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LEGISLATIVE ACTION

Senate

House

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Floor: WD

03/08/2012 06:41 PM

Senator Garcia moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

95 (a) Division of Administration.

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

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

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



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- 101 (e) Division of Children's Medical Services ~~Network~~.
- 102 (f) Division of Public Health Statistics and Performance
103 Management ~~Emergency Medical Operations~~.
- 104 (g) Division of Medical Quality Assurance, which is
105 responsible for the following boards and professions established
106 within the division:
- 107 1. The Board of Acupuncture, created under chapter 457.
 - 108 2. The Board of Medicine, created under chapter 458.
 - 109 3. The Board of Osteopathic Medicine, created under chapter
110 459.
 - 111 4. The Board of Chiropractic Medicine, created under
112 chapter 460.
 - 113 5. The Board of Podiatric Medicine, created under chapter
114 461.
 - 115 6. Naturopathy, as provided under chapter 462.
 - 116 7. The Board of Optometry, created under chapter 463.
 - 117 8. The Board of Nursing, created under part I of chapter
118 464.
 - 119 9. Nursing assistants, as provided under part II of chapter
120 464.
 - 121 10. The Board of Pharmacy, created under chapter 465.
 - 122 11. The Board of Dentistry, created under chapter 466.
 - 123 12. Midwifery, as provided under chapter 467.
 - 124 13. The Board of Speech-Language Pathology and Audiology,
125 created under part I of chapter 468.
 - 126 14. The Board of Nursing Home Administrators, created under
127 part II of chapter 468.
 - 128 15. The Board of Occupational Therapy, created under part
129 III of chapter 468.



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



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159 ~~Intervention.~~

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

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

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

163 Section 2. Subsections (14) through (22) of section 20.435,
164 Florida Statutes, are renumbered as subsection (13) through
165 (20), respectively, and present subsections (13) and (17) of
166 that section are amended to read:

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

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

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

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

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

179 ~~(a) Funds to be credited to and uses of the trust fund
180 shall be administered in accordance with the provisions of s.
181 1009.66.~~

182 ~~(b) Notwithstanding the provisions of s. 216.301 and
183 pursuant to s. 216.351, any balance in the trust fund at the end
184 of any fiscal year shall remain in the trust fund at the end of
185 the year and shall be available for carrying out the purposes of
186 the trust fund.~~

187 Section 3. Section 154.05, Florida Statutes, is amended to



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188 read:

189 154.05 Cooperation and agreements between counties.—
190 Counties may establish cooperative arrangements for shared
191 county health departments in the following ways:

192 (1) Two or more counties may combine in the establishment
193 and maintenance of a single full-time county health department
194 for the counties which combine for that purpose; and, pursuant
195 to such combination or agreement, such counties may cooperate
196 with one another and the Department of Health and contribute to
197 a joint fund in carrying out the purpose and intent of this
198 chapter. The duration and nature of such agreement shall be
199 evidenced by resolutions of the boards of county commissioners
200 of such counties and shall be submitted to and approved by the
201 department. In the event of any such agreement, a full-time
202 county health department shall be established and maintained by
203 the department in and for the benefit of the counties which have
204 entered into such an agreement; and, in such case, the funds
205 raised by taxation pursuant to this chapter by each such county
206 shall be paid to the Chief Financial Officer for the account of
207 the department and shall be known as the full-time county health
208 department trust fund of the counties so cooperating. Such trust
209 funds shall be used and expended by the department for the
210 purposes specified in this chapter in each county which has
211 entered into such agreement. In case such an agreement is
212 entered into between two or more counties, the work contemplated
213 by this chapter shall be done by a single full-time county
214 health department in the counties so cooperating; and the
215 nature, extent, and location of such work shall be under the
216 control and direction of the department.



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217 (2) Two or more counties may combine for the operation of a
218 county health department when such counties establish an
219 interlocal agreement. Such agreement shall specify the roles and
220 responsibilities of each county, including the method of
221 governance and executive direction; the manner by which each
222 county's public health needs will be addressed; the inventory of
223 necessary facilities, equipment, and personnel; and any other
224 infrastructure as may be needed. Two or more counties may enter
225 into interlocal agreements to share or coadminister specific
226 functions. County interlocal agreements may be terminated only
227 at the end of a contract year. The parties shall give written
228 notice to the department no less than 90 days before the
229 termination.

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

232 212.08 Sales, rental, use, consumption, distribution, and
233 storage tax; specified exemptions.—The sale at retail, the
234 rental, the use, the consumption, the distribution, and the
235 storage to be used or consumed in this state of the following
236 are hereby specifically exempt from the tax imposed by this
237 chapter.

238 (2) EXEMPTIONS; MEDICAL.—

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



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246 and generally sold for internal or external use in the cure,
247 mitigation, treatment, or prevention of illness or disease in
248 human beings, but not including cosmetics or toilet articles,
249 notwithstanding the presence of medicinal ingredients therein,
250 according to a list prescribed and approved by the Department of
251 Business and Professional Regulation ~~Health~~, which list shall be
252 certified to the Department of Revenue from time to time and
253 included in the rules promulgated by the Department of Revenue.
254 There shall also be exempt from the tax imposed by this chapter
255 artificial eyes and limbs; orthopedic shoes; prescription
256 eyeglasses and items incidental thereto or which become a part
257 thereof; dentures; hearing aids; crutches; prosthetic and
258 orthopedic appliances; and funerals. In addition, any items
259 intended for one-time use which transfer essential optical
260 characteristics to contact lenses shall be exempt from the tax
261 imposed by this chapter; however, this exemption shall apply
262 only after \$100,000 of the tax imposed by this chapter on such
263 items has been paid in any calendar year by a taxpayer who
264 claims the exemption in such year. Funeral directors shall pay
265 tax on all tangible personal property used by them in their
266 business.

267 (b) For the purposes of this subsection:

268 1. "Prosthetic and orthopedic appliances" means any
269 apparatus, instrument, device, or equipment used to replace or
270 substitute for any missing part of the body, to alleviate the
271 malfunction of any part of the body, or to assist any disabled
272 person in leading a normal life by facilitating such person's
273 mobility. Such apparatus, instrument, device, or equipment shall
274 be exempted according to an individual prescription or



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275 prescriptions written by a physician licensed under chapter 458,
276 chapter 459, chapter 460, chapter 461, or chapter 466, or
277 according to a list prescribed and approved by the Department of
278 Health, which list shall be certified to the Department of
279 Revenue from time to time and included in the rules promulgated
280 by the Department of Revenue.

281 2. "Cosmetics" means articles intended to be rubbed,
282 poured, sprinkled, or sprayed on, introduced into, or otherwise
283 applied to the human body for cleansing, beautifying, promoting
284 attractiveness, or altering the appearance and also means
285 articles intended for use as a compound of any such articles,
286 including, but not limited to, cold creams, suntan lotions,
287 makeup, and body lotions.

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

294 4. "Prescription" includes any order for drugs or medicinal
295 supplies written or transmitted by any means of communication by
296 a duly licensed practitioner authorized by the laws of the state
297 to prescribe such drugs or medicinal supplies and intended to be
298 dispensed by a pharmacist. The term also includes an orally
299 transmitted order by the lawfully designated agent of such
300 practitioner. The term also includes an order written or
301 transmitted by a practitioner licensed to practice in a
302 jurisdiction other than this state, but only if the pharmacist
303 called upon to dispense such order determines, in the exercise



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304 of his or her professional judgment, that the order is valid and
305 necessary for the treatment of a chronic or recurrent illness.
306 The term also includes a pharmacist's order for a product
307 selected from the formulary created pursuant to s. 465.186. A
308 prescription may be retained in written form, or the pharmacist
309 may cause it to be recorded in a data processing system,
310 provided that such order can be produced in printed form upon
311 lawful request.

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

315 (d) Lithotripters are exempt.

316 (e) Human organs are exempt.

317 (f) Sales of drugs to or by physicians, dentists,
318 veterinarians, and hospitals in connection with medical
319 treatment are exempt.

320 (g) Medical products and supplies used in the cure,
321 mitigation, alleviation, prevention, or treatment of injury,
322 disease, or incapacity which are temporarily or permanently
323 incorporated into a patient or client by a practitioner of the
324 healing arts licensed in the state are exempt.

325 (h) The purchase by a veterinarian of commonly recognized
326 substances possessing curative or remedial properties which are
327 ordered and dispensed as treatment for a diagnosed health
328 disorder by or on the prescription of a duly licensed
329 veterinarian, and which are applied to or consumed by animals
330 for alleviation of pain or the cure or prevention of sickness,
331 disease, or suffering are exempt. Also exempt are the purchase
332 by a veterinarian of antiseptics, absorbent cotton, gauze for



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333 bandages, lotions, vitamins, and worm remedies.

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

338 (j) Parts, special attachments, special lettering, and
339 other like items that are added to or attached to tangible
340 personal property so that a handicapped person can use them are
341 exempt when such items are purchased by a person pursuant to an
342 individual prescription.

343 (k) This subsection shall be strictly construed and
344 enforced.

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

347 215.5602 James and Esther King Biomedical Research
348 Program.—

349 (10) The council shall submit an annual progress report on
350 the state of biomedical research in this state to ~~the Florida~~
351 ~~Center for Universal Research to Eradicate Disease and to the~~
352 Governor, the State Surgeon General, the President of the
353 Senate, and the Speaker of the House of Representatives by
354 February 1. The report must include:

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

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

358 (c) A list of publications in peer reviewed journals
359 involving research supported by grants or fellowships awarded
360 under the program.

361 (d) The total amount of biomedical research funding



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362 currently flowing into the state.

363 (e) New grants for biomedical research which were funded
364 based on research supported by grants or fellowships awarded
365 under the program.

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

369 ~~(12) From funds appropriated to accomplish the goals of~~
370 ~~this section, up to \$250,000 shall be available for the~~
371 ~~operating costs of the Florida Center for Universal Research to~~
372 ~~Eradicate Disease.~~ Beginning in the 2011-2012 fiscal year and
373 thereafter, \$25 million from the revenue deposited into the
374 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)
375 shall be reserved for research of tobacco-related or cancer-
376 related illnesses. Of the revenue deposited in the Health Care
377 Trust Fund pursuant to this section, \$25 million shall be
378 transferred to the Biomedical Research Trust Fund within the
379 Department of Health. Subject to annual appropriations in the
380 General Appropriations Act, \$5 million shall be appropriated to
381 the James and Esther King Biomedical Research Program, \$5
382 million shall be appropriated to the William G. "Bill" Bankhead,
383 Jr., and David Coley Cancer Research Program created under s.
384 381.922, \$5 million shall be appropriated to the H. Lee Moffitt
385 Cancer Center and Research Institute established under s.
386 1004.43, \$5 million shall be appropriated to the Sylvester
387 Comprehensive Cancer Center of the University of Miami, and \$5
388 million shall be appropriated to the ~~University of Florida~~
389 ~~Shands Cancer Hospital Center.~~

390 Section 6. Section 381.001, Florida Statutes, is amended to



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391 read:

392 381.001 ~~Legislative intent~~; Public health system.—

393 ~~(1) It is the intent of the Legislature that~~ The Department
394 of Health is ~~be~~ responsible for the state's public health system
395 which shall be designed to promote, protect, and improve the
396 health of all people in the state. ~~The mission of the state's~~
397 ~~public health system is to foster the conditions in which people~~
398 ~~can be healthy, by assessing state and community health needs~~
399 ~~and priorities through data collection, epidemiologic studies,~~
400 ~~and community participation; by developing comprehensive public~~
401 ~~health policies and objectives aimed at improving the health~~
402 ~~status of people in the state; and by ensuring essential health~~
403 ~~care and an environment which enhances the health of the~~
404 ~~individual and the community.~~ The department shall provide
405 leadership for ~~Legislature recognizes that the state's public~~
406 ~~health system must be founded on an active partnership~~ working
407 toward shared public health goals and involving ~~between federal,~~
408 ~~state, and local~~ governments and the private sector ~~government~~
409 ~~and between the public and private sectors, and, therefore,~~
410 ~~assessment, policy development, and service provision must be~~
411 ~~shared by all of these entities to achieve its mission.~~

412 ~~(2) It is the intent of the Legislature that the~~
413 ~~department, in carrying out the mission of public health, focus~~
414 ~~attention on identifying, assessing, and controlling the~~
415 ~~presence and spread of communicable diseases; on monitoring and~~
416 ~~regulating factors in the environment which may impair the~~
417 ~~public's health, with particular attention to preventing~~
418 ~~contamination of drinking water, the air people breathe, and the~~
419 ~~food people consume; and ensuring availability of and access to~~



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420 ~~preventive and primary health care, including, but not limited~~
421 ~~to, acute and episodic care, prenatal and postpartum care, child~~
422 ~~health, family planning, school health, chronic disease~~
423 ~~prevention, child and adult immunization, dental health,~~
424 ~~nutrition, and health education and promotion services.~~

425 ~~(3) It is, furthermore, the intent of the Legislature that~~
426 ~~the public health system include comprehensive planning, data~~
427 ~~collection, technical support, and health resource development~~
428 ~~functions. These functions include, but are not limited to,~~
429 ~~state laboratory and pharmacy services, the state vital~~
430 ~~statistics system, the Florida Center for Health Information and~~
431 ~~Policy Analysis, emergency medical services coordination and~~
432 ~~support, and recruitment, retention, and development of~~
433 ~~preventive and primary health care professionals and managers.~~

434 ~~(4) It is, furthermore, the intent of the Legislature that~~
435 ~~the department provide public health services through the 67~~
436 ~~county health departments in partnership with county~~
437 ~~governments, as specified in part I of chapter 154, and in so~~
438 ~~doing make every attempt possible to solicit the support and~~
439 ~~involvement of private and not-for-profit health care agencies~~
440 ~~in fulfilling the public health mission.~~

441 Section 7. Section 381.0011, Florida Statutes, is amended
442 to read:

443 381.0011 Duties and powers of the Department of Health.—It
444 is the duty of the Department of Health to:

445 (1) Assess the public health status and needs of the state
446 ~~through statewide data collection and other appropriate means,~~
447 ~~with special attention to future needs that may result from~~
448 ~~population growth, technological advancements, new societal~~



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449 ~~priorities, or other changes.~~

450 ~~(2) Formulate general policies affecting the public health~~
451 ~~of the state.~~

452 ~~(2)(3)~~ Administer and enforce laws and rules relating to
453 sanitation, control of communicable diseases, illnesses and
454 hazards to health among humans and from animals to humans, and
455 the general health of the people of the state.

456 ~~(3)(4) Coordinate with~~ Cooperate with and accept assistance
457 from federal, state, and local officials for the prevention and
458 suppression of communicable and other diseases, illnesses,
459 injuries, and hazards to human health.

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

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

468 ~~1. The closure of premises.~~

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

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

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

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

477 ~~6. The disinfection of quarantined animals, persons, or~~



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478 ~~premises.~~

479 ~~7. Methods of quarantine.~~

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

483 ~~(4)(6)~~ Provide for a thorough investigation and study of
484 the incidence, causes, modes of propagation and transmission,
485 and means of prevention, control, and cure of diseases,
486 illnesses, and hazards to human health.

487 ~~(5)(7)~~ Provide for the dissemination of information to the
488 public relative to the prevention, control, and cure of
489 diseases, illnesses, and hazards to human health. ~~The department~~
490 ~~shall conduct a workshop before issuing any health alert or~~
491 ~~advisory relating to food-borne illness or communicable disease~~
492 ~~in public lodging or food service establishments in order to~~
493 ~~inform persons, trade associations, and businesses of the risk~~
494 ~~to public health and to seek the input of affected persons,~~
495 ~~trade associations, and businesses on the best methods of~~
496 ~~informing and protecting the public, except in an emergency, in~~
497 ~~which case the workshop must be held within 14 days after the~~
498 ~~issuance of the emergency alert or advisory.~~

499 ~~(6)(8)~~ Act as registrar of vital statistics.

