~Services program.~~

3013 (18) To adopt rules pursuant to ss. 120.536(1) and 120.54  
 3014 to administer the Children's Medical Services Act. ~~The rules may~~  
 3015 ~~include requirements for definitions of terms, program~~  
 3016 ~~organization, and program description; a process for selecting~~  
 3017 ~~an area medical director; responsibilities of applicants and~~  
 3018 ~~clients; requirements for service applications, including~~  
 3019 ~~required medical and financial information; eligibility~~  
 3020 ~~requirements for initial treatment and for continued~~  
 3021 ~~eligibility, including financial and custody issues;~~  
 3022 ~~methodologies for resource development and allocation, including~~  
 3023 ~~medical and financial considerations; requirements for~~  
 3024 ~~reimbursement services rendered to a client; billing and payment~~

3025 ~~requirements for providers; requirements for qualification,~~  
 3026 ~~appointments, verification, and emergency exceptions for health-~~  
 3027 ~~professional consultants; general and diagnostic-specific~~  
 3028 ~~standards for diagnostic and treatment facilities; and standards~~  
 3029 ~~for the method of service delivery, including consultant~~  
 3030 ~~services, respect for privacy considerations, examination~~  
 3031 ~~requirements, family support plans, and clinic design.~~

3032 Section 76. Section 391.028, Florida Statutes, is amended  
 3033 to read:

3034 391.028 Administration. ~~The Children's Medical Services~~  
 3035 ~~program shall have a central office and area offices.~~

3036 (1) The Director of Children's Medical Services must be a  
 3037 physician licensed under chapter 458 or chapter 459 who has  
 3038 specialized training and experience in the provision of health  
 3039 care to children and who has recognized skills in leadership and  
 3040 the promotion of children's health programs. The director shall  
 3041 be the deputy secretary and the Deputy State Health Officer for  
 3042 Children's Medical Services and is appointed by and reports to  
 3043 the State Surgeon General. The director may appoint such other  
 3044 staff as necessary for the operation of the program ~~division~~  
 3045 ~~directors~~ subject to the approval of the State Surgeon General.

3046 (2) The director shall provide for operational system  
 3047 using such department staff and contract providers as necessary.  
 3048 The program shall implement the following program activities  
 3049 under physician supervision on a statewide basis ~~designate~~  
 3050 ~~Children's Medical Services area offices to perform operational~~  
 3051 ~~activities, including, but not limited to:~~

3052 (a) ~~Providing~~ Case management services for the network

3053 participants;~~-~~

3054 (b) Management and ~~Providing local~~ oversight of local ~~the~~

3055 program activities;~~-~~

3056 (c) ~~Determining an individual's~~ Medical and financial

3057 eligibility determination for the program in accordance with s.

3058 391.029;~~-~~

3059 (d) ~~Participating in the~~ Determination of a level of care

3060 and medical complexity for long-term care services;;~~-~~

3061 (e) Authorizing services in the program and developing

3062 spending plans;;~~-~~

3063 (f) ~~Participating in the~~ Development of treatment plans;;

3064 and;~~-~~

3065 (g) ~~Taking part in the~~ Resolution of complaints and

3066 grievances from participants and health care providers.

3067 (3) Each Children's Medical Services area office shall be

3068 directed by a physician licensed under chapter 458 or chapter

3069 459 who has specialized training and experience in the provision

3070 of health care to children. The director of a Children's Medical

3071 Services area office shall be appointed by the director from the

3072 active panel of Children's Medical Services physician

3073 consultants.

3074 Section 77. Section 391.029, Florida Statutes, is amended

3075 to read:

3076 391.029 Program eligibility.—

3077 (1) Eligibility ~~The department shall establish the medical~~

3078 ~~criteria to determine if an applicant~~ for the Children's Medical

3079 Services program is based on the diagnosis of one or more

3080 chronic and serious medical conditions and the family's need for

3081 specialized services ~~an eligible individual.~~

3082 (2) The following individuals are ~~financially~~ eligible to  
 3083 receive services through the program:

3084 (a) A high-risk pregnant female who is enrolled in  
 3085 ~~eligible for~~ Medicaid.

3086 (b) Children with serious special health care needs from  
 3087 birth to 21 years of age who are enrolled in ~~eligible for~~  
 3088 Medicaid.

3089 (c) Children with serious special health care needs from  
 3090 birth to 19 years of age who are enrolled in ~~eligible for~~ a  
 3091 program under Title XXI of the Social Security Act.

3092 (3) Subject to the availability of funds, the following  
 3093 individuals may receive services through the program:

3094 (a) Children with serious special health care needs from  
 3095 birth to 21 years of age who do not qualify for Medicaid or  
 3096 ~~whose family income is above the requirements for financial~~  
 3097 ~~eligibility under~~ Title XXI of the Social Security Act but who  
 3098 are unable to access, due to lack of providers or lack of  
 3099 financial resources, specialized services that are medically  
 3100 necessary or essential family support services ~~and whose~~  
 3101 ~~projected annual cost of care adjusts the family income to~~  
 3102 ~~Medicaid financial criteria.~~ Families ~~In cases where the family~~  
 3103 ~~income is adjusted based on a projected annual cost of care, the~~  
 3104 ~~family~~ shall participate financially in the cost of care based  
 3105 on a sliding fee scale ~~criteria~~ established by the department.

3106 (b) Children with special health care needs from birth to  
 3107 21 years of age, as provided in Title V of the Social Security  
 3108 Act.

3109 (c) An infant who receives an award of compensation under  
3110 s. 766.31(1). The Florida Birth-Related Neurological Injury  
3111 Compensation Association shall reimburse the Children's Medical  
3112 Services Network the state's share of funding, which must  
3113 thereafter be used to obtain matching federal funds under Title  
3114 XXI of the Social Security Act.

3115 ~~(4) The department shall determine the financial and~~  
3116 ~~medical eligibility of children for the program. The department~~  
3117 ~~shall also determine the financial ability of the parents, or~~  
3118 ~~persons or other agencies having legal custody over such~~  
3119 ~~individuals, to pay the costs of health services under the~~  
3120 ~~program. The department may pay reasonable travel expenses~~  
3121 ~~related to the determination of eligibility for or the provision~~  
3122 ~~of health services.~~

3123 (4)(5) Any child who has been provided with surgical or  
3124 medical care or treatment under this act prior to being adopted  
3125 and has serious and chronic special health needs shall continue  
3126 to be eligible to be provided with such care or treatment after  
3127 his or her adoption, regardless of the financial ability of the  
3128 persons adopting the child.

3129 Section 78. Section 391.0315, Florida Statutes, is amended  
3130 to read:

3131 391.0315 Benefits.—Benefits provided under the program for  
3132 children with special health care needs shall be equivalent to  
3133 ~~the same~~ benefits provided to children as specified in ss.  
3134 409.905 and 409.906. The department may offer additional  
3135 benefits for early intervention services, respite services,  
3136 genetic testing, genetic and nutritional counseling, and parent



3137 support services, if such services are determined to be  
 3138 medically necessary. ~~No child or person determined eligible for~~  
 3139 ~~the program who is eligible under Title XIX or Title XXI of the~~  
 3140 ~~Social Security Act shall receive any service other than an~~  
 3141 ~~initial health care screening or treatment of an emergency~~  
 3142 ~~medical condition as defined in s. 395.002, until such child or~~  
 3143 ~~person is enrolled in Medicaid or a Title XXI program.~~

3144 Section 79. Effective January 1, 2013, section 392.51,  
 3145 Florida Statutes, is amended to read:

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

3165 surveillance in all other cases. ~~The Legislature finds that the~~  
 3166 ~~delivery of Tuberculosis control services~~ shall be provided ~~is~~  
 3167 ~~best accomplished~~ by the coordinated efforts of the respective  
 3168 county health departments and contracted or other private health  
 3169 care providers, ~~the A.C. Holley State Hospital, and the private~~  
 3170 ~~health care delivery system.~~

3171 Section 80. Effective January 1, 2013, subsection (4) of  
 3172 section 392.61, Florida Statutes, is amended to read:

3173 392.61 Community tuberculosis control programs.—

3174 ~~(4) The department shall develop, by rule, a methodology~~  
 3175 ~~for distributing funds appropriated for tuberculosis control~~  
 3176 ~~programs. Criteria to be considered in this methodology include,~~  
 3177 ~~but are not limited to, the basic infrastructure available for~~  
 3178 ~~tuberculosis control, caseload requirements, laboratory support~~  
 3179 ~~services needed, and epidemiologic factors.~~

3180 Section 81. Effective January 1, 2013, section 392.62,  
 3181 Florida Statutes, is amended to read:

3182 392.62 Hospitalization and placement programs.—

3183 (1) The department shall contract for operation of ~~operate~~  
 3184 a program for the treatment hospitalization of persons who have  
 3185 active tuberculosis in hospitals licensed under chapter 395 and  
 3186 may provide for appropriate placement of persons who have active  
 3187 tuberculosis in other health care facilities or residential  
 3188 facilities. The department shall require the contractor to use  
 3189 existing licensed community hospitals and other facilities for  
 3190 the care and treatment to cure of persons who have active  
 3191 tuberculosis or a history of noncompliance with prescribed drug  
 3192 regimens and require inpatient or other residential services.