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

502 ~~(10) Cooperate with other departments, local officials, and~~
503 ~~private boards and organizations for the improvement and~~
504 ~~preservation of the public health.~~

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

506 ~~(12) Adopt rules pursuant to ss. 120.536(1) and 120.54 to~~



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507 ~~implement the provisions of law conferring duties upon it. This~~
508 ~~subsection does not authorize the department to require a permit~~
509 ~~or license unless such requirement is specifically provided by~~
510 ~~law.~~

511 ~~(7)~~ (13) Manage and coordinate emergency preparedness and
512 disaster response functions to: investigate and control the
513 spread of disease; coordinate the availability and staffing of
514 special needs shelters; support patient evacuation; ensure the
515 safety of food and drugs; provide critical incident stress
516 debriefing; and provide surveillance and control of
517 radiological, chemical, biological, and other environmental
518 hazards.

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

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

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

522 Section 10. Section 381.0015, Florida Statutes, is
523 repealed.

524 Section 11. Section 381.0016, Florida Statutes, is amended
525 to read:

526 381.0016 County and municipal regulations and ordinances.—
527 Any county or municipality may enact, in a manner prescribed by
528 law, health regulations and ordinances not inconsistent with
529 state public health laws and rules adopted by the department.

530 Section 12. Section 381.0017, Florida Statutes, is
531 repealed.

532 Section 13. Section 381.0025, Florida Statutes, is
533 repealed.

534 Section 14. Paragraph (d) of subsection (1) of section
535 381.003, Florida Statutes, is amended to read:



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536 381.003 Communicable disease and AIDS prevention and
537 control.—

538 (1) The department shall conduct a communicable disease
539 prevention and control program as part of fulfilling its public
540 health mission. A communicable disease is any disease caused by
541 transmission of a specific infectious agent, or its toxic
542 products, from an infected person, an infected animal, or the
543 environment to a susceptible host, either directly or
544 indirectly. The communicable disease program must include, but
545 need not be limited to:

546 (d) Programs for the prevention, control, and reporting of
547 communicable diseases of public health significance as provided
548 for in this chapter.

549 Section 15. Section 381.0031, Florida Statutes, is amended
550 to read:

551 381.0031 Epidemiological research; report of diseases of
552 public health significance to department.—

553 (1) The department may conduct studies concerning the
554 epidemiology of diseases of public health significance affecting
555 people in Florida.

556 (2) Any practitioner licensed in this state to practice
557 medicine, osteopathic medicine, chiropractic medicine,
558 naturopathy, or veterinary medicine; any hospital licensed under
559 part I of chapter 395; or any laboratory licensed under chapter
560 483 that diagnoses or suspects the existence of a disease of
561 public health significance shall immediately report the fact to
562 the Department of Health.

563 (3)~~(2)~~ Periodically the department shall issue a list of
564 infectious or noninfectious diseases determined by it to be a



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565 threat to public health and therefore of significance to public
566 health and shall furnish a copy of the list to the practitioners
567 listed in subsection (2) ~~(1)~~. The list shall be based on the
568 diseases recommended to be nationally notifiable by the Council
569 of State and Territorial Epidemiologists and the Centers for
570 Disease Control and Prevention. The department may expand upon
571 the list if a disease emerges for which regular, frequent, and
572 timely information regarding individual cases is considered
573 necessary for the prevention and control of a disease specific
574 to Florida.

575 (4) ~~(3)~~ Reports required by this section must be in
576 accordance with methods specified by rule of the department.

577 (5) ~~(4)~~ Information submitted in reports required by this
578 section is confidential, exempt from the provisions of s.
579 119.07(1), and is to be made public only when necessary to
580 public health. A report so submitted is not a violation of the
581 confidential relationship between practitioner and patient.

582 (6) ~~(5)~~ The department may obtain and inspect copies of
583 medical records, records of laboratory tests, and other medical-
584 related information for reported cases of diseases of public
585 health significance described in subsection (2). The department
586 shall examine the records of a person who has a disease of
587 public health significance only for purposes of preventing and
588 eliminating outbreaks of disease and making epidemiological
589 investigations of reported cases of diseases of public health
590 significance, notwithstanding any other law to the contrary.
591 Health care practitioners, licensed health care facilities, and
592 laboratories shall allow the department to inspect and obtain
593 copies of such medical records and medical-related information,



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594 notwithstanding any other law to the contrary. Release of
595 medical records and medical-related information to the
596 department by a health care practitioner, licensed health care
597 facility, or laboratory, or by an authorized employee or agent
598 thereof, does not constitute a violation of the confidentiality
599 of patient records. A health care practitioner, health care
600 facility, or laboratory, or any employee or agent thereof, may
601 not be held liable in any manner for damages and is not subject
602 to criminal penalties for providing patient records to the
603 department as authorized by this section.

604 (7)~~(6)~~ The department may adopt rules related to reporting
605 diseases of significance to public health, which must specify
606 the information to be included in the report, who is required to
607 report, the method and time period for reporting, requirements
608 for enforcement, and required followup activities by the
609 department which are necessary to protect public health.

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

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

613 381.00315 Public health advisories; public health
614 emergencies; quarantines.—The State Health Officer is
615 responsible for declaring public health emergencies and
616 quarantines and issuing public health advisories.

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

620 (a) The closure of premises.

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



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

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

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

629 (f) The disinfection of quarantined animals, persons, or
630 premises.

631 (g) Methods of quarantine.

632 (5) The rules adopted under this section and actions taken
633 by the department pursuant to a declared public health emergency
634 or quarantine shall supersede all rules enacted by other state
635 departments, boards or commissions, and ordinances and
636 regulations enacted by political subdivisions of the state. Any
637 person who violates any rule adopted under this section, any
638 quarantine, or any requirement adopted by the department
639 pursuant to a declared public health emergency, commits a
640 misdemeanor of the second degree, punishable as provided in s.
641 775.082 or s. 775.083.

642 Section 17. Section 381.0032, Florida Statutes, is
643 repealed.

644 Section 18. Section 381.00325, Florida Statutes, is
645 repealed.

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

648 381.0034 Requirement for instruction on HIV and AIDS.—

649 (1) ~~As of July 1, 1991,~~ The Department of Health shall
650 require each person licensed or certified under chapter 401,
651 chapter 467, part IV of chapter 468, or chapter 483, as a



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652 condition of biennial relicensure, to complete an educational
653 course approved by the department on the modes of transmission,
654 infection control procedures, clinical management, and
655 prevention of human immunodeficiency virus and acquired immune
656 deficiency syndrome. Such course shall include information on
657 current Florida law on acquired immune deficiency syndrome and
658 its impact on testing, confidentiality of test results, and
659 treatment of patients. Each such licensee or certificateholder
660 shall submit confirmation of having completed said course, on a
661 form provided by the department, when submitting fees or
662 application for each biennial renewal.

663 Section 20. Section 381.0037, Florida Statutes, is
664 repealed.

665 Section 21. Subsections (2) through (11) of section 381.004,
666 Florida Statutes, are renumbered as subsections (1) through
667 (10), respectively, and present subsection (1), paragraph (a) of
668 present subsection (3), paragraph (d) of present subsection (5),
669 present subsection (7), and paragraph (c) of present subsection
670 (11) of that section are amended to read:

671 381.004 HIV testing.—

672 ~~(1) LEGISLATIVE INTENT. The Legislature finds that the use~~
673 ~~of tests designed to reveal a condition indicative of human~~
674 ~~immunodeficiency virus infection can be a valuable tool in~~
675 ~~protecting the public health. The Legislature finds that despite~~
676 ~~existing laws, regulations, and professional standards which~~
677 ~~require or promote the informed, voluntary, and confidential use~~
678 ~~of tests designed to reveal human immunodeficiency virus~~
679 ~~infection, many members of the public are deterred from seeking~~
680 ~~such testing because they misunderstand the nature of the test~~



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681 ~~or fear that test results will be disclosed without their~~
682 ~~consent. The Legislature finds that the public health will be~~
683 ~~served by facilitating informed, voluntary, and confidential use~~
684 ~~of tests designed to detect human immunodeficiency virus~~
685 ~~infection.~~

686 (3) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT;
687 RESULTS; COUNSELING; CONFIDENTIALITY.-

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

707 (4) ~~(5)~~ HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS;
708 REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM
709 REGISTRATION.-No county health department and no other person in



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710 this state shall conduct or hold themselves out to the public as
711 conducting a testing program for acquired immune deficiency
712 syndrome or human immunodeficiency virus status without first
713 registering with the Department of Health, reregistering each
714 year, complying with all other applicable provisions of state
715 law, and meeting the following requirements:

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

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

722 (10) ~~(11)~~ TESTING AS A CONDITION OF TREATMENT OR ADMISSION.—

723 (c) Any violation of this subsection or the rules
724 implementing it shall be punishable as provided in subsection
725 (5) ~~(6)~~.

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

728 381.0046 Statewide HIV and AIDS prevention campaign.—

729 (2) The Department of Health shall establish dedicated ~~four~~
730 positions within the department for HIV and AIDS regional
731 minority coordinators and ~~one position for~~ a statewide HIV and
732 AIDS minority coordinator. The coordinators shall facilitate
733 statewide efforts to implement and coordinate HIV and AIDS
734 prevention and treatment programs. ~~The statewide coordinator~~
735 ~~shall report directly to the chief of the Bureau of HIV and AIDS~~
736 ~~within the Department of Health.~~

737 Section 23. Subsection (3) of section 381.005, Florida
738 Statutes, is renumbered as subsection (2), and present



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739 subsection (2) of that section is amended to read:

740 381.005 Primary and preventive health services.—

741 ~~(2) Between October 1, or earlier if the vaccination is~~
742 ~~available, and February 1 of each year, subject to the~~
743 ~~availability of an adequate supply of the necessary vaccine,~~
744 ~~each hospital licensed pursuant to chapter 395 shall implement a~~
745 ~~program to offer immunizations against the influenza virus and~~
746 ~~pneumococcal bacteria to all patients age 65 or older, in~~
747 ~~accordance with the recommendations of the Advisory Committee on~~
748 ~~Immunization Practices of the United States Centers for Disease~~
749 ~~Control and Prevention and subject to the clinical judgment of~~
750 ~~the responsible practitioner.~~

751 Section 24. Subsections (3) through (7) of section
752 381.0051, Florida Statutes, are renumbered as subsections (2)
753 through (6), respectively, and present subsection (2) of that
754 section is amended to read:

755 381.0051 Family planning.—

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

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

762 381.0052 Dental health.—

763 ~~(5) The department may adopt rules to implement this~~
764 ~~section.~~

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

767 381.0053 Comprehensive nutrition program.—



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

770 Section 27. Section 381.0054, Florida Statutes, is
771 repealed.

772 Section 28. Subsections (3) through (11) of section
773 381.0056, Florida Statutes are renumbered as subsections (2)
774 through (9), respectively, and present subsections (2), (3), and
775 (11) of that section are amended to read:

776 381.0056 School health services program.—

777 ~~(2) The Legislature finds that health services conducted as~~
778 ~~a part of the total school health program should be carried out~~
779 ~~to appraise, protect, and promote the health of students. School~~
780 ~~health services supplement, rather than replace, parental~~
781 ~~responsibility and are designed to encourage parents to devote~~
782 ~~attention to child health, to discover health problems, and to~~
783 ~~encourage use of the services of their physicians, dentists, and~~
784 ~~community health agencies.~~

785 (2)~~(3)~~ As ~~When~~ used in ~~or for~~ purposes of this section:

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

790 (b) "Entity" or "health care entity" means a unit of local
791 government or a political subdivision of the state; a hospital
792 licensed under chapter 395; a health maintenance organization
793 certified under chapter 641; a health insurer authorized under
794 the Florida Insurance Code; a community health center; a migrant
795 health center; a federally qualified health center; an
796 organization that meets the requirements for nonprofit status



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797 under s. 501(c)(3) of the Internal Revenue Code; a private
798 industry or business; or a philanthropic foundation that agrees
799 to participate in a public-private partnership with a county
800 health department, local school district, or school in the
801 delivery of school health services, and agrees to the terms and
802 conditions for the delivery of such services as required by this
803 section and as documented in the local school health services
804 plan.

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

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

809 (e) "School health services plan" means the document that
810 describes the services to be provided, the responsibility for
811 provision of the services, the anticipated expenditures to
812 provide the services, and evidence of cooperative planning by
813 local school districts and county health departments.

814 (f) "Screening" means presumptive identification of unknown
815 or unrecognized diseases or defects by the application of tests
816 that can be given with ease and rapidity to apparently healthy
817 persons.

818 ~~(11) School health programs funded by health care districts~~
819 ~~or entities defined in subsection (3) must be supplementary to~~
820 ~~and consistent with the requirements of this section and ss.~~
821 ~~381.0057 and 381.0059.~~

822 Section 29. Subsections (2) through (7) of section
823 381.0057, Florida Statutes, are renumbered as subsections (1)
824 through (6), respectively, and present subsections (1), (4), and
825 (6) of that section are amended to read:



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826 381.0057 Funding for school health services.-

827 ~~(1) It is the intent of the Legislature that funds in~~
828 ~~addition to those provided under the School Health Services Act~~
829 ~~be provided to those school districts and schools where there is~~
830 ~~a high incidence of medically underserved high-risk children,~~
831 ~~low birthweight babies, infant mortality, or teenage pregnancy.~~
832 ~~The purpose of this funding is to phase in those programs which~~
833 ~~offer the greatest potential for promoting the health of~~
834 ~~students and reducing teenage pregnancy.~~

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

851 (a) *School health improvement pilot project.*-The program
852 shall include basic health care to an elementary school, middle
853 school, and high school feeder system. Program services shall
854 include, but not be limited to:



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855 1. Planning, implementing, and evaluating school health
856 services. Staffing shall include a full-time, trained school
857 health aide in each elementary, middle, and high school; one
858 full-time nurse to supervise the aides in the elementary and
859 middle schools; and one full-time nurse in each high school.

860 2. Providing student health appraisals and identification
861 of actual or potential health problems by screenings, nursing
862 assessments, and record reviews.

863 3. Expanding screening activities.

864 4. Improving the student utilization of school health
865 services.

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

868 (b) *Student support services team program.*—The program
869 shall include a multidisciplinary team composed of a
870 psychologist, social worker, and nurse whose responsibilities
871 are to provide basic support services and to assist, in the
872 school setting, children who exhibit mild to severely complex
873 health, behavioral, or learning problems affecting their school
874 performance. Support services shall include, but not be limited
875 to: evaluation and treatment for minor illnesses and injuries,
876 referral and followup for serious illnesses and emergencies,
877 onsite care and consultation, referral to a physician, and
878 followup care for pregnancy or chronic diseases and disorders as
879 well as emotional or mental problems. Services also shall
880 include referral care for drug and alcohol abuse and sexually
881 transmitted diseases, sports and employment physicals,
882 immunizations, and in addition, effective preventive services
883 aimed at delaying early sexual involvement and aimed at



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884 pregnancy, acquired immune deficiency syndrome, sexually
885 transmitted diseases, and destructive lifestyle conditions, such
886 as alcohol and drug abuse. Moneys for this program shall be used
887 to fund three teams, each consisting of one half-time
888 psychologist, one full-time nurse, and one full-time social
889 worker. Each team shall provide student support services to an
890 elementary school, middle school, and high school that are a
891 part of one feeder school system and shall coordinate all
892 activities with the school administrator and guidance counselor
893 at each school. A program which places all three teams in middle
894 schools or high schools may also be proposed.

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

904
905 Funding may also be available for any other program that is
906 comparable to a program described in this subsection but is
907 designed to meet the particular needs of the community.

908 (5) ~~(6)~~ Each school district or school program that is
909 funded through the provisions of this section shall provide a
910 mechanism through which a parent may, by written request, exempt
911 a child from all or certain services provided by a school health
912 services program described in subsection (3) ~~(4)~~.



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913 Section 30. Section 381.00591, Florida Statutes, is amended
914 to read:

915 381.00591 Department of Health; National Environmental
916 Laboratory accreditation; application; ~~rules.~~—The Department of
917 Health may apply for and become a National Environmental
918 Laboratory Accreditation Program accreditation body ~~accrediting~~
919 ~~authority. The department, as an accrediting entity, may adopt~~
920 ~~rules pursuant to ss. 120.536(1) and 120.54, to implement~~
921 ~~standards of the National Environmental Laboratory Accreditation~~
922 ~~Program, including requirements for proficiency testing~~
923 ~~providers and other rules that are not inconsistent with this~~
924 ~~section, including rules pertaining to fees, application~~
925 ~~procedures, standards applicable to environmental or public~~
926 ~~water supply laboratories, and compliance.~~

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

930 381.00593 Public school volunteer health care practitioner
931 program.—

932 ~~(8) The Department of Health, in cooperation with the~~
933 ~~Department of Education, may adopt rules necessary to implement~~
934 ~~this section. The rules shall include the forms to be completed~~
935 ~~and procedures to be followed by applicants and school personnel~~
936 ~~under the program.~~

937 Section 32. Subsections (2) through (6) of section
938 381.0062, Florida Statutes, are renumbered as subsections (1)
939 through (5), respectively, and present subsections (1) and (4)
940 of that section are amended to read:

941 381.0062 Supervision; private and certain public water



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942 systems.-

943 ~~(1) LEGISLATIVE INTENT.-It is the intent of the Legislature~~
944 ~~to protect the public's health by establishing standards for the~~
945 ~~construction, modification, and operation of public and private~~
946 ~~water systems to assure consumers that the water provided by~~
947 ~~those systems is potable.~~

948 ~~(3)-(4) RIGHT OF ENTRY.-For purposes of this section,~~
949 ~~department personnel may enter, at any reasonable time and if~~
950 ~~they have reasonable cause to believe a violation of this~~
951 ~~section is occurring or about to occur, upon any and all parts~~
952 ~~of the premises of such limited use public and multifamily~~
953 ~~drinking water systems, to make an examination and investigation~~
954 ~~to determine the sanitary and safety conditions of such systems.~~
955 ~~Any person who interferes with, hinders, or opposes any employee~~
956 ~~of the department in the discharge of his or her duties pursuant~~
957 ~~to the provisions of this section is subject to the penalties~~
958 ~~provided in s. 381.0025.~~

959 Section 33. Subsection (1), (3), and (4) of section
960 381.0065, Florida Statutes, are amended to read:

961 381.0065 Onsite sewage treatment and disposal systems;
962 regulation.-

963 (1) LEGISLATIVE INTENT.-

964 ~~(a) It is the intent of the Legislature that proper~~
965 ~~management of onsite sewage treatment and disposal systems is~~
966 ~~paramount to the health, safety, and welfare of the public. It~~
967 ~~is further the intent of the Legislature that the department~~
968 ~~shall administer an evaluation program to ensure the operational~~
969 ~~condition of the system and identify any failure with the~~
970 ~~system.~~



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971 ~~(b)~~ It is the intent of the Legislature that where a
972 publicly owned or investor-owned sewerage system is not
973 available, the department shall issue permits for the
974 construction, installation, modification, abandonment, or repair
975 of onsite sewage treatment and disposal systems under conditions
976 as described in this section and rules adopted under this
977 section. It is further the intent of the Legislature that the
978 installation and use of onsite sewage treatment and disposal
979 systems not adversely affect the public health or significantly
980 degrade the groundwater or surface water.

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

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



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1000 authority to request an inspection based on all or part of the
1001 standards.

1002 (b) Perform application reviews and site evaluations, issue
1003 permits, and conduct inspections and complaint investigations
1004 associated with the construction, installation, maintenance,
1005 modification, abandonment, operation, use, or repair of an
1006 onsite sewage treatment and disposal system for a residence or
1007 establishment with an estimated domestic sewage flow of 10,000
1008 gallons or less per day, or an estimated commercial sewage flow
1009 of 5,000 gallons or less per day, which is not currently
1010 regulated under chapter 403.

1011 (c) Develop a comprehensive program to ensure that onsite
1012 sewage treatment and disposal systems regulated by the
1013 department are sized, designed, constructed, installed,
1014 repaired, modified, abandoned, used, operated, and maintained in
1015 compliance with this section and rules adopted under this
1016 section to prevent groundwater contamination and surface water
1017 contamination and to preserve the public health. The department
1018 is the final administrative interpretive authority regarding
1019 rule interpretation. In the event of a conflict regarding rule
1020 interpretation, the State Surgeon General ~~Division Director for~~
1021 ~~Environmental Health of the department~~, or his or her designee,
1022 shall timely assign a staff person to resolve the dispute.

1023 (d) Grant variances in hardship cases under the conditions
1024 prescribed in this section and rules adopted under this section.

1025 (e) Permit the use of a limited number of innovative
1026 systems for a specific period of time, when there is compelling
1027 evidence that the system will function properly and reliably to
1028 meet the requirements of this section and rules adopted under



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1029 this section.

1030 (f) Issue annual operating permits under this section.

1031 (g) Establish and collect fees as established under s.
1032 381.0066 for services provided with respect to onsite sewage
1033 treatment and disposal systems.

1034 (h) Conduct enforcement activities, including imposing
1035 fines, issuing citations, suspensions, revocations, injunctions,
1036 and emergency orders for violations of this section, part I of
1037 chapter 386, or part III of chapter 489 or for a violation of
1038 any rule adopted under this section, part I of chapter 386, or
1039 part III of chapter 489.

1040 (i) Provide or conduct education and training of department
1041 personnel, service providers, and the public regarding onsite
1042 sewage treatment and disposal systems.

1043 (j) Supervise research on, demonstration of, and training
1044 on the performance, environmental impact, and public health
1045 impact of onsite sewage treatment and disposal systems within
1046 this state. Research fees collected under s. 381.0066(2)(1) must
1047 be used to develop and fund hands-on training centers designed
1048 to provide practical information about onsite sewage treatment
1049 and disposal systems to septic tank contractors, master septic
1050 tank contractors, contractors, inspectors, engineers, and the
1051 public and must also be used to fund research projects which
1052 focus on improvements of onsite sewage treatment and disposal
1053 systems, including use of performance-based standards and
1054 reduction of environmental impact. Research projects shall be
1055 initially approved by the technical review and advisory panel
1056 and shall be applicable to and reflect the soil conditions
1057 specific to Florida. Such projects shall be awarded through



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1058 competitive negotiation, using the procedures provided in s.
1059 287.055, to public or private entities that have experience in
1060 onsite sewage treatment and disposal systems in Florida and that
1061 are principally located in Florida. Research projects shall not
1062 be awarded to firms or entities that employ or are associated
1063 with persons who serve on either the technical review and
1064 advisory panel or the research review and advisory committee.

1065 (k) Approve the installation of individual graywater
1066 disposal systems in which blackwater is treated by a central
1067 sewerage system.

1068 (l) Regulate and permit the sanitation, handling,
1069 treatment, storage, reuse, and disposal of byproducts from any
1070 system regulated under this chapter and not regulated by the
1071 Department of Environmental Protection.

1072 (m) Permit and inspect portable or temporary toilet
1073 services and holding tanks. The department shall review
1074 applications, perform site evaluations, and issue permits for
1075 the temporary use of holding tanks, privies, portable toilet
1076 services, or any other toilet facility that is intended for use
1077 on a permanent or nonpermanent basis, including facilities
1078 placed on construction sites when workers are present. The
1079 department may specify standards for the construction,
1080 maintenance, use, and operation of any such facility for
1081 temporary use.

1082 (n) Regulate and permit maintenance entities for
1083 performance-based treatment systems and aerobic treatment unit
1084 systems. To ensure systems are maintained and operated according
1085 to manufacturer's specifications and designs, the department
1086 shall establish by rule minimum qualifying criteria for



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1087 maintenance entities. The criteria shall include: training,
1088 access to approved spare parts and components, access to
1089 manufacturer's maintenance and operation manuals, and service
1090 response time. The maintenance entity shall employ a contractor
1091 licensed under s. 489.105(3)(m), or part III of chapter 489, or
1092 a state-licensed wastewater plant operator, who is responsible
1093 for maintenance and repair of all systems under contract.

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



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1116 operating permit for an aerobic treatment unit is valid for 2
1117 years from the date of issuance and must be renewed every 2
1118 years. If all information pertaining to the siting, location,
1119 and installation conditions or repair of an onsite sewage
1120 treatment and disposal system remains the same, a construction
1121 or repair permit for the onsite sewage treatment and disposal
1122 system may be transferred to another person, if the transferee
1123 files, within 60 days after the transfer of ownership, an
1124 amended application providing all corrected information and
1125 proof of ownership of the property. There is no fee associated
1126 with the processing of this supplemental information. A person
1127 may not contract to construct, modify, alter, repair, service,
1128 abandon, or maintain any portion of an onsite sewage treatment
1129 and disposal system without being registered under part III of
1130 chapter 489. A property owner who personally performs
1131 construction, maintenance, or repairs to a system serving his or
1132 her own owner-occupied single-family residence is exempt from
1133 registration requirements for performing such construction,
1134 maintenance, or repairs on that residence, but is subject to all
1135 permitting requirements. A municipality or political subdivision
1136 of the state may not issue a building or plumbing permit for any
1137 building that requires the use of an onsite sewage treatment and
1138 disposal system unless the owner or builder has received a
1139 construction permit for such system from the department. A
1140 building or structure may not be occupied and a municipality,
1141 political subdivision, or any state or federal agency may not
1142 authorize occupancy until the department approves the final
1143 installation of the onsite sewage treatment and disposal system.
1144 A municipality or political subdivision of the state may not



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1145 approve any change in occupancy or tenancy of a building that
1146 uses an onsite sewage treatment and disposal system until the
1147 department has reviewed the use of the system with the proposed
1148 change, approved the change, and amended the operating permit.

1149 (a) Subdivisions and lots in which each lot has a minimum
1150 area of at least one-half acre and either a minimum dimension of
1151 100 feet or a mean of at least 100 feet of the side bordering
1152 the street and the distance formed by a line parallel to the
1153 side bordering the street drawn between the two most distant
1154 points of the remainder of the lot may be developed with a water
1155 system regulated under s. 381.0062 and onsite sewage treatment
1156 and disposal systems, provided the projected daily sewage flow
1157 does not exceed an average of 1,500 gallons per acre per day,
1158 and provided satisfactory drinking water can be obtained and all
1159 distance and setback, soil condition, water table elevation, and
1160 other related requirements of this section and rules adopted
1161 under this section can be met.

1162 (b) Subdivisions and lots using a public water system as
1163 defined in s. 403.852 may use onsite sewage treatment and
1164 disposal systems, provided there are no more than four lots per
1165 acre, provided the projected daily sewage flow does not exceed
1166 an average of 2,500 gallons per acre per day, and provided that
1167 all distance and setback, soil condition, water table elevation,
1168 and other related requirements that are generally applicable to
1169 the use of onsite sewage treatment and disposal systems are met.

1170 (c) Notwithstanding paragraphs (a) and (b), for
1171 subdivisions platted of record on or before October 1, 1991,
1172 when a developer or other appropriate entity has previously made
1173 or makes provisions, including financial assurances or other



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1174 commitments, acceptable to the Department of Health, that a
1175 central water system will be installed by a regulated public
1176 utility based on a density formula, private potable wells may be
1177 used with onsite sewage treatment and disposal systems until the
1178 agreed-upon densities are reached. In a subdivision regulated by
1179 this paragraph, the average daily sewage flow may not exceed
1180 2,500 gallons per acre per day. This section does not affect the
1181 validity of existing prior agreements. After October 1, 1991,
1182 the exception provided under this paragraph is not available to
1183 a developer or other appropriate entity.

1184 (d) Paragraphs (a) and (b) do not apply to any proposed
1185 residential subdivision with more than 50 lots or to any
1186 proposed commercial subdivision with more than 5 lots where a
1187 publicly owned or investor-owned sewerage system is available.
1188 It is the intent of this paragraph not to allow development of
1189 additional proposed subdivisions in order to evade the
1190 requirements of this paragraph.

1191 (e) Onsite sewage treatment and disposal systems must not
1192 be placed closer than:

- 1193 1. Seventy-five feet from a private potable well.
- 1194 2. Two hundred feet from a public potable well serving a
1195 residential or nonresidential establishment having a total
1196 sewage flow of greater than 2,000 gallons per day.
- 1197 3. One hundred feet from a public potable well serving a
1198 residential or nonresidential establishment having a total
1199 sewage flow of less than or equal to 2,000 gallons per day.
- 1200 4. Fifty feet from any nonpotable well.
- 1201 5. Ten feet from any storm sewer pipe, to the maximum
1202 extent possible, but in no instance shall the setback be less



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1203 than 5 feet.

1204 6. Seventy-five feet from the mean high-water line of a
1205 tidally influenced surface water body.

1206 7. Seventy-five feet from the mean annual flood line of a
1207 permanent nontidal surface water body.

1208 8. Fifteen feet from the design high-water line of
1209 retention areas, detention areas, or swales designed to contain
1210 standing or flowing water for less than 72 hours after a
1211 rainfall or the design high-water level of normally dry drainage
1212 ditches or normally dry individual lot stormwater retention
1213 areas.

1214 (f) Except as provided under paragraphs (e) and (t), no
1215 limitations shall be imposed by rule, relating to the distance
1216 between an onsite disposal system and any area that either
1217 permanently or temporarily has visible surface water.

1218 (g) All provisions of this section and rules adopted under
1219 this section relating to soil condition, water table elevation,
1220 distance, and other setback requirements must be equally applied
1221 to all lots, with the following exceptions:

1222 1. Any residential lot that was platted and recorded on or
1223 after January 1, 1972, or that is part of a residential
1224 subdivision that was approved by the appropriate permitting
1225 agency on or after January 1, 1972, and that was eligible for an
1226 onsite sewage treatment and disposal system construction permit
1227 on the date of such platting and recording or approval shall be
1228 eligible for an onsite sewage treatment and disposal system
1229 construction permit, regardless of when the application for a
1230 permit is made. If rules in effect at the time the permit
1231 application is filed cannot be met, residential lots platted and



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1232 recorded or approved on or after January 1, 1972, shall, to the
1233 maximum extent possible, comply with the rules in effect at the
1234 time the permit application is filed. At a minimum, however,
1235 those residential lots platted and recorded or approved on or
1236 after January 1, 1972, but before January 1, 1983, shall comply
1237 with those rules in effect on January 1, 1983, and those
1238 residential lots platted and recorded or approved on or after
1239 January 1, 1983, shall comply with those rules in effect at the
1240 time of such platting and recording or approval. In determining
1241 the maximum extent of compliance with current rules that is
1242 possible, the department shall allow structures and
1243 appurtenances thereto which were authorized at the time such
1244 lots were platted and recorded or approved.

1245 2. Lots platted before 1972 are subject to a 50-foot
1246 minimum surface water setback and are not subject to lot size
1247 requirements. The projected daily flow for onsite sewage
1248 treatment and disposal systems for lots platted before 1972 may
1249 not exceed:

1250 a. Two thousand five hundred gallons per acre per day for
1251 lots served by public water systems as defined in s. 403.852.

1252 b. One thousand five hundred gallons per acre per day for
1253 lots served by water systems regulated under s. 381.0062.

1254 (h) 1. The department may grant variances in hardship cases
1255 which may be less restrictive than the provisions specified in
1256 this section. If a variance is granted and the onsite sewage
1257 treatment and disposal system construction permit has been
1258 issued, the variance may be transferred with the system
1259 construction permit, if the transferee files, within 60 days
1260 after the transfer of ownership, an amended construction permit



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1261 application providing all corrected information and proof of
1262 ownership of the property and if the same variance would have
1263 been required for the new owner of the property as was
1264 originally granted to the original applicant for the variance.
1265 There is no fee associated with the processing of this
1266 supplemental information. A variance may not be granted under
1267 this section until the department is satisfied that:

1268 a. The hardship was not caused intentionally by the action
1269 of the applicant;

1270 b. No reasonable alternative, taking into consideration
1271 factors such as cost, exists for the treatment of the sewage;
1272 and

1273 c. The discharge from the onsite sewage treatment and
1274 disposal system will not adversely affect the health of the
1275 applicant or the public or significantly degrade the groundwater
1276 or surface waters.