3193 ~~(2) The department may operate a licensed hospital for the~~  
 3194 ~~care and treatment to cure of persons who have active~~  
 3195 ~~tuberculosis. The hospital may have a forensic unit where, under~~  
 3196 ~~medical protocol, a patient can be held in a secure or~~  
 3197 ~~protective setting. The department shall also seek to maximize~~  
 3198 ~~use of existing licensed community hospitals for the care and~~  
 3199 ~~treatment to cure of persons who have active tuberculosis.~~

3200 (2)(3) The program for control of tuberculosis shall  
 3201 provide funding for participating facilities and require any  
 3202 such facilities to meet the following conditions Any licensed  
 3203 ~~hospital operated by the department, any licensed hospital under~~  
 3204 ~~contract with the department, and any other health care facility~~  
 3205 ~~or residential facility operated by or under contract with the~~  
 3206 ~~department for the care and treatment of patients who have~~  
 3207 ~~active tuberculosis shall:~~

3208 (a) Admit patients voluntarily and under court order as  
 3209 appropriate for each particular facility;

3210 (b) Require that each patient pay the actual cost of care  
 3211 provided whether the patient is admitted voluntarily or by court  
 3212 order;

3213 (c) Provide for ~~a method of paying for~~ the care of  
 3214 patients in the program regardless of ability to pay ~~who cannot~~  
 3215 ~~afford to do so;~~

3216 (d) Require a primary clinical diagnosis of active  
 3217 tuberculosis by a physician licensed under chapter 458 or  
 3218 chapter 459 before admitting the patient; provided that there  
 3219 may be more than one primary diagnosis;

3220 (e) Provide a method of notification to the county health

3221 department and to the patient's family, if any, before  
 3222 discharging the patient from the hospital or other facility;  
 3223 (f) Provide for the necessary exchange of medical  
 3224 information to assure adequate community treatment to cure and  
 3225 followup of discharged patients, as appropriate; and

3226 (g) Provide for a method of medical care and counseling  
 3227 and for housing, social service, and employment referrals, if  
 3228 appropriate, for ~~all~~ patients discharged from the hospital.

3229 (3)~~(4)~~ A hospital may, pursuant to court order, place a  
 3230 patient in temporary isolation for a period of no more than 72  
 3231 continuous hours. The department shall obtain a court order in  
 3232 the same manner as prescribed in s. 392.57. Nothing in this  
 3233 subsection precludes a hospital from isolating an infectious  
 3234 patient for medical reasons.

3235 (4)~~(5)~~ Any person committed under s. 392.57 who leaves the  
 3236 tuberculosis hospital or residential facility without having  
 3237 been discharged by the designated medical authority, except as  
 3238 provided in s. 392.63, shall be apprehended by the sheriff of  
 3239 the county in which the person is found and immediately  
 3240 delivered to the facility from which he or she left.

3241 Section 82. Subsection (1) of section 395.1027, Florida  
 3242 Statutes, is amended to read:

3243 395.1027 Regional poison control centers.—

3244 (1) There shall be created three certified regional poison  
 3245 control centers, one each in the north, central, and southern  
 3246 regions of the state. Each regional poison control center shall  
 3247 be affiliated with and physically located in a certified Level I  
 3248 trauma center. Each regional poison control center shall be

3249 affiliated with an accredited medical school or college of  
 3250 pharmacy. The regional poison control centers shall be  
 3251 coordinated under the aegis of the Division of Children's  
 3252 Medical Services ~~Prevention and Intervention~~ in the department.

3253       Section 83. The Department of Health shall develop and  
 3254 implement a transition plan for the closure of A.G. Holley State  
 3255 Hospital. The plan shall include specific steps to end voluntary  
 3256 admissions; transfer patients to alternate facilities;  
 3257 communicate with families, providers, other affected parties,  
 3258 and the general public; enter into any necessary contracts with  
 3259 providers; and coordinate with the Department of Management  
 3260 Services regarding the disposition of equipment and supplies and  
 3261 the closure of the facility; and the Agency for Health Care  
 3262 Administration is directed to modify its reimbursement plans and  
 3263 seek federal approval, if necessary, to continue Medicaid  
 3264 funding throughout the treatment period in community hospitals  
 3265 and other facilities. The plan shall be submitted to the  
 3266 Governor, the Speaker of the House of Representatives, and the  
 3267 President of the Senate by May 31, 2012. The department shall  
 3268 fully implement the plan by January 1, 2013.

3269       Section 84. Subsection (4) of section 401.243, Florida  
 3270 Statutes, is amended to read:

3271       401.243 Injury prevention.—The department shall establish  
 3272 an injury-prevention program with responsibility for the  
 3273 statewide coordination and expansion of injury-prevention  
 3274 activities. The duties of the department under the program may  
 3275 include, but are not limited to, data collection, surveillance,  
 3276 education, and the promotion of interventions. In addition, the

3277 department may:

3278 ~~(4) Adopt rules governing the implementation of grant~~  
 3279 ~~programs. The rules may include, but need not be limited to,~~  
 3280 ~~criteria regarding the application process, the selection of~~  
 3281 ~~grantees, the implementation of injury-prevention activities,~~  
 3282 ~~data collection, surveillance, education, and the promotion of~~  
 3283 ~~interventions.~~

3284 Section 85. Subsection (6) of section 401.245, Florida  
 3285 Statutes, is renumbered as subsection (5), and present  
 3286 subsection (5) of that section is amended to read:

3287 401.245 Emergency Medical Services Advisory Council.—

3288 ~~(5) The department shall adopt rules to implement this~~  
 3289 ~~section, which rules shall serve as formal operating procedures~~  
 3290 ~~for the Emergency Medical Services Advisory Council.~~

3291 Section 86. Section 401.271, Florida Statutes, is amended  
 3292 to read:

3293 401.271 Certification of emergency medical technicians and  
 3294 paramedics who are on active duty with the Armed Forces of the  
 3295 United States; spouses of members of the Armed Forces.—

3296 ~~(1)~~ Any member of the Armed Forces of the United States on  
 3297 active duty who, at the time he or she became a member, was in  
 3298 good standing with the department and was entitled to practice  
 3299 as an emergency medical technician or paramedic in the state  
 3300 remains in good standing without registering, paying dues or  
 3301 fees, or performing any other act, as long as he or she is a  
 3302 member of the Armed Forces of the United States on active duty  
 3303 and for a period of 6 months after his or her discharge from  
 3304 active duty as a member of the Armed Forces of the United

3305 States.

3306 ~~(2) The department may adopt rules exempting the spouse of~~  
 3307 ~~a member of the Armed Forces of the United States on active duty~~  
 3308 ~~from certification renewal provisions while the spouse is absent~~  
 3309 ~~from the state because of the member's active duty with the~~  
 3310 ~~Armed Forces.~~

3311 Section 87. Section 402.45, Florida Statutes is repealed.

3312 Section 88. Subsections (3) and (4) of section 403.863,  
 3313 Florida Statutes, are amended to read:

3314 403.863 State public water supply laboratory certification  
 3315 program.—

3316 (3) The Department of Health shall have the responsibility  
 3317 for the operation and implementation of the state laboratory  
 3318 certification program. The Department of Health shall contract  
 3319 for the evaluation and review of laboratory certification  
 3320 applications, and laboratory inspections. ~~, except that,~~ Upon  
 3321 completion of the evaluation and review of the laboratory  
 3322 certification application, the evaluation shall be forwarded,  
 3323 along with recommendations, to the department for review and  
 3324 comment, prior to final approval or disapproval by the  
 3325 Department of Health.

3326 (4) The following acts constitute grounds for which the  
 3327 disciplinary actions specified in subsection (5) may be taken:

3328 (a) Making false statements on an application or on any  
 3329 document associated with certification.

3330 (b) Making consistent errors in analyses or erroneous  
 3331 reporting.