1277

1278 Where soil conditions, water table elevation, and setback
1279 provisions are determined by the department to be satisfactory,
1280 special consideration must be given to those lots platted before
1281 1972.

1282 2. The department shall appoint and staff a variance review
1283 and advisory committee, which shall meet monthly to recommend
1284 agency action on variance requests. The committee shall make its
1285 recommendations on variance requests at the meeting in which the
1286 application is scheduled for consideration, except for an
1287 extraordinary change in circumstances, the receipt of new
1288 information that raises new issues, or when the applicant
1289 requests an extension. The committee shall consider the criteria



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1290 in subparagraph 1. in its recommended agency action on variance
1291 requests and shall also strive to allow property owners the full
1292 use of their land where possible. The committee consists of the
1293 following:

1294 a. The State Surgeon General, ~~Division Director for~~
1295 ~~Environmental Health of the department~~ or his or her designee.

1296 b. A representative from the county health departments.

1297 c. A representative from the home building industry
1298 recommended by the Florida Home Builders Association.

1299 d. A representative from the septic tank industry
1300 recommended by the Florida Onsite Wastewater Association.

1301 e. A representative from the Department of Environmental
1302 Protection.

1303 f. A representative from the real estate industry who is
1304 also a developer in this state who develops lots using onsite
1305 sewage treatment and disposal systems, recommended by the
1306 Florida Association of Realtors.

1307 g. A representative from the engineering profession
1308 recommended by the Florida Engineering Society.

1309
1310 Members shall be appointed for a term of 3 years, with such
1311 appointments being staggered so that the terms of no more than
1312 two members expire in any one year. Members shall serve without
1313 remuneration, but if requested, shall be reimbursed for per diem
1314 and travel expenses as provided in s. 112.061.

1315 (i) A construction permit may not be issued for an onsite
1316 sewage treatment and disposal system in any area zoned or used
1317 for industrial or manufacturing purposes, or its equivalent,
1318 where a publicly owned or investor-owned sewage treatment system



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1319 is available, or where a likelihood exists that the system will
1320 receive toxic, hazardous, or industrial waste. An existing
1321 onsite sewage treatment and disposal system may be repaired if a
1322 publicly owned or investor-owned sewerage system is not
1323 available within 500 feet of the building sewer stub-out and if
1324 system construction and operation standards can be met. This
1325 paragraph does not require publicly owned or investor-owned
1326 sewerage treatment systems to accept anything other than
1327 domestic wastewater.

1328 1. A building located in an area zoned or used for
1329 industrial or manufacturing purposes, or its equivalent, when
1330 such building is served by an onsite sewage treatment and
1331 disposal system, must not be occupied until the owner or tenant
1332 has obtained written approval from the department. The
1333 department shall not grant approval when the proposed use of the
1334 system is to dispose of toxic, hazardous, or industrial
1335 wastewater or toxic or hazardous chemicals.

1336 2. Each person who owns or operates a business or facility
1337 in an area zoned or used for industrial or manufacturing
1338 purposes, or its equivalent, or who owns or operates a business
1339 that has the potential to generate toxic, hazardous, or
1340 industrial wastewater or toxic or hazardous chemicals, and uses
1341 an onsite sewage treatment and disposal system that is installed
1342 on or after July 5, 1989, must obtain an annual system operating
1343 permit from the department. A person who owns or operates a
1344 business that uses an onsite sewage treatment and disposal
1345 system that was installed and approved before July 5, 1989, need
1346 not obtain a system operating permit. However, upon change of
1347 ownership or tenancy, the new owner or operator must notify the



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1348 department of the change, and the new owner or operator must
1349 obtain an annual system operating permit, regardless of the date
1350 that the system was installed or approved.

1351 3. The department shall periodically review and evaluate
1352 the continued use of onsite sewage treatment and disposal
1353 systems in areas zoned or used for industrial or manufacturing
1354 purposes, or its equivalent, and may require the collection and
1355 analyses of samples from within and around such systems. If the
1356 department finds that toxic or hazardous chemicals or toxic,
1357 hazardous, or industrial wastewater have been or are being
1358 disposed of through an onsite sewage treatment and disposal
1359 system, the department shall initiate enforcement actions
1360 against the owner or tenant to ensure adequate cleanup,
1361 treatment, and disposal.

1362 (j) An onsite sewage treatment and disposal system for a
1363 single-family residence that is designed by a professional
1364 engineer registered in the state and certified by such engineer
1365 as complying with performance criteria adopted by the department
1366 must be approved by the department subject to the following:

1367 1. The performance criteria applicable to engineer-designed
1368 systems must be limited to those necessary to ensure that such
1369 systems do not adversely affect the public health or
1370 significantly degrade the groundwater or surface water. Such
1371 performance criteria shall include consideration of the quality
1372 of system effluent, the proposed total sewage flow per acre,
1373 wastewater treatment capabilities of the natural or replaced
1374 soil, water quality classification of the potential surface-
1375 water-receiving body, and the structural and maintenance
1376 viability of the system for the treatment of domestic



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1377 wastewater. However, performance criteria shall address only the
1378 performance of a system and not a system's design.

1379 2. The technical review and advisory panel shall assist the
1380 department in the development of performance criteria applicable
1381 to engineer-designed systems.

1382 3. A person electing to utilize an engineer-designed system
1383 shall, upon completion of the system design, submit such design,
1384 certified by a registered professional engineer, to the county
1385 health department. The county health department may utilize an
1386 outside consultant to review the engineer-designed system, with
1387 the actual cost of such review to be borne by the applicant.
1388 Within 5 working days after receiving an engineer-designed
1389 system permit application, the county health department shall
1390 request additional information if the application is not
1391 complete. Within 15 working days after receiving a complete
1392 application for an engineer-designed system, the county health
1393 department either shall issue the permit or, if it determines
1394 that the system does not comply with the performance criteria,
1395 shall notify the applicant of that determination and refer the
1396 application to the department for a determination as to whether
1397 the system should be approved, disapproved, or approved with
1398 modification. The department engineer's determination shall
1399 prevail over the action of the county health department. The
1400 applicant shall be notified in writing of the department's
1401 determination and of the applicant's rights to pursue a variance
1402 or seek review under the provisions of chapter 120.

1403 4. The owner of an engineer-designed performance-based
1404 system must maintain a current maintenance service agreement
1405 with a maintenance entity permitted by the department. The



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1406 maintenance entity shall obtain a biennial system operating
1407 permit from the department for each system under service
1408 contract. The department shall inspect the system at least
1409 annually, or on such periodic basis as the fee collected
1410 permits, and may collect system-effluent samples if appropriate
1411 to determine compliance with the performance criteria. The fee
1412 for the biennial operating permit shall be collected beginning
1413 with the second year of system operation. The maintenance entity
1414 shall inspect each system at least twice each year and shall
1415 report quarterly to the department on the number of systems
1416 inspected and serviced.

1417 5. If an engineer-designed system fails to properly
1418 function or fails to meet performance standards, the system
1419 shall be re-engineered, if necessary, to bring the system into
1420 compliance with the provisions of this section.

1421 (k) An innovative system may be approved in conjunction
1422 with an engineer-designed site-specific system which is
1423 certified by the engineer to meet the performance-based criteria
1424 adopted by the department.

1425 (l) For the Florida Keys, the department shall adopt a
1426 special rule for the construction, installation, modification,
1427 operation, repair, maintenance, and performance of onsite sewage
1428 treatment and disposal systems which considers the unique soil
1429 conditions and water table elevations, densities, and setback
1430 requirements. On lots where a setback distance of 75 feet from
1431 surface waters, saltmarsh, and buttonwood association habitat
1432 areas cannot be met, an injection well, approved and permitted
1433 by the department, may be used for disposal of effluent from
1434 onsite sewage treatment and disposal systems. The following



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1435 additional requirements apply to onsite sewage treatment and
1436 disposal systems in Monroe County:

1437 1. The county, each municipality, and those special
1438 districts established for the purpose of the collection,
1439 transmission, treatment, or disposal of sewage shall ensure, in
1440 accordance with the specific schedules adopted by the
1441 Administration Commission under s. 380.0552, the completion of
1442 onsite sewage treatment and disposal system upgrades to meet the
1443 requirements of this paragraph.

1444 2. Onsite sewage treatment and disposal systems must cease
1445 discharge by December 31, 2015, or must comply with department
1446 rules and provide the level of treatment which, on a permitted
1447 annual average basis, produces an effluent that contains no more
1448 than the following concentrations:

- 1449 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- 1450 b. Suspended Solids of 10 mg/l.
- 1451 c. Total Nitrogen, expressed as N, of 10 mg/l.
- 1452 d. Total Phosphorus, expressed as P, of 1 mg/l.

1453
1454 In addition, onsite sewage treatment and disposal systems
1455 discharging to an injection well must provide basic disinfection
1456 as defined by department rule.

1457 3. On or after July 1, 2010, all new, modified, and
1458 repaired onsite sewage treatment and disposal systems must
1459 provide the level of treatment described in subparagraph 2.
1460 However, in areas scheduled to be served by central sewer by
1461 December 31, 2015, if the property owner has paid a connection
1462 fee or assessment for connection to the central sewer system, an
1463 onsite sewage treatment and disposal system may be repaired to



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1464 the following minimum standards:

1465 a. The existing tanks must be pumped and inspected and
1466 certified as being watertight and free of defects in accordance
1467 with department rule; and

1468 b. A sand-lined drainfield or injection well in accordance
1469 with department rule must be installed.

1470 4. Onsite sewage treatment and disposal systems must be
1471 monitored for total nitrogen and total phosphorus concentrations
1472 as required by department rule.

1473 5. The department shall enforce proper installation,
1474 operation, and maintenance of onsite sewage treatment and
1475 disposal systems pursuant to this chapter, including ensuring
1476 that the appropriate level of treatment described in
1477 subparagraph 2. is met.

1478 6. The authority of a local government, including a special
1479 district, to mandate connection of an onsite sewage treatment
1480 and disposal system is governed by s. 4, chapter 99-395, Laws of
1481 Florida.

1482 (m) No product sold in the state for use in onsite sewage
1483 treatment and disposal systems may contain any substance in
1484 concentrations or amounts that would interfere with or prevent
1485 the successful operation of such system, or that would cause
1486 discharges from such systems to violate applicable water quality
1487 standards. The department shall publish criteria for products
1488 known or expected to meet the conditions of this paragraph. In
1489 the event a product does not meet such criteria, such product
1490 may be sold if the manufacturer satisfactorily demonstrates to
1491 the department that the conditions of this paragraph are met.

1492 (n) Evaluations for determining the seasonal high-water



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1493 table elevations or the suitability of soils for the use of a
1494 new onsite sewage treatment and disposal system shall be
1495 performed by department personnel, professional engineers
1496 registered in the state, or such other persons with expertise,
1497 as defined by rule, in making such evaluations. Evaluations for
1498 determining mean annual flood lines shall be performed by those
1499 persons identified in paragraph (2) (j) ~~(2) (i)~~. The department
1500 shall accept evaluations submitted by professional engineers and
1501 such other persons as meet the expertise established by this
1502 section or by rule unless the department has a reasonable
1503 scientific basis for questioning the accuracy or completeness of
1504 the evaluation.

1505 (o) The department shall appoint a research review and
1506 advisory committee, which shall meet at least semiannually. The
1507 committee shall advise the department on directions for new
1508 research, review and rank proposals for research contracts, and
1509 review draft research reports and make comments. The committee
1510 is comprised of:

1511 1. A representative of the State Surgeon General, or his or
1512 her designee ~~Division of Environmental Health of the Department~~
1513 ~~of Health.~~

1514 2. A representative from the septic tank industry.

1515 3. A representative from the home building industry.

1516 4. A representative from an environmental interest group.

1517 5. A representative from the State University System, from
1518 a department knowledgeable about onsite sewage treatment and
1519 disposal systems.

1520 6. A professional engineer registered in this state who has
1521 work experience in onsite sewage treatment and disposal systems.



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1522 7. A representative from local government who is
1523 knowledgeable about domestic wastewater treatment.

1524 8. A representative from the real estate profession.

1525 9. A representative from the restaurant industry.

1526 10. A consumer.
1527

1528 Members shall be appointed for a term of 3 years, with the
1529 appointments being staggered so that the terms of no more than
1530 four members expire in any one year. Members shall serve without
1531 remuneration, but are entitled to reimbursement for per diem and
1532 travel expenses as provided in s. 112.061.

1533 (p) An application for an onsite sewage treatment and
1534 disposal system permit shall be completed in full, signed by the
1535 owner or the owner's authorized representative, or by a
1536 contractor licensed under chapter 489, and shall be accompanied
1537 by all required exhibits and fees. No specific documentation of
1538 property ownership shall be required as a prerequisite to the
1539 review of an application or the issuance of a permit. The
1540 issuance of a permit does not constitute determination by the
1541 department of property ownership.

1542 (q) The department may not require any form of subdivision
1543 analysis of property by an owner, developer, or subdivider prior
1544 to submission of an application for an onsite sewage treatment
1545 and disposal system.

1546 (r) Nothing in this section limits the power of a
1547 municipality or county to enforce other laws for the protection
1548 of the public health and safety.

1549 (s) In the siting of onsite sewage treatment and disposal
1550 systems, including drainfields, shoulders, and slopes, guttering



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1551 shall not be required on single-family residential dwelling
1552 units for systems located greater than 5 feet from the roof drip
1553 line of the house. If guttering is used on residential dwelling
1554 units, the downspouts shall be directed away from the
1555 drainfield.

1556 (t) Notwithstanding the provisions of subparagraph (g)1.,
1557 onsite sewage treatment and disposal systems located in
1558 floodways of the Suwannee and Aucilla Rivers must adhere to the
1559 following requirements:

1560 1. The absorption surface of the drainfield shall not be
1561 subject to flooding based on 10-year flood elevations. Provided,
1562 however, for lots or parcels created by the subdivision of land
1563 in accordance with applicable local government regulations prior
1564 to January 17, 1990, if an applicant cannot construct a
1565 drainfield system with the absorption surface of the drainfield
1566 at an elevation equal to or above 10-year flood elevation, the
1567 department shall issue a permit for an onsite sewage treatment
1568 and disposal system within the 10-year floodplain of rivers,
1569 streams, and other bodies of flowing water if all of the
1570 following criteria are met:

1571 a. The lot is at least one-half acre in size;

1572 b. The bottom of the drainfield is at least 36 inches above
1573 the 2-year flood elevation; and

1574 c. The applicant installs either: a waterless,
1575 incinerating, or organic waste composting toilet and a graywater
1576 system and drainfield in accordance with department rules; an
1577 aerobic treatment unit and drainfield in accordance with
1578 department rules; a system approved by the State Health Office
1579 that is capable of reducing effluent nitrate by at least 50



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1580 percent; or a system approved by the county health department
1581 pursuant to department rule other than a system using
1582 alternative drainfield materials. The United States Department
1583 of Agriculture Soil Conservation Service soil maps, State of
1584 Florida Water Management District data, and Federal Emergency
1585 Management Agency Flood Insurance maps are resources that shall
1586 be used to identify flood-prone areas.

1587 2. The use of fill or mounding to elevate a drainfield
1588 system out of the 10-year floodplain of rivers, streams, or
1589 other bodies of flowing water shall not be permitted if such a
1590 system lies within a regulatory floodway of the Suwannee and
1591 Aucilla Rivers. In cases where the 10-year flood elevation does
1592 not coincide with the boundaries of the regulatory floodway, the
1593 regulatory floodway will be considered for the purposes of this
1594 subsection to extend at a minimum to the 10-year flood
1595 elevation.

1596 (u) The owner of an aerobic treatment unit system shall
1597 maintain a current maintenance service agreement with an aerobic
1598 treatment unit maintenance entity permitted by the department.
1599 The maintenance entity shall obtain a system operating permit
1600 from the department for each aerobic treatment unit under
1601 service contract. The maintenance entity shall inspect each
1602 aerobic treatment unit system at least twice each year and shall
1603 report quarterly to the department on the number of aerobic
1604 treatment unit systems inspected and serviced. The owner shall
1605 allow the department to inspect during reasonable hours each
1606 aerobic treatment unit system at least annually, and such
1607 inspection may include collection and analysis of system-
1608 effluent samples for performance criteria established by rule of



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1609 the department.