3332 (c) Permitting personnel who are not qualified, as

3333 required by rules of the Department of Health, to perform  
 3334 analyses.

3335 (d) Falsifying the results of analyses.

3336 (e) Failing to employ approved laboratory methods in  
 3337 performing analyses as outlined in rules of the Department of  
 3338 Health.

3339 (f) Failing to properly maintain facilities and equipment  
 3340 according to the laboratory's quality assurance plan.

3341 (g) Failing to report analytical test results or maintain  
 3342 required records of test results as outlined in rules of the  
 3343 Department of Health.

3344 (h) Failing to participate successfully in a performance  
 3345 evaluation program approved by the Department of Health.

3346 (i) Violating any provision of this section or of the  
 3347 rules adopted under this section.

3348 (j) Falsely advertising services or credentials.

3349 (k) Failing to pay fees for initial certification or  
 3350 renewal certification or to pay inspection expenses incurred ~~by~~  
 3351 ~~the Department of Health.~~

3352 (l) Failing to report any change of an item included in  
 3353 the initial or renewal certification application.

3354 (m) Refusing to allow representatives of the department or  
 3355 the Department of Health to inspect a laboratory and its records  
 3356 during normal business hours.

3357 Section 89. Subsection (1) of section 400.914, Florida  
 3358 Statutes, is amended to read:

3359 400.914 Rules establishing standards.—

3360 (1) Pursuant to the intention of the Legislature to



3361 provide safe and sanitary facilities and healthful programs, the  
3362 agency in conjunction with the Division of Children's Medical  
3363 Services ~~Prevention and Intervention~~ of the Department of Health  
3364 shall adopt and publish rules to implement the provisions of  
3365 this part and part II of chapter 408, which shall include  
3366 reasonable and fair standards. Any conflict between these  
3367 standards and those that may be set forth in local, county, or  
3368 city ordinances shall be resolved in favor of those having  
3369 statewide effect. Such standards shall relate to:

3370 (a) The assurance that PPEC services are family centered  
3371 and provide individualized medical, developmental, and family  
3372 training services.

3373 (b) The maintenance of PPEC centers, not in conflict with  
3374 the provisions of chapter 553 and based upon the size of the  
3375 structure and number of children, relating to plumbing, heating,  
3376 lighting, ventilation, and other building conditions, including  
3377 adequate space, which will ensure the health, safety, comfort,  
3378 and protection from fire of the children served.

3379 (c) The appropriate provisions of the most recent edition  
3380 of the "Life Safety Code" (NFPA-101) shall be applied.

3381 (d) The number and qualifications of all personnel who  
3382 have responsibility for the care of the children served.

3383 (e) All sanitary conditions within the PPEC center and its  
3384 surroundings, including water supply, sewage disposal, food  
3385 handling, and general hygiene, and maintenance thereof, which  
3386 will ensure the health and comfort of children served.

3387 (f) Programs and basic services promoting and maintaining  
3388 the health and development of the children served and meeting

3389 the training needs of the children's legal guardians.

3390 (g) Supportive, contracted, other operational, and  
3391 transportation services.

3392 (h) Maintenance of appropriate medical records, data, and  
3393 information relative to the children and programs. Such records  
3394 shall be maintained in the facility for inspection by the  
3395 agency.

3396 Section 90. Paragraph (f) of subsection (8) of section  
3397 411.203, Florida Statutes, is amended to read:

3398 411.203 Continuum of comprehensive services.—The  
3399 Department of Education and the Department of Health and  
3400 Rehabilitative Services shall utilize the continuum of  
3401 prevention and early assistance services for high-risk pregnant  
3402 women and for high-risk and handicapped children and their  
3403 families, as outlined in this section, as a basis for the  
3404 intraagency and interagency program coordination, monitoring,  
3405 and analysis required in this chapter. The continuum shall be  
3406 the guide for the comprehensive statewide approach for services  
3407 for high-risk pregnant women and for high-risk and handicapped  
3408 children and their families, and may be expanded or reduced as  
3409 necessary for the enhancement of those services. Expansion or  
3410 reduction of the continuum shall be determined by intraagency or  
3411 interagency findings and agreement, whichever is applicable.  
3412 Implementation of the continuum shall be based upon applicable  
3413 eligibility criteria, availability of resources, and interagency  
3414 prioritization when programs impact both agencies, or upon  
3415 single agency prioritization when programs impact only one  
3416 agency. The continuum shall include, but not be limited to:

3417 (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND PARENTS  
 3418 OF HIGH-RISK CHILDREN.—

3419 (f) Parent support groups, such as ~~the community resource~~  
 3420 ~~mother or father program as established in s. 402.45,~~ or parents  
 3421 as first teachers, to strengthen families and to enable families  
 3422 of high-risk children to better meet their needs.

3423 Section 91. Paragraph (d) of subsection (11) of section  
 3424 409.256, Florida Statutes, is amended to read:

3425 409.256 Administrative proceeding to establish paternity  
 3426 or paternity and child support; order to appear for genetic  
 3427 testing.—

3428 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND  
 3429 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL  
 3430 STATISTICS.—

3431 (d) Upon rendering a final order of paternity or a final  
 3432 order of paternity and child support, the department shall  
 3433 notify the Office ~~Division~~ of Vital Statistics of the Department  
 3434 of Health that the paternity of the child has been established.

3435 Section 92. Section 458.346, Florida Statutes, is  
 3436 repealed.

3437 Section 93. Subsection (3) of section 462.19, Florida  
 3438 Statutes, is renumbered as subsection (2), and present  
 3439 subsection (2) of that section is amended to read:

3440 462.19 Renewal of license; inactive status.—

3441 ~~(2) The department shall adopt rules establishing a~~  
 3442 ~~procedure for the biennial renewal of licenses.~~

3443 Section 94. Subsection (6) of section 464.019, Florida  
 3444 Statutes, is amended to read:

3445 | 464.019 Approval of nursing education programs.—  
 3446 | (6) ACCOUNTABILITY.—  
 3447 | (a)1. An approved program must achieve a graduate passage  
 3448 | rate that is not lower than 10 percentage points less than the  
 3449 | average passage rate for graduates of comparable degree programs  
 3450 | who are United States educated first-time test takers on the  
 3451 | National Council of State Boards of Nursing Licensing  
 3452 | Examination during a calendar year, as calculated by the  
 3453 | contract testing service of the National Council of State Boards  
 3454 | of Nursing. For purposes of this subparagraph, an approved  
 3455 | program is comparable to all degree programs of the same program  
 3456 | type from among the following program types:  
 3457 | a. Professional nursing education programs that terminate  
 3458 | in a bachelor's degree.  
 3459 | b. Professional nursing education programs that terminate  
 3460 | in an associate degree.  
 3461 | c. Professional nursing education programs that terminate  
 3462 | in a diploma.  
 3463 | d. Practical nursing education programs.  
 3464 | 2. Beginning with graduate passage rates for calendar year  
 3465 | 2010, if an approved program's graduate passage rates do not  
 3466 | equal or exceed the required passage rates for 2 consecutive  
 3467 | calendar years, the board shall place the program on  
 3468 | probationary status pursuant to chapter 120 and the program  
 3469 | director must appear before the board to present a plan for  
 3470 | remediation. The program shall remain on probationary status  
 3471 | until it achieves a graduate passage rate that equals or exceeds  
 3472 | the required passage rate for any 1 calendar year. The board

3473 shall deny a program application for a new prelicensure nursing  
3474 education program submitted by an educational institution if the  
3475 institution has an existing program that is already on  
3476 probationary status.

3477 3. Upon the program's achievement of a graduate passage  
3478 rate that equals or exceeds the required passage rate, the  
3479 board, at its next regularly scheduled meeting following release  
3480 of the program's graduate passage rate by the National Council  
3481 of State Boards of Nursing, shall remove the program's  
3482 probationary status. However, if the program, during the 2  
3483 calendar years following its placement on probationary status,  
3484 does not achieve the required passage rate for any 1 calendar  
3485 year, the board shall terminate the program pursuant to chapter  
3486 120.

3487 (b) If an approved program fails to submit the annual  
3488 report required in subsection (4), the board shall notify the  
3489 program director and president or chief executive officer of the  
3490 educational institution in writing within 15 days after the due  
3491 date of the annual report. The program director must appear  
3492 before the board at the board's next regularly scheduled meeting  
3493 to explain the reason for the delay. The board shall terminate  
3494 the program pursuant to chapter 120 if it does not submit the  
3495 annual report within 6 months after the due date.

3496 (c) An approved program on probationary status shall  
3497 disclose its probationary status in writing to the program's  
3498 students and applicants.