1610 (v) The department may require the submission of detailed
1611 system construction plans that are prepared by a professional
1612 engineer registered in this state. The department shall
1613 establish by rule criteria for determining when such a
1614 submission is required.

1615 Section 34. Section 381.0068, Florida Statutes, is amended
1616 to read:

1617 381.0068 Technical review and advisory panel.—

1618 (1) The Department of Health shall, ~~by July 1, 1996,~~
1619 establish and staff a technical review and advisory panel to
1620 assist the department with rule adoption.

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



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1638 developer in this state who develops lots using onsite sewage
1639 treatment and disposal systems; a representative from the county
1640 health departments who has experience permitting and inspecting
1641 the installation of onsite sewage treatment and disposal systems
1642 in this state; a representative from the real estate industry
1643 who is recommended by the Florida Association of Realtors; a
1644 consumer representative with a science background; two
1645 representatives of the septic tank industry recommended by the
1646 Florida Onsite Wastewater Association, including one who is a
1647 manufacturer of onsite sewage treatment and disposal systems; a
1648 representative from local government who is knowledgeable about
1649 domestic wastewater treatment and who is recommended by the
1650 Florida Association of Counties and the Florida League of
1651 Cities; and a representative from the environmental health
1652 profession who is recommended by the Florida Environmental
1653 Health Association and who is not employed by a county health
1654 department. Members are to be appointed for a term of 2 years.
1655 The panel may also, as needed, be expanded to include ad hoc,
1656 nonvoting representatives who have topic-specific expertise. All
1657 rules proposed by the department which relate to onsite sewage
1658 treatment and disposal systems must be presented to the panel
1659 for review and comment prior to adoption. The panel's position
1660 on proposed rules shall be made a part of the rulemaking record
1661 that is maintained by the agency. The panel shall select a
1662 chair, who shall serve for a period of 1 year and who shall
1663 direct, coordinate, and execute the duties of the panel. The
1664 panel shall also solicit input from the department's variance
1665 review and advisory committee before submitting any comments to
1666 the department concerning proposed rules. The panel's comments



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1667 must include any dissenting points of view concerning proposed
1668 rules. The panel shall hold meetings as it determines necessary
1669 to conduct its business, except that the chair, a quorum of the
1670 voting members of the panel, or the department may call
1671 meetings. The department shall keep minutes of all meetings of
1672 the panel. Panel members shall serve without remuneration, but,
1673 if requested, shall be reimbursed for per diem and travel
1674 expenses as provided in s. 112.061.

1675 Section 35. Subsection (1) of section 381.0072, Florida
1676 Statutes, is amended to read:

1677 381.0072 Food service protection.—It shall be the duty of
1678 the Department of Health to adopt and enforce sanitation rules
1679 consistent with law to ensure the protection of the public from
1680 food-borne illness. These rules shall provide the standards and
1681 requirements for the storage, preparation, serving, or display
1682 of food in food service establishments as defined in this
1683 section and which are not permitted or licensed under chapter
1684 500 or chapter 509.

1685 (1) DEFINITIONS.—As used in this section, the term:

1686 (a) "Department" means the Department of Health or its
1687 representative county health department.

1688 (b) "Food service establishment" means detention
1689 facilities, public or private schools, migrant labor camps,
1690 assisted living facilities, facilities participating in the
1691 United States Department of Agriculture Afterschool Meal Program
1692 that are located at a facility or site that is not inspected by
1693 another state agency for compliance with sanitation standards,
1694 adult family-care homes, adult day care centers, short-term
1695 residential treatment centers, residential treatment facilities,



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1696 homes for special services, transitional living facilities,
1697 crisis stabilization units, hospices, prescribed pediatric
1698 extended care centers, intermediate care facilities for persons
1699 with developmental disabilities, boarding schools, civic or
1700 fraternal organizations, bars and lounges, vending machines that
1701 dispense potentially hazardous foods at facilities expressly
1702 named in this paragraph, and facilities used as temporary food
1703 events or mobile food units at any facility expressly named in
1704 this paragraph, where food is prepared and intended for
1705 individual portion service, including the site at which
1706 individual portions are provided, regardless of whether
1707 consumption is on or off the premises and regardless of whether
1708 there is a charge for the food. The term does not include any
1709 entity not expressly named in this paragraph; nor does the term
1710 include a domestic violence center certified and monitored by
1711 the Department of Children and Family Services under part XII of
1712 chapter 39 if the center does not prepare and serve food to its
1713 residents and does not advertise food or drink for public
1714 consumption.

1715 (c) "Operator" means the owner, operator, keeper,
1716 proprietor, lessee, manager, assistant manager, agent, or
1717 employee of a food service establishment.

1718 Section 36. Section 381.00781, Florida Statutes, is amended
1719 to read:

1720 381.00781 Fees; disposition.—

1721 ~~(1)~~ The department shall establish by rule the following
1722 fees:

1723 (1) ~~(a)~~ Fee For the initial licensure of a tattoo
1724 establishment and the renewal of such license, a fee ~~which,~~



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1725 ~~except as provided in subsection (2), may not to~~ exceed \$250 per
1726 year.

1727 ~~(2)(b) Fee~~ For licensure of a temporary establishment, a
1728 ~~fee which, except as provided in subsection (2), may not to~~
1729 exceed \$250.

1730 ~~(3)(c) Fee~~ For the initial licensure of a tattoo artist and
1731 the renewal of such license, a fee ~~which, except as provided in~~
1732 ~~subsection (2), may not to~~ exceed \$150 per year.

1733 ~~(3)(d) Fee~~ For registration or reregistration of a guest
1734 tattoo artist, a fee ~~which, except as provided in subsection~~
1735 ~~(2), may not to~~ exceed \$45.

1736 ~~(4)(e) Fee~~ For reactivation of an inactive tattoo
1737 establishment license or tattoo artist license. A license
1738 becomes inactive if it is not renewed before the expiration of
1739 the current license.

1740 ~~(2) The department may annually adjust the maximum fees~~
1741 ~~authorized under subsection (1) according to the rate of~~
1742 ~~inflation or deflation indicated by the Consumer Price Index for~~
1743 ~~All Urban Consumers, U.S. City Average, All Items, as reported~~
1744 ~~by the United States Department of Labor.~~

1745 Section 37. Subsections (1) and (4) of section 381.0086,
1746 Florida Statutes, are amended to read:

1747 381.0086 Rules; variances; penalties.-

1748 (1) The department shall adopt rules necessary to protect
1749 the health and safety of migrant farmworkers and other migrant
1750 labor camp or residential migrant housing occupants, including
1751 rules governing field sanitation facilities. These rules must
1752 include definitions of terms, a process for ~~provisions relating~~
1753 ~~to~~ plan review of the construction of new, expanded, or



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1754 remodeled camps or residential migrant housing, sites, buildings
1755 and structures; and standards for personal hygiene facilities,
1756 ~~lighting~~, sewage disposal, safety, minimum living space per
1757 occupant, bedding, food equipment, food storage and preparation,
1758 insect and rodent control, garbage, heating equipment, water
1759 supply, maintenance and operation of the camp or housing, ~~or~~
1760 ~~roads~~, and such other matters as the department finds to be
1761 appropriate or necessary to protect the life and health of the
1762 occupants. Housing operated by a public housing authority is
1763 exempt from the provisions of any administrative rule that
1764 conflicts with or is more stringent than the federal standards
1765 applicable to the housing.

1766 (4) A person who violates any provision of ss. 381.008-
1767 381.00895 or rules adopted under such sections is subject either
1768 to the penalties provided in ss. 381.0012, ~~381.0025~~, and
1769 381.0061 or to the penalties provided in s. 381.0087.

1770 Section 38. Subsections (1) and (7) of section 381.0098,
1771 Florida Statutes, are amended to read:

1772 381.0098 Biomedical waste.-

1773 (1) LEGISLATIVE INTENT. ~~It is the intent of the Legislature~~
1774 ~~to protect the public health by establishing standards for the~~
1775 ~~safe packaging, transport, storage, treatment, and disposal of~~
1776 ~~biomedical waste.~~ Except as otherwise provided herein, the
1777 Department of Health shall regulate the packaging, transport,
1778 storage, and treatment of biomedical waste. The Department of
1779 Environmental Protection shall regulate onsite and offsite
1780 incineration and disposal of biomedical waste. Consistent with
1781 the foregoing, the Department of Health shall have the exclusive
1782 authority to establish treatment efficacy standards for



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1783 biomedical waste and the Department of Environmental Protection
1784 shall have the exclusive authority to establish statewide
1785 standards relating to environmental impacts, if any, of
1786 treatment and disposal including, but not limited to, water
1787 discharges and air emissions. An interagency agreement between
1788 the Department of Environmental Protection and the Department of
1789 Health shall be developed to ensure maximum efficiency in
1790 coordinating, administering, and regulating biomedical wastes.

1791 (7) ENFORCEMENT AND PENALTIES.—Any person or public body in
1792 violation of this section or rules adopted under this section is
1793 subject to penalties provided in ss. 381.0012, ~~381.0025~~, and
1794 381.0061. However, an administrative fine not to exceed \$2,500
1795 may be imposed for each day such person or public body is in
1796 violation of this section. The department may deny, suspend, or
1797 revoke any biomedical waste permit or registration if the
1798 permittee violates this section, any rule adopted under this
1799 section, or any lawful order of the department.

1800 Section 39. Subsections (2) through (8) of section
1801 381.0101, Florida Statutes, are renumbered as subsection (1)
1802 through (7), respectively, and present subsections (1), (3), and
1803 (4) and paragraph (a) of present subsection (5) of that section
1804 are amended to read:

1805 381.0101 Environmental health professionals.—

1806 ~~(1) LEGISLATIVE INTENT.—Persons responsible for providing~~
1807 ~~technical and scientific evaluations of environmental health and~~
1808 ~~sanitary conditions in business establishments and communities~~
1809 ~~throughout the state may create a danger to the public health if~~
1810 ~~they are not skilled or competent to perform such evaluations.~~
1811 ~~The public relies on the judgment of environmental health~~



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1812 ~~professionals employed by both government agencies and~~
1813 ~~industries to assure them that environmental hazards are~~
1814 ~~identified and removed before they endanger the health or safety~~
1815 ~~of the public. The purpose of this section is to assure the~~
1816 ~~public that persons specifically responsible for performing~~
1817 ~~environmental health and sanitary evaluations have been~~
1818 ~~certified by examination as competent to perform such work.~~

1819 ~~(2)~~(3) CERTIFICATION REQUIRED.—~~A~~ No person may not shall
1820 perform environmental health or sanitary evaluations in any
1821 primary program area of environmental health without being
1822 certified by the department as competent to perform such
1823 evaluations. This section does not apply to:

1824 (a) Persons performing inspections of public food service
1825 establishments licensed under chapter 509; or

1826 (b) Persons performing site evaluations in order to
1827 determine proper placement and installation of onsite wastewater
1828 treatment and disposal systems who have successfully completed a
1829 department-approved soils morphology course and who are working
1830 under the direct responsible charge of an engineer licensed
1831 under chapter 471.

1832 ~~(3)~~(4) ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—
1833 The State Health Officer shall appoint an advisory board to
1834 assist the department in the promulgation of rules for
1835 certification, testing, establishing standards, and seeking
1836 enforcement actions against certified professionals.

1837 (a) The board shall be comprised of the Division Director
1838 for Emergency Preparedness and Community Support Environmental
1839 ~~Health~~ or his or her designee, one individual who will be
1840 certified under this section, one individual not employed in a



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1841 governmental capacity who will or does employ a certified
1842 environmental health professional, one individual whose business
1843 is or will be evaluated by a certified environmental health
1844 professional, a citizen of the state who neither employs nor is
1845 routinely evaluated by a person certified under this section.

1846 (b) The board shall advise the department as to the minimum
1847 disciplinary guidelines and standards of competency and
1848 proficiency necessary to obtain certification in a primary area
1849 of environmental health practice.

1850 1. The board shall recommend primary areas of environmental
1851 health practice in which environmental health professionals
1852 should be required to obtain certification.

1853 2. The board shall recommend minimum standards of practice
1854 which the department shall incorporate into rule.

1855 3. The board shall evaluate and recommend to the department
1856 existing registrations and certifications which meet or exceed
1857 minimum department standards and should, therefore, exempt
1858 holders of such certificates or registrations from compliance
1859 with this section.

1860 4. The board shall hear appeals of certificate denials,
1861 revocation, or suspension and shall advise the department as to
1862 the disposition of such an appeal.

1863 5. The board shall meet as often as necessary, but no less
1864 than semiannually, handle appeals to the department, and conduct
1865 other duties of the board.

1866 6. Members of the board shall receive no compensation but
1867 are entitled to reimbursement for per diem and travel expenses
1868 in accordance with s. 112.061.

1869 (4)~~(5)~~ STANDARDS FOR CERTIFICATION.—The department shall



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1870 adopt rules that establish definitions of terms and minimum
1871 standards of education, training, or experience for those
1872 persons subject to this section. The rules must also address the
1873 process for application, examination, issuance, expiration, and
1874 renewal of certification and ethical standards of practice for
1875 the profession.

1876 (a) Persons employed as environmental health professionals
1877 shall exhibit a knowledge of rules and principles of
1878 environmental and public health law in Florida through
1879 examination. A person may not conduct environmental health
1880 evaluations in a primary program area unless he or she is
1881 currently certified in that program area or works under the
1882 direct supervision of a certified environmental health
1883 professional.

1884 1. All persons who begin employment in a primary
1885 environmental health program on or after September 21, 1994,
1886 must be certified in that program within 6 months after
1887 employment.

1888 2. Persons employed in the primary environmental health
1889 program of a food protection program or an onsite sewage
1890 treatment and disposal system prior to September 21, 1994, shall
1891 be considered certified while employed in that position and
1892 shall be required to adhere to any professional standards
1893 established by the department pursuant to paragraph (b),
1894 complete any continuing education requirements imposed under
1895 paragraph (d), and pay the certificate renewal fee imposed under
1896 subsection (6) ~~(7)~~.

1897 3. Persons employed in the primary environmental health
1898 program of a food protection program or an onsite sewage



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1899 treatment and disposal system prior to September 21, 1994, who
1900 change positions or program areas and transfer into another
1901 primary environmental health program area on or after September
1902 21, 1994, must be certified in that program within 6 months
1903 after such transfer, except that they will not be required to
1904 possess the college degree required under paragraph (e).

1905 4. Registered sanitarians shall be considered certified and
1906 shall be required to adhere to any professional standards
1907 established by the department pursuant to paragraph (b).

1908 Section 40. Section 381.0203, Florida Statutes, is amended
1909 to read:

1910 381.0203 Pharmacy services.—

1911 (1) The department may contract on a statewide basis for
1912 the purchase of drugs, as defined in s. 499.003, to be used by
1913 state agencies and political subdivisions, and may adopt rules
1914 to administer this section.

1915 (2) The department shall establish and maintain a pharmacy
1916 services program, including, but not limited to:

1917 (a) A central pharmacy to support pharmaceutical services
1918 provided by the county health departments, including
1919 pharmaceutical repackaging, dispensing, and the purchase and
1920 distribution of immunizations and other pharmaceuticals.

1921 ~~(b) Regulation of drugs, cosmetics, and household products~~
1922 ~~pursuant to chapter 499.~~

1923 ~~(b)-(e)~~ Consultation to county health departments as
1924 required by s. 154.04(1)(c).