3499 Section 95. Section 464.0197, Florida Statutes, is  
3500 repealed.

3501 Section 96. Subsection (1) of section 464.203, Florida  
 3502 Statutes, is amended to read:

3503 464.203 Certified nursing assistants; certification  
 3504 requirement.—

3505 (1) The board shall issue a certificate to practice as a  
 3506 certified nursing assistant to any person who demonstrates a  
 3507 minimum competency to read and write and successfully passes the  
 3508 required background screening pursuant to s. 400.215 and meets  
 3509 one of the following requirements:

3510 (a) Has successfully completed an approved training  
 3511 program and achieved a minimum score, established by rule of the  
 3512 board, on the nursing assistant competency examination, which  
 3513 consists of a written portion and skills-demonstration portion  
 3514 approved by the board and administered at a site and by  
 3515 personnel approved by the department.

3516 (b) Has achieved a minimum score, established by rule of  
 3517 the board, on the nursing assistant competency examination,  
 3518 which consists of a written portion and skills-demonstration  
 3519 portion, approved by the board and administered at a site and by  
 3520 personnel approved by the department and:

- 3521 1. Has a high school diploma, or its equivalent; or
- 3522 2. Is at least 18 years of age.

3523 (c) Is currently certified in another state; is listed on  
 3524 that state's certified nursing assistant registry; and has not  
 3525 been found to have committed abuse, neglect, or exploitation in  
 3526 that state.

3527 (d) Has completed the curriculum developed under the  
 3528 Enterprise Florida Jobs and Education Partnership Grant ~~by the~~

3529 ~~Department of Education~~ and achieved a minimum score,  
 3530 established by rule of the board, on the nursing assistant  
 3531 competency examination, which consists of a written portion and  
 3532 skills-demonstration portion, approved by the board and  
 3533 administered at a site and by personnel approved by the  
 3534 department.

3535 Section 97. Subsection (4) of section 464.208, Florida  
 3536 Statutes, is amended to read:

3537 464.208 Background screening information; rulemaking  
 3538 authority.—

3539 ~~(4) The board shall adopt rules to administer this part.~~

3540 Section 98. Section 466.00775, Florida Statutes, is  
 3541 repealed.

3542 Section 99. Subsection (4) of section 514.011, Florida  
 3543 Statutes, is amended to read:

3544 514.011 Definitions.—As used in this chapter:

3545 (4) "Public bathing place" means a body of water, natural  
 3546 or modified by humans, for swimming, diving, and recreational  
 3547 bathing, ~~together with adjacent shoreline or land area,~~  
 3548 ~~buildings, equipment, and appurtenances pertaining thereto,~~ used  
 3549 by consent of the owner or owners and held out to the public by  
 3550 any person or public body, irrespective of whether a fee is  
 3551 charged for the use thereof. The bathing water areas of public  
 3552 bathing places include, but are not limited to, lakes, ponds,  
 3553 rivers, streams, artificial impoundments, and waters along the  
 3554 coastal and intracoastal beaches and shores of the state.

3555 Section 100. Section 514.021, Florida Statutes, is amended  
 3556 to read:

3557           514.021 Department authorization.—

3558           (1) The department may adopt and enforce rules, ~~which may~~

3559 ~~include definitions of terms,~~ to protect the health, safety, or

3560 welfare of persons by setting sanitation and safety standards

3561 for using public swimming pools and public bathing places. The

3562 department shall review and revise such rules as necessary, but

3563 not less than biennially. Sanitation and safety standards shall

3564 ~~include, but not be limited to,~~ matters relating to ~~structure;~~

3565 ~~appurtenances; operation;~~ source of water supply;

3566 microbiological ~~bacteriological,~~ chemical, and physical quality

3567 of water in the pool or bathing area; method of water

3568 purification, treatment, and disinfection; lifesaving apparatus;

3569 and measures to ensure safety of bathers; ~~and measures to ensure~~

3570 ~~the personal cleanliness of bathers.~~

3571           (2) The department may not establish by rule any

3572 regulation governing the design, alteration, modification, or

3573 repair of public swimming pools and bathing places which has no

3574 impact on sanitation and safety ~~the health, safety, and welfare~~

3575 of persons using public swimming pools and bathing places.

3576 Further, the department may not adopt by rule any regulation

3577 governing the construction, erection, or demolition of public

3578 swimming pools and bathing places. It is the intent of the

3579 Legislature to preempt those functions to the Florida Building

3580 Commission through adoption and maintenance of the Florida

3581 Building Code. The department shall provide technical assistance

3582 to the commission in updating the construction standards of the

3583 Florida Building Code which govern public swimming pools ~~and~~

3584 ~~bathing places. Further, the department is authorized to conduct~~



3585 ~~plan reviews, to issue approvals, and to enforce the special-~~  
3586 ~~occupancy provisions of the Florida Building Code which apply to~~  
3587 ~~public swimming pools and bathing places in conducting any~~  
3588 ~~inspections authorized by this chapter.~~ This subsection does not  
3589 abrogate the authority of the department to adopt and enforce  
3590 appropriate sanitary regulations and requirements as authorized  
3591 in subsection (1).

3592 Section 101. Section 514.023, Florida Statutes, is amended  
3593 to read:

3594 514.023 Sampling of beach waters and public bathing  
3595 places; health advisories.—

3596 (1) As used in this section, the term "beach waters" means  
3597 the waters along the coastal and intracoastal beaches and shores  
3598 of the state, and includes salt water and brackish water.

3599 (2) The department may adopt and enforce rules to protect  
3600 the health, safety, and welfare of persons using the beach  
3601 waters and public bathing places of the state. The rules must  
3602 establish health standards and prescribe procedures and  
3603 timeframes for bacteriological sampling of beach waters and  
3604 public bathing places.

3605 (3) The department may issue health advisories if the  
3606 quality of beach waters or a public bathing place fails to meet  
3607 standards established by the department. The issuance of health  
3608 advisories related to the results of bacteriological sampling of  
3609 beach waters is preempted to the state.

3610 (4) When the department issues a health advisory against  
3611 swimming in beach waters or a public bathing place on the basis  
3612 of finding elevated levels of fecal coliform, Escherichia coli,

3613 or enterococci bacteria in a water sample, the department shall  
 3614 concurrently notify the municipality or county in which the  
 3615 affected beach waters are located, whichever has jurisdiction,  
 3616 and the local office of the Department of Environmental  
 3617 Protection, of the advisory. The local office of the Department  
 3618 of Environmental Protection shall promptly investigate  
 3619 wastewater treatment facilities within 1 mile of the affected  
 3620 beach waters or public bathing place to determine if a facility  
 3621 experienced an incident that may have contributed to the  
 3622 contamination and provide the results of the investigation in  
 3623 writing or by electronic means to the municipality or county, as  
 3624 applicable.

3625 ~~(5) Contingent upon legislative appropriation to the~~  
 3626 ~~department in the amount of \$600,000 nonrecurring, the~~  
 3627 ~~department will perform a 3-year study to determine the water~~  
 3628 ~~quality at beaches throughout the state. The study will be~~  
 3629 ~~performed in all counties that have public-access saltwater and~~  
 3630 ~~brackish water beaches.~~

3631 Section 102. Section 514.025, Florida Statutes, is amended  
 3632 to read:

3633 514.025 Assignment of authority to county health  
 3634 departments.—

3635 (1) The department shall assign to county health  
 3636 departments that are staffed with qualified engineering  
 3637 personnel shall perform the functions of reviewing applications  
 3638 and plans for the construction, development, or modification of  
 3639 public swimming pools or bathing places; of conducting  
 3640 inspections ~~for and issuance of initial operating permits; and~~

3641 of issuing all permits. If the county health department  
 3642 determines that qualified staff are not available ~~is not~~  
 3643 ~~assigned the functions of application and plan review and the~~  
 3644 ~~issuance of initial operating permits,~~ the department shall be  
 3645 responsible for such functions. ~~The department shall make the~~  
 3646 ~~determination concerning the qualifications of county health~~  
 3647 ~~department personnel to perform these functions and may make and~~  
 3648 ~~enforce such rules pertaining thereto as it shall deem proper.~~

3649 (2) ~~After the initial operating permit is issued, the~~  
 3650 County health departments are responsible ~~shall assume full~~  
 3651 ~~responsibility~~ for routine surveillance of water quality in all  
 3652 public swimming pools and bathing places, including  
 3653 ~~responsibility for a minimum of two~~ routine inspections  
 3654 annually, complaint investigations, enforcement procedures, and  
 3655 ~~reissuance of operating permits, and renewal of operating~~  
 3656 permits.