1925 ~~(d) A contraception distribution program which shall be~~
1926 ~~implemented, to the extent resources permit, through the~~
1927 ~~licensed pharmacies of county health departments. A woman who is~~



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1928 ~~eligible for participation in the contraceptive distribution~~
1929 ~~program is deemed a patient of the county health department.~~
1930 ~~1. To be eligible for participation in the program a woman~~
1931 ~~must:~~
1932 ~~a. Be a client of the department or the Department of~~
1933 ~~Children and Family Services.~~
1934 ~~b. Be of childbearing age with undesired fertility.~~
1935 ~~e. Have an income between 150 and 200 percent of the~~
1936 ~~federal poverty level.~~
1937 ~~d. Have no Medicaid benefits or applicable health insurance~~
1938 ~~benefits.~~
1939 ~~e. Have had a medical examination by a licensed health care~~
1940 ~~provider within the past 6 months.~~
1941 ~~f. Have a valid prescription for contraceptives that are~~
1942 ~~available through the contraceptive distribution program.~~
1943 ~~g. Consent to the release of necessary medical information~~
1944 ~~to the county health department.~~
1945 ~~2. Fees charged for the contraceptives under the program~~
1946 ~~must cover the cost of purchasing and providing contraceptives~~
1947 ~~to women participating in the program.~~
1948 ~~3. The department may adopt rules to administer this~~
1949 ~~program.~~
1950 Section 41. Subsection (1) of section 381.0261, Florida
1951 Statutes, is amended to read:
1952 381.0261 Summary of patient's bill of rights; distribution;
1953 penalty.—
1954 (1) The Department of Health shall publish on its Internet
1955 website ~~Agency for Health Care Administration shall have printed~~
1956 ~~and made continuously available to health care facilities~~



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1957 ~~licensed under chapter 395, physicians licensed under chapter~~
1958 ~~458, osteopathic physicians licensed under chapter 459, and~~
1959 ~~podiatric physicians licensed under chapter 461~~ a summary of the
1960 Florida Patient's Bill of Rights and Responsibilities. In
1961 adopting and making available to patients the summary of the
1962 Florida Patient's Bill of Rights and Responsibilities, health
1963 care providers and health care facilities are not limited to the
1964 format in which the department publishes ~~Agency for Health Care~~
1965 ~~Administration prints and distributes~~ the summary.

1966 Section 42. Section 381.0301, Florida Statutes, is
1967 repealed.

1968 Section 43. Section 381.0302, Florida Statutes, is
1969 repealed.

1970 Section 44. Subsection (5) of section 381.0303, Florida
1971 Statutes, is amended to read:

1972 381.0303 Special needs shelters.—

1973 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State
1974 Surgeon General may establish a special needs shelter
1975 interagency committee and serve as, or appoint a designee to
1976 serve as, the committee's chair. The department shall provide
1977 any necessary staff and resources to support the committee in
1978 the performance of its duties. The committee shall address and
1979 resolve problems related to special needs shelters not addressed
1980 in the state comprehensive emergency medical plan and shall
1981 consult on the planning and operation of special needs shelters.

1982 (a) The committee shall—

1983 ~~1.~~ develop, negotiate, and regularly review any necessary
1984 interagency agreements, and—

1985 ~~2.~~ undertake other such activities as the department deems



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1986 necessary to facilitate the implementation of this section.
1987 ~~3. Submit recommendations to the Legislature as necessary.~~
1988 (b) The special needs shelter interagency committee shall
1989 be composed of representatives of emergency management, health,
1990 medical, and social services organizations. Membership shall
1991 include, but shall not be limited to, representatives of the
1992 Departments of Health, Children and Family Services, Elderly
1993 Affairs, and Education; the Agency for Health Care
1994 Administration; the Division of Emergency Management; the
1995 Florida Medical Association; the Florida Osteopathic Medical
1996 Association; Associated Home Health Industries of Florida, Inc.;
1997 the Florida Nurses Association; the Florida Health Care
1998 Association; the Florida Assisted Living Affiliation; the
1999 Florida Hospital Association; the Florida Statutory Teaching
2000 Hospital Council; the Florida Association of Homes for the
2001 Aging; the Florida Emergency Preparedness Association; the
2002 American Red Cross; Florida Hospices and Palliative Care, Inc.;
2003 the Association of Community Hospitals and Health Systems; the
2004 Florida Association of Health Maintenance Organizations; the
2005 Florida League of Health Systems; the Private Care Association;
2006 the Salvation Army; the Florida Association of Aging Services
2007 Providers; the AARP; and the Florida Renal Coalition.
2008 (c) Meetings of the committee shall be held in Tallahassee,
2009 and members of the committee shall serve at the expense of the
2010 agencies or organizations they represent. The committee shall
2011 make every effort to use teleconference or videoconference
2012 capabilities in order to ensure statewide input and
2013 participation.
2014 Section 45. Section 381.04015, Florida Statutes, is



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2015 repealed.

2016 Section 46. Subsections (2), (3), and (4) of section
2017 381.0403, Florida Statutes, are amended to read:

2018 381.0403 The Community Hospital Education Act.—

2019 (2) ESTABLISHMENT OF PROGRAM ~~LEGISLATIVE INTENT.~~—

2020 ~~(a) It is the intent of the Legislature that health care~~
2021 ~~services for the citizens of this state be upgraded and that a~~
2022 ~~program for continuing these services be maintained through a~~
2023 ~~plan for community medical education. The A program is intended~~
2024 ~~established to plan for community medical education, provide~~
2025 ~~additional outpatient and inpatient services, increase the a~~
2026 ~~continuing supply of highly trained physicians, and expand~~
2027 ~~graduate medical education.~~

2028 ~~(b) The Legislature further acknowledges the critical need~~
2029 ~~for increased numbers of primary care physicians to provide the~~
2030 ~~necessary current and projected health and medical services. In~~
2031 ~~order to meet both present and anticipated needs, the~~
2032 ~~Legislature supports an expansion in the number of family~~
2033 ~~practice residency positions. The Legislature intends that the~~
2034 ~~funding for graduate education in family practice be maintained~~
2035 ~~and that funding for all primary care specialties be provided at~~
2036 ~~a minimum of \$10,000 per resident per year. Should funding for~~
2037 ~~this act remain constant or be reduced, it is intended that all~~
2038 ~~programs funded by this act be maintained or reduced~~
2039 ~~proportionately.~~

2040 (3) PROGRAM FOR COMMUNITY HOSPITAL EDUCATION; STATE AND
2041 LOCAL PLANNING.—

2042 (a) ~~There is established under the Department of Health a~~
2043 ~~program for statewide graduate medical education. It is intended~~



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2044 ~~that continuing graduate medical education programs for interns~~
2045 ~~and residents be established on a statewide basis.~~ The program
2046 shall provide financial support for primary care specialty
2047 interns and residents based on recommendations of policies
2048 ~~recommended and approved by~~ the Community Hospital Education
2049 Council, herein established, and the Department of Health, as
2050 authorized by the General Appropriations Act. Only those
2051 programs with at least three residents or interns in each year
2052 of the training program are qualified to apply for financial
2053 support. Programs with fewer than three residents or interns per
2054 training year are qualified to apply for financial support, but
2055 only if the appropriate accrediting entity for the particular
2056 specialty has approved the program for fewer positions. New
2057 ~~programs added after fiscal year 1997-1998~~ shall have 5 years to
2058 attain the requisite number of residents or interns. When
2059 feasible and to the extent allowed through the General
2060 Appropriations Act, state funds shall be used to generate
2061 federal matching funds under Medicaid, or other federal
2062 programs, and the resulting combined state and federal funds
2063 shall be allocated to participating hospitals for the support of
2064 graduate medical education.

2065 (b) For the purposes of this section, primary care
2066 specialties include emergency medicine, family practice,
2067 internal medicine, pediatrics, psychiatry,
2068 obstetrics/gynecology, and combined pediatrics and internal
2069 medicine, and other primary care specialties as may be included
2070 by the council and Department of Health.

2071 (c) Medical institutions throughout the state may apply to
2072 the Community Hospital Education Council for grants-in-aid for



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2073 financial support of their approved programs. Recommendations
2074 for funding of approved programs shall be forwarded to the
2075 Department of Health.

2076 (d) The program shall provide a plan for community clinical
2077 teaching and training with the cooperation of the medical
2078 profession, hospitals, and clinics. The plan shall also include
2079 formal teaching opportunities for intern and resident training.
2080 In addition, the plan shall establish an off-campus medical
2081 faculty with university faculty review to be located throughout
2082 the state in local communities.

2083 (4) PROGRAM FOR GRADUATE MEDICAL EDUCATION INNOVATIONS.—

2084 (a) There is established under the Department of Health a
2085 program for fostering graduate medical education innovations.
2086 Funds appropriated annually by the Legislature for this purpose
2087 shall be distributed to participating hospitals or consortia of
2088 participating hospitals and Florida medical schools or to a
2089 Florida medical school for the direct costs of providing
2090 graduate medical education in community-based clinical settings
2091 on a competitive grant or formula basis to achieve state health
2092 care workforce policy objectives, including, but not limited to:

2093 1. Increasing the number of residents in primary care and
2094 other high demand specialties or fellowships;

2095 2. Enhancing retention of primary care physicians in
2096 Florida practice;

2097 3. Promoting practice in medically underserved areas of the
2098 state;

2099 4. Encouraging racial and ethnic diversity within the
2100 state's physician workforce; and

2101 5. Encouraging increased production of geriatricians.



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2102 (b) Participating hospitals or consortia of participating
2103 hospitals and Florida medical schools or a Florida medical
2104 school providing graduate medical education in community-based
2105 clinical settings may apply to the Community Hospital Education
2106 Council for funding under this innovations program, except when
2107 such innovations directly compete with services or programs
2108 provided by participating hospitals or consortia of
2109 participating hospitals, or by both hospitals and consortia.
2110 Innovations program funding shall be allocated ~~provide funding~~
2111 based on recommendations of ~~policies recommended and approved by~~
2112 the Community Hospital Education Council and the Department of
2113 Health, as authorized by the General Appropriations Act.

2114 (c) Participating hospitals or consortia of participating
2115 hospitals and Florida medical schools or Florida medical schools
2116 awarded an innovations grant shall provide the Community
2117 Hospital Education Council and Department of Health with an
2118 annual report on their project.

2119 Section 47. Subsection (7) of section 381.0405, Florida
2120 Statutes, is amended to read:

2121 381.0405 Office of Rural Health.-

2122 ~~(7) APPROPRIATION. The Legislature shall appropriate such~~
2123 ~~sums as are necessary to support the Office of Rural Health.~~

2124 Section 48. Subsection (3) of section 381.0406, Florida
2125 Statutes, is amended to read:

2126 381.0406 Rural health networks.-

2127 (3) ~~Because each rural area is unique, with a different~~
2128 ~~health care provider mix,~~ Health care provider membership may
2129 vary, but all networks shall include members that provide public
2130 health, comprehensive primary care, emergency medical care, and



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2131 acute inpatient care.

2132 Section 49. Effective October 1, 2014, section 381.0407,
2133 Florida Statutes, is repealed.

2134 Section 50. Section 381.045, Florida Statutes, is repealed.

2135 Section 51. Subsection (7) of section 381.06015, Florida
2136 Statutes, is amended to read:

2137 381.06015 Public Cord Blood Tissue Bank.—

2138 ~~(7) In order to fund the provisions of this section the~~
2139 ~~consortium participants, the Agency for Health Care~~
2140 ~~Administration, and the Department of Health shall seek private~~
2141 ~~or federal funds to initiate program actions for fiscal year~~
2142 ~~2000-2001.~~

2143 Section 52. Section 381.0605, Florida Statutes, is
2144 repealed.

2145 Section 53. Sections 381.1001, 381.1015, 381.102, and
2146 381.103, Florida Statutes, are repealed.

2147 Section 54. Subsections (3) through (5) of section
2148 381.4018, Florida Statutes, are renumbered as subsections (2)
2149 through (4), respectively, and present subsection (2) and
2150 paragraph (f) of present subsection (4) of that section are
2151 amended to read:

2152 381.4018 Physician workforce assessment and development.—

2153 ~~(2) LEGISLATIVE INTENT.—The Legislature recognizes that~~
2154 ~~physician workforce planning is an essential component of~~
2155 ~~ensuring that there is an adequate and appropriate supply of~~
2156 ~~well-trained physicians to meet this state's future health care~~
2157 ~~service needs as the general population and elderly population~~
2158 ~~of the state increase. The Legislature finds that items to~~
2159 ~~consider relative to assessing the physician workforce may~~



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2160 ~~include physician practice status; specialty mix; geographic~~
2161 ~~distribution; demographic information, including, but not~~
2162 ~~limited to, age, gender, race, and cultural considerations; and~~
2163 ~~needs of current or projected medically underserved areas in the~~
2164 ~~state. Long-term strategic planning is essential as the period~~
2165 ~~from the time a medical student enters medical school to~~
2166 ~~completion of graduate medical education may range from 7 to 10~~
2167 ~~years or longer. The Legislature recognizes that strategies to~~
2168 ~~provide for a well-trained supply of physicians must include~~
2169 ~~ensuring the availability and capacity of quality medical~~
2170 ~~schools and graduate medical education programs in this state,~~
2171 ~~as well as using new or existing state and federal programs~~
2172 ~~providing incentives for physicians to practice in needed~~
2173 ~~specialties and in underserved areas in a manner that addresses~~
2174 ~~projected needs for physician manpower.~~

2175 (3)~~(4)~~ GENERAL FUNCTIONS.—The department shall maximize the
2176 use of existing programs under the jurisdiction of the
2177 department and other state agencies and coordinate governmental
2178 and nongovernmental stakeholders and resources in order to
2179 develop a state strategic plan and assess the implementation of
2180 such strategic plan. In developing the state strategic plan, the
2181 department shall:

2182 (f) Develop strategies to maximize federal and state
2183 programs that provide for the use of incentives to attract
2184 physicians to this state or retain physicians within the state.
2185 Such strategies should explore and maximize federal-state
2186 partnerships that provide incentives for physicians to practice
2187 in federally designated shortage areas. Strategies shall also
2188 consider the use of state programs, such as the ~~Florida Health~~



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2189 ~~Service Corps established pursuant to s. 381.0302 and the~~
2190 ~~Medical Education Reimbursement and Loan Repayment Program~~
2191 ~~pursuant to s. 1009.65, which provide for education loan~~
2192 ~~repayment or loan forgiveness and provide monetary incentives~~
2193 ~~for physicians to relocate to underserved areas of the state.~~

2194 Section 55. Section 381.60225, Florida Statutes, is
2195 repealed.

2196 Section 56. Sections 381.732, 381.733, and 381.734, Florida
2197 Statutes, are repealed.

2198 Section 57. Section 381.7352, Florida Statutes, is amended
2199 to read:

2200 381.7352 Legislative findings and intent.—

2201 ~~(1) The Legislature finds that despite state investments in~~
2202 ~~health care programs, certain racial and ethnic populations in~~
2203 ~~Florida continue to have significantly poorer health outcomes~~
2204 ~~when compared to non-Hispanic whites. The Legislature finds that~~
2205 ~~local solutions to health care problems can have a dramatic and~~
2206 ~~positive effect on the health status of these populations. Local~~
2207 ~~governments and communities are best equipped to identify the~~
2208 ~~health education, health promotion, and disease prevention needs~~
2209 ~~of the racial and ethnic populations in their communities,~~
2210 ~~mobilize the community to address health outcome disparities,~~
2211 ~~enlist and organize local public and private resources, and~~
2212 ~~faith-based organizations to address these disparities, and~~
2213 ~~evaluate the effectiveness of interventions.~~

2214 ~~(2) It is therefore the intent of the Legislature to~~
2215 ~~provide funds within Florida counties and Front Porch Florida~~
2216 ~~Communities, in the form of Reducing Racial and Ethnic Health~~
2217 ~~Disparities: Closing the Gap grants, to stimulate the~~



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2218 development of community-based and neighborhood-based projects
2219 which will improve the health outcomes of racial and ethnic
2220 populations. Further, it is the intent of the Legislature that
2221 these programs foster the development of coordinated,
2222 collaborative, and broad-based participation by public and
2223 private entities, and faith-based organizations. Finally, it is
2224 the intent of the Legislature that the grant program function as
2225 a partnership between state and local governments, faith-based
2226 organizations, and private sector health care providers,
2227 including managed care, voluntary health care resources, social
2228 service providers, and nontraditional partners.