3657 (3) The department may assign the responsibilities and  
 3658 functions specified in this section to any multicounty  
 3659 independent special district created by the Legislature to  
 3660 perform multiple functions, to include municipal services and  
 3661 improvements, to the same extent and under the same conditions  
 3662 as provided in subsections (1) and (2), upon request of the  
 3663 special district.

3664 Section 103. Section 514.03, Florida Statutes, is amended  
 3665 to read:

3666 514.03 ~~Construction plans~~ Approval necessary to construct,  
 3667 develop, or modify public swimming pools or public bathing  
 3668 places. ~~It is unlawful for any person or public body to~~

3669 ~~construct, develop, or modify any public swimming pool or~~  
 3670 ~~bathing place, other than coastal or intracoastal beaches,~~  
 3671 ~~without a valid construction plans approval from the department.~~  
 3672 ~~This section does not preempt the authority of Local governments~~  
 3673 ~~or local enforcement districts may determine to conduct plan~~  
 3674 ~~reviews and inspections of public swimming pools and bathing~~  
 3675 ~~places for compliance with the general construction standards of~~  
 3676 ~~the Florida Building Code, pursuant to s. 553.80. Local~~  
 3677 ~~governments or local enforcement districts may conduct plan~~  
 3678 ~~reviews and inspections of public swimming pools and public~~  
 3679 ~~bathing places for this purpose.~~

3680 ~~(1) Any person or public body desiring to construct,~~  
 3681 ~~develop, or modify any public swimming pool or bathing place~~  
 3682 ~~shall file an application for a construction plans approval with~~  
 3683 ~~the department on application forms provided by the department~~  
 3684 ~~and shall accompany such application with:~~

3685 ~~(a) Engineering drawings, specifications, descriptions,~~  
 3686 ~~and detailed maps of the structure, its appurtenances, and its~~  
 3687 ~~intended operation.~~

3688 ~~(b) A description of the source or sources of water supply~~  
 3689 ~~and amount and quality of water available and intended to be~~  
 3690 ~~used.~~

3691 ~~(c) A description of the method and manner of water~~  
 3692 ~~purification, treatment, disinfection, and heating.~~

3693 ~~(d) Other applicable information deemed necessary by the~~  
 3694 ~~department to fulfill the requirements of this chapter.~~

3695 ~~(2) If the proposed construction of, development of, or~~  
 3696 ~~modification of a public swimming pool or bathing place meets~~

3697 ~~standards of public health and safety as defined in this chapter~~  
 3698 ~~and rules adopted hereunder, the department shall grant the~~  
 3699 ~~application for the construction plans approval within 30 days~~  
 3700 ~~after receipt of a complete submittal. If engineering plans~~  
 3701 ~~submitted are in substantial compliance with the standards~~  
 3702 ~~aforementioned, the department may approve the plans with~~  
 3703 ~~provisions for corrective action to be completed prior to~~  
 3704 ~~issuance of the operating permit.~~

3705 ~~(3) If the proposed construction, development, or~~  
 3706 ~~modification of a public swimming pool or bathing place fails to~~  
 3707 ~~meet standards of public health and safety as defined in this~~  
 3708 ~~chapter and rules adopted hereunder, the department shall deny~~  
 3709 ~~the application for construction plans approval pursuant to the~~  
 3710 ~~provisions of chapter 120. Such denial shall be issued in~~  
 3711 ~~writing within 30 days and shall list the circumstances for~~  
 3712 ~~denial. Upon correction of such circumstances, an applicant~~  
 3713 ~~previously denied permission to construct, develop, or modify a~~  
 3714 ~~public swimming pool or bathing place may reapply for~~  
 3715 ~~construction plans approval.~~

3716 ~~(4) An approval of construction plans issued by the~~  
 3717 ~~department under this section becomes void 1 year after the date~~  
 3718 ~~the approval was issued if the construction is not commenced~~  
 3719 ~~within 1 year after the date of issuance.~~

3720 Section 104. Section 514.031, Florida Statutes, is amended  
 3721 to read:

3722 514.031 Permit necessary to operate public swimming pool  
 3723 or bathing place.—

3724 (1) It is unlawful for any person or public body to

3725 operate or continue to operate any public swimming pool ~~or~~  
 3726 ~~bathing place~~ without a valid permit from the department, such  
 3727 permit to be obtained in the following manner:

3728 (a) Any person or public body desiring to operate any  
 3729 public swimming pool ~~or bathing place~~ shall file an application  
 3730 for a permit with the department, on application forms provided  
 3731 by the department, and shall accompany such application with:

3732 ~~1. Descriptions of the structure, its appurtenances, and~~  
 3733 ~~its operation.~~

3734 1.2. Description of the source or sources of water supply,  
 3735 and the amount and quality of water available and intended to be  
 3736 used.

3737 2.3. Method and manner of water purification, treatment,  
 3738 disinfection, and heating.

3739 3.4. Safety equipment and standards to be used.

3740 ~~5. Measures to ensure personal cleanliness of bathers.~~

3741 4.6. Any other pertinent information deemed necessary by  
 3742 the department ~~to fulfill the requirements of this chapter.~~

3743 (b) If the department determines that the public swimming  
 3744 pool ~~or bathing place~~ is or may reasonably be expected to be  
 3745 operated in compliance with this chapter and the rules adopted  
 3746 hereunder, the department shall grant the application for  
 3747 permit.

3748 (c) If the department determines that the public swimming  
 3749 pool ~~or bathing place~~ does not meet the provisions outlined in  
 3750 this chapter or the rules adopted hereunder, the department  
 3751 shall deny the application for a permit pursuant to the  
 3752 provisions of chapter 120. Such denial shall be in writing and

3753 shall list the circumstances for the denial. Upon correction of  
3754 such circumstances, an applicant previously denied permission to  
3755 operate a public swimming pool or bathing place may reapply for  
3756 a permit.

3757 (2) Operating permits shall not be required for coastal or  
3758 intracoastal beaches.

3759 (3) Operating permits may be transferred ~~shall not be~~  
3760 ~~transferable~~ from one name or owner to another. When the  
3761 ownership or name of an existing public swimming pool ~~or bathing~~  
3762 ~~place~~ is changed and such establishment is operating at the time  
3763 of the change with a valid permit from the department, the new  
3764 owner of the establishment shall apply to the department, upon  
3765 forms provided by the department, within 30 days after such a  
3766 change, ~~for a reissuance of the existing permit.~~

3767 (4) Each such operating permit shall be renewed annually  
3768 and the permit must be posted in a conspicuous place.

3769 (5) An owner or operator of a public swimming pool,  
3770 including, but not limited to, a spa, wading, or special purpose  
3771 pool, to which admittance is obtained by membership for a fee  
3772 shall post in a prominent location within the facility the most  
3773 recent pool inspection report issued by the department  
3774 pertaining to the health and safety conditions of such facility.  
3775 The report shall be legible and readily accessible to members or  
3776 potential members. The department shall adopt rules to enforce  
3777 this subsection. A portable pool may not be used as a public  
3778 pool.

3779 Section 105. Section 514.033, Florida Statutes, is amended  
3780 to read:

3781 514.033 Creation of fee schedules authorized.—

3782 (1) The department is authorized to establish a schedule  
3783 of fees to be charged by the department or by any authorized  
3784 county health department as detailed in s. 514.025 ~~for the~~  
3785 ~~review of applications and plans to construct, develop, or~~  
3786 ~~modify a public swimming pool or bathing place, for the issuance~~  
3787 ~~of permits to operate such establishments, and for the review of~~  
3788 ~~variance applications for public swimming pools and bathing~~  
3789 ~~places.~~ Fees assessed under this chapter shall be in an amount  
3790 sufficient to meet the cost of carrying out the provisions of  
3791 this chapter.

3792 (2) The fee schedule shall be: for original construction  
3793 or development plan approval, not less than \$275 and not more  
3794 than \$500; for modification of original construction, not less  
3795 than \$100 and not more than \$150; for an initial operating  
3796 permit, not less than \$125 and not more than \$250; and for  
3797 review of variance applications, not less than \$240 and not more  
3798 than \$400. The department shall assess the minimum fees provided  
3799 in this subsection until a fee schedule is promulgated by rule  
3800 of the department.

3801 (3) Fees shall be ~~Any person or public body operating a~~  
3802 ~~public swimming pool or bathing place shall pay to the~~  
3803 ~~department an annual operating permit fee based on pool or~~  
3804 ~~bathing place~~ aggregate gallonage, which shall be: up to and  
3805 including 25,000 gallons, not less than \$75 and not more than  
3806 \$125; and in excess of 25,000 gallons, not less than \$160 and  
3807 not more than \$265, except for a pool inspected pursuant to s.  
3808 514.0115(2)(b) for which the annual fee shall be \$50.



3809 (4) Fees collected by the department in accordance with  
 3810 this chapter shall be deposited into the Grants and Donations  
 3811 Trust Fund or ~~Public Swimming Pool and Bathing Place Trust Fund~~  
 3812 ~~for the payment of costs incurred in the administration of this~~  
 3813 ~~chapter. Fees collected by county health departments performing~~  
 3814 ~~functions pursuant to s. 514.025 shall be deposited into the~~  
 3815 County Health Department Trust Fund. Any fee collected under  
 3816 this chapter is nonrefundable.

3817 (5) The department may not charge any fees for services  
 3818 provided under this chapter other than those fees authorized in  
 3819 this section. However, the department shall prorate the initial  
 3820 annual fee for an operating permit on a half-year basis.

3821 Section 106. Subsections (4) and (5) of section 514.05,  
 3822 Florida Statutes, are amended to read:

3823 514.05 Denial, suspension, or revocation of permit;  
 3824 administrative fines.—

3825 (4) All amounts collected pursuant to this section shall  
 3826 be deposited into the Grants and Donations Trust Fund ~~Public~~  
 3827 ~~Swimming Pool and Bathing Place Trust Fund~~ or into the County  
 3828 Health Department Trust Fund, whichever is applicable.

3829 (5) Under conditions specified by rule, the department may  
 3830 close a public pool that is not in compliance with this chapter  
 3831 or the rules adopted under this chapter.

3832 Section 107. Section 514.06, Florida Statutes, is amended  
 3833 to read:

3834 514.06 Injunction to restrain violations.—Any public  
 3835 swimming pool or public bathing place presenting a significant  
 3836 risk to public health by failing to meet the water quality and

3837 safety standards established pursuant to ~~constructed, developed,~~  
3838 ~~operated, or maintained contrary to the provisions of this~~  
3839 chapter is declared to be a public nuisance, dangerous to health  
3840 or safety. Such nuisances may be abated or enjoined in an action  
3841 brought by the county health department or the department.

3842 Section 108. Subsections (1) and (2) of section 633.115,  
3843 Florida Statutes, are amended to read:

3844 633.115 Fire and Emergency Incident Information Reporting  
3845 Program; duties; fire reports.—

3846 (1) (a) The Fire and Emergency Incident Information  
3847 Reporting Program is created within the Division of State Fire  
3848 Marshal. The program shall:

3849 1. Establish and maintain an electronic communication  
3850 system capable of transmitting fire and emergency incident  
3851 information to and between fire protection agencies.

3852 2. Initiate a Fire and Emergency Incident Information  
3853 Reporting System that shall be responsible for:

3854 a. Receiving fire and emergency incident information from  
3855 fire protection agencies.

3856 b. Preparing and disseminating annual reports to the  
3857 Governor, the President of the Senate, the Speaker of the House  
3858 of Representatives, fire protection agencies, and, upon request,  
3859 the public. Each report shall include, but not be limited to,  
3860 the information listed in the National Fire Incident Reporting  
3861 System.

3862 c. Upon request, providing other states and federal  
3863 agencies with fire and emergency incident data of this state.

3864 3. Adopt rules to effectively and efficiently implement,

3865 administer, manage, maintain, and use the Fire and Emergency  
 3866 Incident Information Reporting Program. The rules shall be  
 3867 considered minimum requirements and shall not preclude a fire  
 3868 protection agency from implementing its own requirements which  
 3869 shall not conflict with the rules of the Division of State Fire  
 3870 Marshal.

3871 4. By rule, establish procedures and a format for each  
 3872 fire protection agency to voluntarily monitor its records and  
 3873 submit reports to the program.

3874 5. Establish an electronic information database which is  
 3875 accessible and searchable by fire protection agencies.

3876 (b) The Division of State Fire Marshal shall consult with  
 3877 the Division of Forestry of the Department of Agriculture and  
 3878 Consumer Services and the Division ~~Bureau~~ of Emergency  
 3879 Preparedness and Community Support ~~Medical Services~~ of the  
 3880 Department of Health to coordinate data, ensure accuracy of the  
 3881 data, and limit duplication of efforts in data collection,  
 3882 analysis, and reporting.

3883 (2) The Fire and Emergency Incident Information System  
 3884 Technical Advisory Panel is created within the Division of State  
 3885 Fire Marshal. The panel shall advise, review, and recommend to  
 3886 the State Fire Marshal with respect to the requirements of this  
 3887 section. The membership of the panel shall consist of the  
 3888 following 15 members:

3889 (a) The current 13 members of the Firefighters Employment,  
 3890 Standards, and Training Council as established in s. 633.31.

3891 (b) One member from the Division of Forestry of the  
 3892 Department of Agriculture and Consumer Services, appointed by

3893 | the division director.

3894 |       (c) One member from the Division ~~Bureau~~ of Emergency  
 3895 | Preparedness and Community Support ~~Medical Services~~ of the  
 3896 | Department of Health, appointed by the division director ~~bureau~~  
 3897 | ~~chief~~.

3898 |       Section 109. Subsections (4), (5), (6), (8), (9), (10),  
 3899 | (11), and (12) of section 1009.66, Florida Statutes, are amended  
 3900 | to read:

3901 |       1009.66 Nursing Student Loan Forgiveness Program.—

3902 |       (4) From the funds available, the Department of Education  
 3903 | ~~Health~~ may make loan principal repayments of up to \$4,000 a year  
 3904 | for up to 4 years on behalf of selected graduates of an  
 3905 | accredited or approved nursing program. All repayments shall be  
 3906 | contingent upon continued proof of employment in the designated  
 3907 | facilities in this state and shall be made directly to the  
 3908 | holder of the loan. The state shall bear no responsibility for  
 3909 | the collection of any interest charges or other remaining  
 3910 | balance. In the event that the designated facilities are  
 3911 | changed, a nurse shall continue to be eligible for loan  
 3912 | forgiveness as long as he or she continues to work in the  
 3913 | facility for which the original loan repayment was made and  
 3914 | otherwise meets all conditions of eligibility.

3915 |       (5) There is created the Nursing Student Loan Forgiveness  
 3916 | Trust Fund to be administered by the Department of Education  
 3917 | ~~Health~~ pursuant to this section and s. 1009.67 and department  
 3918 | rules. The Chief Financial Officer shall authorize expenditures  
 3919 | from the trust fund upon receipt of vouchers approved by the  
 3920 | Department of Education ~~Health~~. All moneys collected from the

3921 private health care industry and other private sources for the  
 3922 purposes of this section shall be deposited into the Nursing  
 3923 Student Loan Forgiveness Trust Fund. Any balance in the trust  
 3924 fund at the end of any fiscal year shall remain therein and  
 3925 shall be available for carrying out the purposes of this section  
 3926 and s. 1009.67.

3927 (6) In addition to licensing fees imposed under part I of  
 3928 chapter 464, there is hereby levied and imposed an additional  
 3929 fee of \$5, which fee shall be paid upon licensure or renewal of  
 3930 nursing licensure. Revenues collected from the fee imposed in  
 3931 this subsection shall be deposited in the Nursing Student Loan  
 3932 Forgiveness Trust Fund of the Department of Education ~~Health~~ and  
 3933 will be used solely for the purpose of carrying out the  
 3934 provisions of this section and s. 1009.67. Up to 50 percent of  
 3935 the revenues appropriated to implement this subsection may be  
 3936 used for the nursing scholarship program established pursuant to  
 3937 s. 1009.67.

3938 ~~(8) The Department of Health may solicit technical~~  
 3939 ~~assistance relating to the conduct of this program from the~~  
 3940 ~~Department of Education.~~

3941 ~~(8)-(9)~~ The Department of Education ~~Health~~ is authorized to  
 3942 recover from the Nursing Student Loan Forgiveness Trust Fund its  
 3943 costs for administering the Nursing Student Loan Forgiveness  
 3944 Program.

3945 ~~(9)-(10)~~ The Department of Education ~~Health~~ may adopt rules  
 3946 necessary to administer this program.

3947 ~~(10)-(11)~~ This section shall be implemented only as  
 3948 specifically funded.

3949            ~~(11)-(12)~~ Students receiving a nursing scholarship pursuant  
3950 to s. 1009.67 are not eligible to participate in the Nursing  
3951 Student Loan Forgiveness Program.