2229 Section 58. Subsection (3) of section 381.7353, Florida
2230 Statutes, is amended to read:

2231 381.7353 Reducing Racial and Ethnic Health Disparities:
2232 Closing the Gap grant program; administration; department
2233 duties.—

2234 ~~(3) Pursuant to s. 20.43(6), the State Surgeon General may~~
2235 ~~appoint an ad hoc advisory committee to: examine areas where~~
2236 ~~public awareness, public education, research, and coordination~~
2237 ~~regarding racial and ethnic health outcome disparities are~~
2238 ~~lacking; consider access and transportation issues which~~
2239 ~~contribute to health status disparities; and make~~
2240 ~~recommendations for closing gaps in health outcomes and~~
2241 ~~increasing the public's awareness and understanding of health~~
2242 ~~disparities that exist between racial and ethnic populations.~~

2243 Section 59. Subsections (5) and (6) of section 381.7356,
2244 Florida Statutes, are renumbered as subsections (4) and (5),
2245 respectively, and present subsection (4) of that section is
2246 amended to read:



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2247 381.7356 Local matching funds; grant awards.-
2248 ~~(4) Dissemination of grant awards shall begin no later than~~
2249 ~~January 1, 2001.~~

2250 Section 60. Subsection (3) of section 381.765, Florida
2251 Statutes, is amended to read:

2252 381.765 Retention of title to and disposal of equipment.-

2253 ~~(3) The department may adopt rules relating to records and~~
2254 ~~recordkeeping for department-owned property referenced in~~
2255 ~~subsections (1) and (2).~~

2256 Section 61. Section 381.77, Florida Statutes, is repealed.

2257 Section 62. Section 381.795, Florida Statutes, is repealed.

2258 Section 63. Subsections (2) through (5) of section 381.853,
2259 Florida Statutes, are renumbered as subsections (1) through (4),
2260 respectively, and present subsection (1) of that section is
2261 amended to read:

2262 381.853 Florida Center for Brain Tumor Research.-

2263 ~~(1) The Legislature finds that each year an estimated~~
2264 ~~190,000 citizens of the United States are diagnosed with~~
2265 ~~cancerous and noncancerous brain tumors and that biomedical~~
2266 ~~research is the key to finding cures for these tumors. The~~
2267 ~~Legislature further finds that, although brain tumor research is~~
2268 ~~being conducted throughout the state, there is a lack of~~
2269 ~~coordinated efforts among researchers and health care providers.~~
2270 ~~Therefore, the Legislature finds that there is a significant~~
2271 ~~need for a coordinated effort to achieve the goal of curing~~
2272 ~~brain tumors. The Legislature further finds that the biomedical~~
2273 ~~technology sector meets the criteria of a high-impact sector,~~
2274 ~~pursuant to s. 288.108(6), having a high importance to the~~
2275 ~~state's economy with a significant potential for growth and~~



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2276 ~~contribution to our universities and quality of life.~~
2277 Section 64. Section 381.855, Florida Statutes, is repealed.
2278 Section 65. Section 381.87, Florida Statutes, is repealed.
2279 Section 66. Section 381.90, Florida Statutes, is repealed.
2280 Section 67. Subsection (1) of section 381.91, Florida
2281 Statutes, is amended to read:
2282 381.91 Jessie Trice Cancer Prevention Program.—
2283 (1) It is the intent of the Legislature to:
2284 ~~(a) Reduce the rates of illness and death from lung cancer~~
2285 ~~and other cancers and improve the quality of life among low-~~
2286 ~~income African-American and Hispanic populations through~~
2287 ~~increased access to early, effective screening and diagnosis,~~
2288 ~~education, and treatment programs.~~
2289 ~~(b)~~ create a community faith-based disease-prevention
2290 program in conjunction with the Health Choice Network and other
2291 community health centers to build upon the natural referral and
2292 education networks in place within minority communities and to
2293 increase access to health service delivery in Florida and-
2294 ~~(c)~~ establish a funding source to build upon local private
2295 participation to sustain the operation of the program.
2296 Section 68. Subsection (5) of section 381.922, Florida
2297 Statutes, is amended to read:
2298 381.922 William G. "Bill" Bankhead, Jr., and David Coley
2299 Cancer Research Program.—
2300 (5) The William G. "Bill" Bankhead, Jr., and David Coley
2301 Cancer Research Program is funded pursuant to s. 215.5602(12).
2302 Funds appropriated for the William G. "Bill" Bankhead, Jr., and
2303 David Coley Cancer Research Program shall be distributed
2304 pursuant to this section to provide grants to researchers



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2305 seeking cures for cancer and cancer-related illnesses, with
2306 emphasis given to the goals enumerated in this section. From the
2307 total funds appropriated, an amount of up to 10 percent may be
2308 used for administrative expenses. ~~From funds appropriated to~~
2309 ~~accomplish the goals of this section, up to \$250,000 shall be~~
2310 ~~available for the operating costs of the Florida Center for~~
2311 ~~Universal Research to Eradicate Disease.~~

2312 Section 69. Paragraph (g) of subsection (1) of section
2313 383.011, Florida Statutes, is amended to read:

2314 383.011 Administration of maternal and child health
2315 programs.—

2316 (1) The Department of Health is designated as the state
2317 agency for:

2318 (g) Receiving the federal funds for the "Special
2319 Supplemental Nutrition Program for Women, Infants, and
2320 Children," or WIC, authorized by the Child Nutrition Act of
2321 1966, as amended, and for providing clinical leadership for
2322 ~~administering~~ the statewide WIC program.

2323 1. The department shall establish an interagency agreement
2324 with the Department of Children and Family Services for fiscal
2325 management of the program. Responsibilities are delegated to
2326 each department, as follows:

2327 a. The department shall provide clinical leadership, manage
2328 program eligibility, and distribute nutritional guidance and
2329 information to participants.

2330 b. The Department of Children and Family Services shall
2331 develop and implement an electronic benefits transfer system.

2332 c. The Department of Children and Family Services shall
2333 develop a cost containment plan that provides timely and



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2334 accurate adjustments based on wholesale price fluctuations and
2335 adjusts for the number of cash registers in calculating
2336 statewide averages.

2337 d. The department shall coordinate submission of
2338 information to appropriate federal officials in order to obtain
2339 approval of the electronic benefits system and cost containment
2340 plan, which must include participation of WIC-only stores.

2341 2. The department shall assist the Department of Children
2342 and Family Services in the development of the electronic
2343 benefits system to ensure full implementation no later than July
2344 1, 2013.

2345 Section 70. Section 383.141, Florida Statutes, is created
2346 to read:

2347 383.141 Prenatally diagnosed conditions; patient to be
2348 provided information; definitions; information clearinghouse;
2349 advisory council.-

2350 (1) As used in this section, the term:

2351 (a) "Down syndrome" means a chromosomal disorder caused by
2352 an error in cell division which results in the presence of an
2353 extra whole or partial copy of chromosome 21.

2354 (b) "Developmental disability" includes Down syndrome and
2355 other developmental disabilities defined by s. 393.063(9).

2356 (c) "Health care provider" means a practitioner licensed
2357 under chapter 458 or chapter 459.

2358 (d) "Prenatally diagnosed condition" means an adverse fetal
2359 health condition identified by prenatal testing.

2360 (e) "Prenatal test" or "prenatal testing" means a
2361 diagnostic procedure or screening procedure performed on a
2362 pregnant woman or her unborn offspring to obtain information



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2363 about the offspring's health or development.

2364 (2) When a developmental disability is diagnosed based on
2365 the results of a prenatal test, the health care provider who
2366 ordered the prenatal test, or his or her designee, shall provide
2367 the patient with current information about the nature of the
2368 developmental disability, the accuracy of the prenatal test, and
2369 resources for obtaining relevant support services, including
2370 hotlines, resource centers, and information clearinghouses
2371 related to Down syndrome or other prenatally diagnosed
2372 developmental disabilities; support programs for parents and
2373 families; and developmental evaluation and intervention services
2374 under s. 391.303.

2375 (3) The Department of Health shall establish on its
2376 Internet website a clearinghouse of information related to
2377 developmental disabilities concerning providers of supportive
2378 services, information hotlines specific to Down syndrome and
2379 other prenatally diagnosed developmental disabilities, resource
2380 centers, educational programs, other support programs for
2381 parents and families, and developmental evaluation and
2382 intervention services under s. 391.303. Such information shall
2383 be made available to health care providers for use in counseling
2384 pregnant women whose unborn children have been prenatally
2385 diagnosed with developmental disabilities.

2386 (a) There is established an advisory council within the
2387 Department of Health which consists of health care providers and
2388 caregivers who perform health care services for persons who have
2389 developmental disabilities, including Down syndrome and autism.
2390 This group shall consist of nine members as follows:

2391 1. Three members appointed by the Governor;



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2392 2. Three members appointed by the President of the Senate;
2393 and

2394 3. Three members appointed by the Speaker of the House of
2395 Representatives.

2396 (b) The advisory council shall provide technical assistance
2397 to the Department of Health in the establishment of the
2398 information clearinghouse and give the department the benefit of
2399 the council members' knowledge and experience relating to the
2400 needs of patients and families of patients with developmental
2401 disabilities and available support services.

2402 (c) Members of the council shall elect a chairperson and a
2403 vice chairperson. The elected chairperson and vice chairperson
2404 shall serve in these roles until their terms of appointment on
2405 the council expire.

2406 (d) The advisory council shall meet quarterly to review
2407 this clearinghouse of information, and may meet more often at
2408 the call of the chairperson or as determined by a majority of
2409 members.

2410 (e) The council members shall be appointed to 4-year terms,
2411 except that, to provide for staggered terms, one initial
2412 appointee each from the Governor, the President of the Senate,
2413 and the Speaker of the House of Representatives shall be
2414 appointed to a 2-year term, one appointee each from these
2415 officials shall be appointed to a 3-year term, and the remaining
2416 initial appointees shall be appointed to 4-year terms. All
2417 subsequent appointments shall be for 4-year terms. A vacancy
2418 shall be filled for the remainder of the unexpired term in the
2419 same manner as the original appointment.

2420 (f) Members of the council shall serve without



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2421 compensation. Meetings of the council may be held in person,
2422 without reimbursement for travel expenses, or by teleconference
2423 or other electronic means.

2424 (g) The Department of Health shall provide administrative
2425 support for the advisory council.

2426 Section 71. Effective July 1, 2012, section 385.210,
2427 Florida Statutes, is repealed.

2428 Section 72. Section 391.016, Florida Statutes, is amended
2429 to read:

2430 391.016 Purposes and functions ~~Legislative intent.~~—The
2431 ~~Legislature intends that the Children's Medical Services program~~
2432 ~~is established for the following purposes and authorized to~~
2433 ~~perform the following functions:~~

2434 (1) Provide to children with special health care needs a
2435 family-centered, comprehensive, and coordinated statewide
2436 managed system of care that links community-based health care
2437 with multidisciplinary, regional, and tertiary pediatric
2438 specialty care. The program shall coordinate and maintain a
2439 consistent ~~may provide for the coordination and maintenance of~~
2440 ~~consistency of the medical home for participating children in~~
2441 ~~families with a Children's Medical Services program participant,~~
2442 ~~in order to achieve family-centered care.~~

2443 (2) Provide essential preventive, evaluative, and early
2444 intervention services for children at risk for or having special
2445 health care needs, in order to prevent or reduce long-term
2446 disabilities.

2447 ~~(3) Serve as a principal provider for children with special~~
2448 ~~health care needs under Titles XIX and XXI of the Social~~
2449 ~~Security Act.~~



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2450 ~~(4) Be complementary to children's health training programs~~
2451 ~~essential for the maintenance of a skilled pediatric health care~~
2452 ~~workforce for all Floridians.~~

2453 Section 73. Section 391.021, Florida Statutes, is amended
2454 to read:

2455 391.021 Definitions.—When used in this act, the term ~~unless~~
2456 ~~the context clearly indicates otherwise:~~

2457 (1) "Children's Medical Services network" or "network"
2458 means a statewide managed care service system that includes
2459 health care providers, as defined in this section.

2460 (2) "Children with special health care needs" means those
2461 children younger than 21 years of age who have chronic and
2462 serious physical, developmental, behavioral, or emotional
2463 conditions and who ~~also~~ require health care and related services
2464 of a type or amount beyond that which is generally required by
2465 children.

2466 (3) "Department" means the Department of Health.

2467 (4) "Eligible individual" means a child with a special
2468 health care need or a female with a high-risk pregnancy, who
2469 meets the financial and medical eligibility standards
2470 established in s. 391.029.

2471 (5) "Health care provider" means a health care
2472 professional, health care facility, or entity licensed or
2473 certified to provide health services in this state that meets
2474 the criteria as established by the department.

2475 (6) "Health services" includes the prevention, diagnosis,
2476 and treatment of human disease, pain, injury, deformity, or
2477 disabling conditions.

2478 (7) "Participant" means an eligible individual who is



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2479 enrolled in the Children's Medical Services program.

2480 (8) "Program" means the Children's Medical Services program
2481 established in the department.

2482 Section 74. Section 391.025, Florida Statutes, is amended
2483 to read:

2484 391.025 Applicability and scope.—

2485 (1) The Children's Medical Services program consists of the
2486 following components:

2487 (a) The newborn screening program established in s. 383.14.

2488 (b) The regional perinatal intensive care centers program
2489 established in ss. 383.15-383.21.

2490 ~~(c) A federal or state program authorized by the~~
2491 ~~Legislature.~~

2492 ~~(c)~~(d) The developmental evaluation and intervention
2493 program, including the Florida Infants and Toddlers Early
2494 Intervention Program.

2495 ~~(d)~~(e) The Children's Medical Services network.

2496 (2) The Children's Medical Services program shall not be
2497 deemed an insurer and is not subject to the licensing
2498 requirements of the Florida Insurance Code or the rules adopted
2499 thereunder, ~~when providing services to children who receive~~
2500 ~~Medicaid benefits, other Medicaid-eligible children with special~~
2501 ~~health care needs, and children participating in the Florida~~
2502 ~~Kidcare program.~~

2503 Section 75. Section 391.026, Florida Statutes, is amended
2504 to read:

2505 391.026 Powers and duties of the department.—The department
2506 shall have the following powers, duties, and responsibilities:

2507 (1) To provide or contract for the provision of health



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2508 services to eligible individuals.

2509 (2) To provide services to abused and neglected children
2510 through child protective teams pursuant to s. 39.303.

2511 ~~(3)(2) To determine the medical and financial eligibility~~
2512 ~~standards for the program and to determine the medical and~~
2513 financial eligibility of individuals seeking health services
2514 from the program.

2515 ~~(3) To recommend priorities for the implementation of~~
2516 ~~comprehensive plans and budgets.~~

2517 (4) To coordinate a comprehensive delivery system for
2518 eligible individuals to take maximum advantage of all available
2519 funds.

2520 (5) To ~~promote, establish, and~~ coordinate with programs
2521 relating to children's medical services in cooperation with
2522 other public and private agencies ~~and to coordinate funding of~~
2523 ~~health care programs with federal, state, or local indigent~~
2524 ~~health care funding mechanisms.~~

2525 (6) To initiate and, ~~coordinate, and request review of~~
2526 applications to federal agencies and private organizations ~~and~~
2527 ~~state agencies~~ for funds, services, or commodities relating to
2528 children's medical programs.

2529 (7) To sponsor or promote grants for projects, programs,
2530 education, or research in the field of ~~medical needs of~~ children
2531 with special health needs, with an emphasis on early diagnosis
2532 and treatment.

2533 (8) To oversee and operate the Children's Medical Services
2534 network.

2535 (9) To establish reimbursement mechanisms for the
2536 Children's Medical Services network.