3952            Section 110. Section 1009.67, Florida Statutes, is amended  
3953 to read:

3954            1009.67 Nursing scholarship program.—

3955            (1) There is established within the Department of  
3956 Education ~~Health~~ a scholarship program for the purpose of  
3957 attracting capable and promising students to the nursing  
3958 profession.

3959            (2) A scholarship applicant shall be enrolled in an  
3960 approved nursing program leading to the award of an associate  
3961 degree, a baccalaureate degree, or a graduate degree in nursing.

3962            (3) A scholarship may be awarded for no more than 2 years,  
3963 in an amount not to exceed \$8,000 per year. However, registered  
3964 nurses pursuing a graduate degree for a faculty position or to  
3965 practice as an advanced registered nurse practitioner may  
3966 receive up to \$12,000 per year. These amounts shall be adjusted  
3967 by the amount of increase or decrease in the consumer price  
3968 index for urban consumers published by the United States  
3969 Department of Commerce.

3970            (4) Credit for repayment of a scholarship shall be as  
3971 follows:

3972            (a) For each full year of scholarship assistance, the  
3973 recipient agrees to work for 12 months in a faculty position in  
3974 a college of nursing or Florida College System institution  
3975 nursing program in this state or at a health care facility in a  
3976 medically underserved area as designated ~~approved~~ by the

3977 Department of Health. Scholarship recipients who attend school  
 3978 on a part-time basis shall have their employment service  
 3979 obligation prorated in proportion to the amount of scholarship  
 3980 payments received.

3981 (b) Eligible health care facilities include nursing homes  
 3982 and hospitals in this state, state-operated medical or health  
 3983 care facilities, public schools, county health departments,  
 3984 federally sponsored community health centers, colleges of  
 3985 nursing in universities in this state, and Florida College  
 3986 System institution nursing programs in this state, family  
 3987 practice teaching hospitals as defined in s. 395.805, or  
 3988 specialty children's hospitals as described in s. 409.9119. The  
 3989 recipient shall be encouraged to complete the service obligation  
 3990 at a single employment site. If continuous employment at the  
 3991 same site is not feasible, the recipient may apply to the  
 3992 department for a transfer to another approved health care  
 3993 facility.

3994 (c) Any recipient who does not complete an appropriate  
 3995 program of studies, who does not become licensed, who does not  
 3996 accept employment as a nurse at an approved health care  
 3997 facility, or who does not complete 12 months of approved  
 3998 employment for each year of scholarship assistance received  
 3999 shall repay to the Department of Education ~~Health~~, on a schedule  
 4000 to be determined by the department, the entire amount of the  
 4001 scholarship plus 18 percent interest accruing from the date of  
 4002 the scholarship payment. Moneys repaid shall be deposited into  
 4003 the Nursing Student Loan Forgiveness Trust Fund established in  
 4004 s. 1009.66. However, the department may provide additional time

4005 for repayment if the department finds that circumstances beyond  
 4006 the control of the recipient caused or contributed to the  
 4007 default.

4008 (5) Scholarship payments shall be transmitted to the  
 4009 recipient upon receipt of documentation that the recipient is  
 4010 enrolled in an approved nursing program. The Department of  
 4011 Education ~~Health~~ shall develop a formula to prorate payments to  
 4012 scholarship recipients so as not to exceed the maximum amount  
 4013 per academic year.

4014 (6) The Department of Education ~~Health~~ shall adopt rules,  
 4015 including rules to address extraordinary circumstances that may  
 4016 cause a recipient to default on either the school enrollment or  
 4017 employment contractual agreement, to implement this section.

4018 (7) The Department of Education ~~Health~~ may recover from  
 4019 the Nursing Student Loan Forgiveness Trust Fund its costs for  
 4020 administering the nursing scholarship program.

4021 Section 111. Department of Health; type two transfer.—

4022 (1) All powers, duties, functions, records, offices,  
 4023 personnel, associated administrative support positions,  
 4024 property, pending issues, existing contracts, administrative  
 4025 authority, administrative rules, and unexpended balances of  
 4026 appropriations, allocations, and other funds relating to the  
 4027 Nursing Student Loan Forgiveness Program and the nursing  
 4028 scholarship program in the Department of Health are transferred  
 4029 by a type two transfer, as defined in s. 20.06(2), Florida  
 4030 Statutes, to the Department of Education.

4031 (2) The Nursing Student Loan Forgiveness Trust Fund is  
 4032 transferred from the Department of Health to the Department of



4033 Education.

4034 (3) Any binding contract or interagency agreement related  
 4035 to the Nursing Student Loan Forgiveness Program existing before  
 4036 July 1, 2012, between the Department of Health, or an entity or  
 4037 agent of the agency, and any other agency, entity, or person  
 4038 shall continue as a binding contract or agreement for the  
 4039 remainder of the term of such contract or agreement on the  
 4040 successor department, agency, or entity responsible for the  
 4041 program, activity, or functions relative to the contract or  
 4042 agreement.

4043 (4) Notwithstanding s. 216.292 and pursuant to s. 216.351,  
 4044 Florida Statutes, upon approval by the Legislative Budget  
 4045 Commission, the Executive Office of the Governor may transfer  
 4046 funds and positions between agencies to implement this act.

4047 (5) The transfer of any program, activity, duty, or  
 4048 function under this act includes the transfer of any records and  
 4049 unexpended balances of appropriations, allocations, or other  
 4050 funds related to such program, activity, duty, or function.  
 4051 Unless otherwise provided, the successor organization to any  
 4052 program, activity, duty, or function transferred under this act  
 4053 shall become the custodian of any property of the organization  
 4054 that was responsible for the program, activity, duty, or  
 4055 function immediately before the transfer.

4056 Section 112. The Division of Medical Quality Assurance  
 4057 shall develop a plan to improve the efficiency of its functions.  
 4058 Specifically, the plan shall delineate methods to: reduce the  
 4059 average length of time for a qualified applicant to receive  
 4060 initial and renewal licensure, certification, or registration,

4061 by one-third; improve the agenda process for board meetings to  
 4062 increase transparency, timeliness, and usefulness for board  
 4063 decisionmaking; and improve the cost-effectiveness and  
 4064 efficiency of the joint functions of the division and the  
 4065 regulatory boards. In developing the plan, the division shall  
 4066 identify and analyze best practices found within the division  
 4067 and other state agencies with similar functions, options for  
 4068 information technology improvements, options for contracting  
 4069 with outside entities, and any other option the division deems  
 4070 useful. The division shall consult with and solicit  
 4071 recommendations from the regulatory boards in developing the  
 4072 plan. The division shall submit the plan to the Governor, the  
 4073 Speaker of the House of Representatives, and the President of  
 4074 the Senate by November 1, 2012. All executive branch agencies  
 4075 are instructed, and all other state agencies are requested, to  
 4076 assist the division in accomplishing its purposes under this  
 4077 section.

4078 Section 113. Paragraph (e) of subsection (2) of section  
 4079 154.503, Florida Statutes, is amended to read:

4080 154.503 Primary Care for Children and Families Challenge  
 4081 Grant Program; creation; administration.—

4082 (2) The department shall:

4083 (e) Coordinate with the primary care program developed  
 4084 pursuant to s. 154.011, the Florida Healthy Kids Corporation  
 4085 program created in s. 624.91, the school health services program  
 4086 created in ss. 381.0056 and 381.0057, ~~the Healthy Communities,~~  
 4087 ~~Healthy People Program~~ created in ~~s. 381.734,~~ and the volunteer  
 4088 health care provider program developed pursuant to s. 766.1115.

4089 Section 114. Subsection (1), paragraph (c) of subsection  
4090 (3), and subsection (9) of section 381.0041, Florida Statutes,  
4091 are amended to read:

4092 381.0041 Donation and transfer of human tissue; testing  
4093 requirements.—

4094 (1) Every donation of blood, plasma, organs, skin, or  
4095 other human tissue for transfusion or transplantation to another  
4096 shall be tested prior to transfusion or other use for human  
4097 immunodeficiency virus infection and other communicable diseases  
4098 specified by rule of the Department of Health. Tests for the  
4099 human immunodeficiency virus infection shall be performed only  
4100 after obtaining written, informed consent from the potential  
4101 donor or the donor's legal representative. Such consent may be  
4102 given by a minor pursuant to s. 743.06. Obtaining consent shall  
4103 include a fair explanation of the procedures to be followed and  
4104 the meaning and use of the test results. Such explanation shall  
4105 include a description of the confidential nature of the test as  
4106 described in s. 381.004(2) ~~381.004(3)~~. If consent for testing is  
4107 not given, then the person shall not be accepted as a donor  
4108 except as otherwise provided in subsection (3).

4109 (3) No person shall collect any blood, organ, skin, or  
4110 other human tissue from one human being and hold it for, or  
4111 actually perform, any implantation, transplantation,  
4112 transfusion, grafting, or any other method of transfer to  
4113 another human being without first testing such tissue for the  
4114 human immunodeficiency virus and other communicable diseases  
4115 specified by rule of the Department of Health, or without  
4116 performing another process approved by rule of the Department of

4117 Health capable of killing the causative agent of those diseases  
 4118 specified by rule. Such testing shall not be required:

4119 (c) When there is insufficient time to obtain the results  
 4120 of a confirmatory test for any tissue or organ which is to be  
 4121 transplanted, notwithstanding the provisions of s. 381.004(2)(d)  
 4122 ~~381.004(3)(d)~~. In such circumstances, the results of preliminary  
 4123 screening tests may be released to the potential recipient's  
 4124 treating physician for use in determining organ or tissue  
 4125 suitability.

4126 (9) All blood banks shall be governed by the  
 4127 confidentiality provisions of s. 381.004(2) ~~381.004(3)~~.

4128 Section 115. Paragraph (b) of subsection (3) of section  
 4129 384.25, Florida Statutes, is amended to read:

4130 384.25 Reporting required.—

4131 (3) To ensure the confidentiality of persons infected with  
 4132 the human immunodeficiency virus (HIV), reporting of HIV  
 4133 infection and AIDS must be conducted using a system developed by  
 4134 the Centers for Disease Control and Prevention of the United  
 4135 States Public Health Service or an equivalent system.

4136 (b) The reporting may not affect or relate to anonymous  
 4137 HIV testing programs conducted pursuant to s. 381.004(3)  
 4138 ~~381.004(4)~~.

4139 Section 116. Subsection (5) of section 392.56, Florida  
 4140 Statutes, is amended to read:

4141 392.56 Hospitalization, placement, and residential  
 4142 isolation.—

4143 (5) If the department petitions the circuit court to order  
 4144 that a person who has active tuberculosis be hospitalized in a

4145 facility operated under s. 392.62~~(2)~~, the department shall  
 4146 notify the facility of the potential court order.

4147 Section 117. Subsection (2) of section 456.032, Florida  
 4148 Statutes, is amended to read:

4149 456.032 Hepatitis B or HIV carriers.—

4150 (2) Any person licensed by the department and any other  
 4151 person employed by a health care facility who contracts a blood-  
 4152 borne infection shall have a rebuttable presumption that the  
 4153 illness was contracted in the course and scope of his or her  
 4154 employment, provided that the person, as soon as practicable,  
 4155 reports to the person's supervisor or the facility's risk  
 4156 manager any significant exposure, as that term is defined in s.  
 4157 381.004(1)(c) ~~381.004(2)(c)~~, to blood or body fluids. The  
 4158 employer may test the blood or body fluid to determine if it is  
 4159 infected with the same disease contracted by the employee. The  
 4160 employer may rebut the presumption by the preponderance of the  
 4161 evidence. Except as expressly provided in this subsection, there  
 4162 shall be no presumption that a blood-borne infection is a job-  
 4163 related injury or illness.

4164 Section 118. Subsection (15) of section 499.003, Florida  
 4165 Statutes, is amended to read:

4166 499.003 Definitions of terms used in this part.—As used in  
 4167 this part, the term:

4168 (15) "Department" means the Department of Business and  
 4169 Professional Regulation ~~Department of Health~~.

4170 Section 119. Subsection (2) of section 499.601, Florida  
 4171 Statutes, is amended to read:

4172 499.601 Legislative intent; construction.—

4173 (2) The provisions of this part are cumulative and shall  
 4174 not be construed as repealing or affecting any powers, duties,  
 4175 or authority of the department ~~of Health~~ under any other law of  
 4176 this state; except that, with respect to the regulation of ether  
 4177 as herein provided, in instances in which the provisions of this  
 4178 part may conflict with any other such law, the provisions of  
 4179 this part shall control.

4180 Section 120. Subsection (2) of section 499.61, Florida  
 4181 Statutes, is amended to read:

4182 499.61 Definitions.—As used in this part:

4183 (2) "Department" means the Department of Business and  
 4184 Professional Regulation ~~Department of Health~~.

4185 Section 121. Subsection (2) of section 513.10, Florida  
 4186 Statutes, is amended to read:

4187 513.10 Operating without permit; enforcement of chapter;  
 4188 penalties.—

4189 (2) This chapter or rules adopted under this chapter may  
 4190 be enforced in the manner provided in s. 381.0012 and as  
 4191 provided in this chapter. Violations of this chapter and the  
 4192 rules adopted under this chapter are subject to the penalties  
 4193 provided in this chapter and in s. ss. 381.0025 ~~and 381.0061~~.

4194 Section 122. Paragraph (b) of subsection (9) of section  
 4195 768.28, Florida Statutes, is amended to read:

4196 768.28 Waiver of sovereign immunity in tort actions;  
 4197 recovery limits; limitation on attorney fees; statute of  
 4198 limitations; exclusions; indemnification; risk management  
 4199 programs.—

4200 (9)

4201 (b) As used in this subsection, the term:  
 4202 1. "Employee" includes any volunteer firefighter.  
 4203 2. "Officer, employee, or agent" includes, but is not  
 4204 limited to, any health care provider when providing services  
 4205 pursuant to s. 766.1115; ~~any member of the Florida Health~~  
 4206 ~~Services Corps, as defined in s. 381.0302, who provides~~  
 4207 ~~uncompensated care to medically indigent persons referred by the~~  
 4208 ~~Department of Health;~~ any nonprofit independent college or  
 4209 university located and chartered in this state which owns or  
 4210 operates an accredited medical school, and its employees or  
 4211 agents, when providing patient services pursuant to paragraph  
 4212 (10) (f); and any public defender or her or his employee or  
 4213 agent, including, among others, an assistant public defender and  
 4214 an investigator.

4215 Section 123. Subsection (1) of section 775.0877, Florida  
 4216 Statutes, is amended to read:

4217 775.0877 Criminal transmission of HIV; procedures;  
 4218 penalties.—

4219 (1) In any case in which a person has been convicted of or  
 4220 has pled nolo contendere or guilty to, regardless of whether  
 4221 adjudication is withheld, any of the following offenses, or the  
 4222 attempt thereof, which offense or attempted offense involves the  
 4223 transmission of body fluids from one person to another:

- 4224 (a) Section 794.011, relating to sexual battery;
- 4225 (b) Section 826.04, relating to incest;
- 4226 (c) Section 800.04, relating to lewd or lascivious
- 4227 offenses committed upon or in the presence of persons less than
- 4228 16 years of age;

4229 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),  
 4230 relating to assault;

4231 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),  
 4232 relating to aggravated assault;

4233 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),  
 4234 relating to battery;

4235 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),  
 4236 relating to aggravated battery;

4237 (h) Section 827.03(1), relating to child abuse;

4238 (i) Section 827.03(2), relating to aggravated child abuse;

4239 (j) Section 825.102(1), relating to abuse of an elderly  
 4240 person or disabled adult;

4241 (k) Section 825.102(2), relating to aggravated abuse of an  
 4242 elderly person or disabled adult;

4243 (l) Section 827.071, relating to sexual performance by  
 4244 person less than 18 years of age;

4245 (m) Sections 796.03, 796.07, and 796.08, relating to  
 4246 prostitution; or

4247 (n) Section 381.0041(11)(b), relating to donation of  
 4248 blood, plasma, organs, skin, or other human tissue,  
 4249  
 4250 the court shall order the offender to undergo HIV testing, to be  
 4251 performed under the direction of the Department of Health in  
 4252 accordance with s. 381.004, unless the offender has undergone  
 4253 HIV testing voluntarily or pursuant to procedures established in  
 4254 s. 381.004(2)(h)6. ~~381.004(3)(h)6.~~ or s. 951.27, or any other  
 4255 applicable law or rule providing for HIV testing of criminal  
 4256 offenders or inmates, subsequent to her or his arrest for an



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4257 | offense enumerated in paragraphs (a)-(n) for which she or he was  
4258 | convicted or to which she or he pled nolo contendere or guilty.  
4259 | The results of an HIV test performed on an offender pursuant to  
4260 | this subsection are not admissible in any criminal proceeding  
4261 | arising out of the alleged offense.

4262 |         Section 124. Except as otherwise expressly provided in  
4263 | this act, this act shall take effect upon becoming a law.