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- 2537 (10) To establish Children's Medical Services network
2538 standards and credentialing requirements for health care
2539 providers and health care services.
- 2540 (11) To serve as a provider and principal case manager for
2541 children with special health care needs under Titles XIX and XXI
2542 of the Social Security Act.
- 2543 (12) To monitor the provision of health services in the
2544 program, including the utilization and quality of health
2545 services.
- 2546 (13) To administer the Children with Special Health Care
2547 Needs program in accordance with Title V of the Social Security
2548 Act.
- 2549 (14) To establish and operate a grievance resolution
2550 process for participants and health care providers.
- 2551 (15) To maintain program integrity in the Children's
2552 Medical Services program.
- 2553 (16) To receive and manage health care premiums, capitation
2554 payments, and funds from federal, state, local, and private
2555 entities for the program. The department may contract with a
2556 third-party administrator for processing claims, monitoring
2557 medical expenses, and other related services necessary to the
2558 efficient and cost-effective operation of the Children's Medical
2559 Services network. The department is authorized to maintain a
2560 minimum reserve for the Children's Medical Services network in
2561 an amount that is the greater of:
- 2562 (a) Ten percent of total projected expenditures for Title
2563 XIX-funded and Title XXI-funded children; or
- 2564 (b) Two percent of total annualized payments from the
2565 Agency for Health Care Administration for Title XIX and Title



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2566 XXI of the Social Security Act.

2567 (17) To provide or contract for ~~appoint health care~~
2568 ~~consultants for the purpose of providing peer review and other~~
2569 quality-improvement activities ~~making recommendations to enhance~~
2570 ~~the delivery and quality of services in the Children's Medical~~
2571 ~~Services program.~~

2572 (18) To adopt rules pursuant to ss. 120.536(1) and 120.54
2573 to administer the Children's Medical Services Act. ~~The rules may~~
2574 ~~include requirements for definitions of terms, program~~
2575 ~~organization, and program description; a process for selecting~~
2576 ~~an area medical director; responsibilities of applicants and~~
2577 ~~clients; requirements for service applications, including~~
2578 ~~required medical and financial information; eligibility~~
2579 ~~requirements for initial treatment and for continued~~
2580 ~~eligibility, including financial and custody issues;~~
2581 ~~methodologies for resource development and allocation, including~~
2582 ~~medical and financial considerations; requirements for~~
2583 ~~reimbursement services rendered to a client; billing and payment~~
2584 ~~requirements for providers; requirements for qualification,~~
2585 ~~appointments, verification, and emergency exceptions for health-~~
2586 ~~professional consultants; general and diagnostic-specific~~
2587 ~~standards for diagnostic and treatment facilities; and standards~~
2588 ~~for the method of service delivery, including consultant~~
2589 ~~services, respect-for-privacy considerations, examination~~
2590 ~~requirements, family support plans, and clinic design.~~

2591 Section 76. Section 391.028, Florida Statutes, is amended
2592 to read:

2593 391.028 Administration. ~~The Children's Medical Services~~
2594 ~~program shall have a central office and area offices.~~



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2595 (1) The Director of Children's Medical Services must be a
2596 physician licensed under chapter 458 or chapter 459 who has
2597 specialized training and experience in the provision of health
2598 care to children and who has recognized skills in leadership and
2599 the promotion of children's health programs. The director shall
2600 be the deputy secretary and the Deputy State Health Officer for
2601 Children's Medical Services and is appointed by and reports to
2602 the State Surgeon General. The director may appoint such other
2603 staff as necessary for the operation of the program ~~division~~
2604 ~~directors~~ subject to the approval of the State Surgeon General.

2605 (2) The director shall provide for operational system using
2606 such department staff and contract providers as necessary. The
2607 program shall implement the following program activities under
2608 physician supervision on a statewide basis ~~designate Children's~~
2609 ~~Medical Services area offices to perform operational activities,~~
2610 ~~including, but not limited to:~~

2611 (a) ~~Providing~~ Case management services for ~~the~~ network
2612 participants;-

2613 (b) Management and ~~Providing local~~ oversight of local ~~the~~
2614 program activities;-

2615 (c) ~~Determining an individual's~~ Medical and financial
2616 eligibility determination for the program in accordance with s.
2617 391.029;-

2618 (d) ~~Participating in the~~ Determination of a level of care
2619 and medical complexity for long-term care services;-

2620 (e) Authorizing services in the program and developing
2621 spending plans;-

2622 (f) ~~Participating in the~~ Development of treatment plans;
2623 and-



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2624 (g) ~~Taking part in the~~ Resolution of complaints and
2625 grievances from participants and health care providers.

2626 (3) Each Children's Medical Services area office shall be
2627 directed by a physician licensed under chapter 458 or chapter
2628 459 who has specialized training and experience in the provision
2629 of health care to children. The director of a Children's Medical
2630 Services area office shall be appointed by the director from the
2631 active panel of Children's Medical Services physician
2632 consultants.

2633 Section 77. Section 391.029, Florida Statutes, is amended
2634 to read:

2635 391.029 Program eligibility.—

2636 (1) Eligibility ~~The department shall establish the medical~~
2637 ~~criteria to determine if an applicant~~ for the Children's Medical
2638 Services program is based on the diagnosis of one or more
2639 chronic and serious medical conditions and the family's need for
2640 specialized services ~~an eligible individual.~~

2641 (2) The following individuals are ~~financially~~ eligible to
2642 receive services through the program:

2643 (a) A high-risk pregnant female who is enrolled in ~~eligible~~
2644 ~~for~~ Medicaid.

2645 (b) Children with serious special health care needs from
2646 birth to 21 years of age who are enrolled in ~~eligible for~~
2647 Medicaid.

2648 (c) Children with serious special health care needs from
2649 birth to 19 years of age who are enrolled in ~~eligible for~~ a
2650 program under Title XXI of the Social Security Act.

2651 (3) Subject to the availability of funds, the following
2652 individuals may receive services through the program:



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2653 (a) Children with serious special health care needs from
2654 birth to 21 years of age who do not qualify for Medicaid or
2655 ~~whose family income is above the requirements for financial~~
2656 ~~eligibility under~~ Title XXI of the Social Security Act but who
2657 are unable to access, due to lack of providers or lack of
2658 financial resources, specialized services that are medically
2659 necessary or essential family support services ~~and whose~~
2660 ~~projected annual cost of care adjusts the family income to~~
2661 ~~Medicaid financial criteria.~~ Families ~~In cases where the family~~
2662 ~~income is adjusted based on a projected annual cost of care, the~~
2663 ~~family~~ shall participate financially in the cost of care based
2664 on a sliding fee scale ~~criteria~~ established by the department.

2665 (b) Children with special health care needs from birth to
2666 21 years of age, as provided in Title V of the Social Security
2667 Act.

2668 (c) An infant who receives an award of compensation under
2669 s. 766.31(1). The Florida Birth-Related Neurological Injury
2670 Compensation Association shall reimburse the Children's Medical
2671 Services Network the state's share of funding, which must
2672 thereafter be used to obtain matching federal funds under Title
2673 XXI of the Social Security Act.

2674 ~~(4) The department shall determine the financial and~~
2675 ~~medical eligibility of children for the program. The department~~
2676 ~~shall also determine the financial ability of the parents, or~~
2677 ~~persons or other agencies having legal custody over such~~
2678 ~~individuals, to pay the costs of health services under the~~
2679 ~~program. The department may pay reasonable travel expenses~~
2680 ~~related to the determination of eligibility for or the provision~~
2681 ~~of health services.~~



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2682 ~~(4)-(5)~~ Any child who has been provided with surgical or
2683 medical care or treatment under this act prior to being adopted
2684 and has serious and chronic special health needs shall continue
2685 to be eligible to be provided with such care or treatment after
2686 his or her adoption, regardless of the financial ability of the
2687 persons adopting the child.

2688 Section 78. Section 391.0315, Florida Statutes, is amended
2689 to read:

2690 391.0315 Benefits.—Benefits provided under the program for
2691 children with special health care needs shall be equivalent to
2692 ~~the same~~ benefits provided to children as specified in ss.
2693 409.905 and 409.906. The department may offer additional
2694 benefits for early intervention services, respite services,
2695 genetic testing, genetic and nutritional counseling, and parent
2696 support services, if such services are determined to be
2697 medically necessary. ~~No child or person determined eligible for~~
2698 ~~the program who is eligible under Title XIX or Title XXI of the~~
2699 ~~Social Security Act shall receive any service other than an~~
2700 ~~initial health care screening or treatment of an emergency~~
2701 ~~medical condition as defined in s. 395.002, until such child or~~
2702 ~~person is enrolled in Medicaid or a Title XXI program.~~

2703 Section 79. Effective January 1, 2013, section 392.51,
2704 Florida Statutes, is amended to read:

2705 392.51 Tuberculosis control Findings and intent.—A
2706 statewide system is established to control tuberculosis
2707 infection and mitigate its effects. The system consists ~~The~~
2708 ~~Legislature finds and declares that active tuberculosis is a~~
2709 ~~highly contagious infection that is sometimes fatal and~~
2710 ~~constitutes a serious threat to the public health. The~~



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2711 ~~Legislature finds that there is a significant reservoir of~~
2712 ~~tuberculosis infection in this state and that there is a need to~~
2713 ~~develop community programs to identify tuberculosis and to~~
2714 ~~respond quickly with appropriate measures. The Legislature finds~~
2715 ~~that some patients who have active tuberculosis have complex~~
2716 ~~medical, social, and economic problems that make outpatient~~
2717 ~~control of the disease difficult, if not impossible, without~~
2718 ~~posing a threat to the public health. The Legislature finds that~~
2719 ~~in order to protect the citizenry from those few persons who~~
2720 ~~pose a threat to the public, it is necessary to establish a~~
2721 ~~system of mandatory contact identification, treatment to cure,~~
2722 ~~hospitalization, and isolation for contagious cases, and to~~
2723 ~~provide a system of voluntary, community-oriented care and~~
2724 ~~surveillance in all other cases. The Legislature finds that the~~
2725 ~~delivery of Tuberculosis control services shall be provided is~~
2726 ~~best accomplished by the coordinated efforts of the respective~~
2727 ~~county health departments and contracted or other private health~~
2728 ~~care providers, the A.C. Holley State Hospital, and the private~~
2729 ~~health care delivery system.~~

2730 Section 80. Effective January 1, 2013, subsection (4) of
2731 section 392.61, Florida Statutes, is amended to read:

2732 392.61 Community tuberculosis control programs.-

2733 ~~(4) The department shall develop, by rule, a methodology~~
2734 ~~for distributing funds appropriated for tuberculosis control~~
2735 ~~programs. Criteria to be considered in this methodology include,~~
2736 ~~but are not limited to, the basic infrastructure available for~~
2737 ~~tuberculosis control, caseload requirements, laboratory support~~
2738 ~~services needed, and epidemiologic factors.~~

2739 Section 81. Effective January 1, 2013, section 392.62,



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2740 Florida Statutes, is amended to read:

2741 392.62 Hospitalization and placement programs.—

2742 (1) The department shall contract for operation of ~~operate~~
2743 a program for the treatment ~~hospitalization~~ of persons who have
2744 active tuberculosis in hospitals licensed under chapter 395 and
2745 may provide for appropriate placement of persons who have active
2746 tuberculosis in other health care facilities or residential
2747 facilities. The department shall require the contractor to use
2748 existing licensed community hospitals and other facilities for
2749 the care and treatment to cure of persons who have active
2750 tuberculosis or a history of noncompliance with prescribed drug
2751 regimens and require inpatient or other residential services.

2752 ~~(2) The department may operate a licensed hospital for the~~
2753 ~~care and treatment to cure of persons who have active~~
2754 ~~tuberculosis. The hospital may have a forensic unit where, under~~
2755 ~~medical protocol, a patient can be held in a secure or~~
2756 ~~protective setting. The department shall also seek to maximize~~
2757 ~~use of existing licensed community hospitals for the care and~~
2758 ~~treatment to cure of persons who have active tuberculosis.~~

2759 (2)(3) The program for control of tuberculosis shall
2760 provide funding for participating facilities and require any
2761 such facilities to meet the following conditions ~~Any licensed~~
2762 ~~hospital operated by the department, any licensed hospital under~~
2763 ~~contract with the department, and any other health care facility~~
2764 ~~or residential facility operated by or under contract with the~~
2765 ~~department for the care and treatment of patients who have~~
2766 ~~active tuberculosis shall:~~

2767 (a) Admit patients voluntarily and under court order as
2768 appropriate for each particular facility;



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2769 (b) Require that each patient pay the actual cost of care
2770 provided whether the patient is admitted voluntarily or by court
2771 order;

2772 (c) Provide for ~~a method of paying for~~ the care of patients
2773 in the program regardless of ability to pay who cannot afford to
2774 ~~do so~~;

2775 (d) Require a primary clinical diagnosis of active
2776 tuberculosis by a physician licensed under chapter 458 or
2777 chapter 459 before admitting the patient; provided that there
2778 may be more than one primary diagnosis;

2779 (e) Provide a method of notification to the county health
2780 department and to the patient's family, if any, before
2781 discharging the patient from the hospital or other facility;

2782 (f) Provide for the necessary exchange of medical
2783 information to assure adequate community treatment to cure and
2784 followup of discharged patients, as appropriate; and

2785 (g) Provide for a method of medical care and counseling and
2786 for housing, social service, and employment referrals, if
2787 appropriate, for ~~all~~ patients discharged from the hospital.

2788 (3)~~(4)~~ A hospital may, pursuant to court order, place a
2789 patient in temporary isolation for a period of no more than 72
2790 continuous hours. The department shall obtain a court order in
2791 the same manner as prescribed in s. 392.57. Nothing in this
2792 subsection precludes a hospital from isolating an infectious
2793 patient for medical reasons.

2794 (4)~~(5)~~ Any person committed under s. 392.57 who leaves the
2795 tuberculosis hospital or residential facility without having
2796 been discharged by the designated medical authority, except as
2797 provided in s. 392.63, shall be apprehended by the sheriff of



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2798 the county in which the person is found and immediately
2799 delivered to the facility from which he or she left.

2800 Section 82. Subsection (1) of section 395.1027, Florida
2801 Statutes, is amended to read:

2802 395.1027 Regional poison control centers.—

2803 (1) There shall be created three certified regional poison
2804 control centers, one each in the north, central, and southern
2805 regions of the state. Each regional poison control center shall
2806 be affiliated with and physically located in a certified Level I
2807 trauma center. Each regional poison control center shall be
2808 affiliated with an accredited medical school or college of
2809 pharmacy. The regional poison control centers shall be
2810 coordinated under the aegis of the Division of Children's
2811 Medical Services ~~Prevention and Intervention~~ in the department.

2812 Section 83. The Department of Health shall develop and
2813 implement a transition plan for the closure of A.G. Holley State
2814 Hospital. The plan shall include specific steps to end voluntary
2815 admissions; transfer patients to alternate facilities;
2816 communicate with families, providers, other affected parties,
2817 and the general public; enter into any necessary contracts with
2818 providers; and coordinate with the Department of Management
2819 Services regarding the disposition of equipment and supplies and
2820 the closure of the facility; and the Agency for Health Care
2821 Administration is directed to modify its reimbursement plans and
2822 seek federal approval, if necessary, to continue Medicaid
2823 funding throughout the treatment period in community hospitals
2824 and other facilities. The plan shall be submitted to the
2825 Governor, the Speaker of the House of Representatives, and the
2826 President of the Senate by May 31, 2012. The department shall



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2827 fully implement the plan by January 1, 2013.

2828 Section 84. Subsection (4) of section 401.243, Florida
2829 Statutes, is amended to read:

2830 401.243 Injury prevention.—The department shall establish
2831 an injury-prevention program with responsibility for the
2832 statewide coordination and expansion of injury-prevention
2833 activities. The duties of the department under the program may
2834 include, but are not limited to, data collection, surveillance,
2835 education, and the promotion of interventions. In addition, the
2836 department may:

2837 ~~(4) Adopt rules governing the implementation of grant~~
2838 ~~programs. The rules may include, but need not be limited to,~~
2839 ~~criteria regarding the application process, the selection of~~
2840 ~~grantees, the implementation of injury-prevention activities,~~
2841 ~~data collection, surveillance, education, and the promotion of~~
2842 ~~interventions.~~

2843 Section 85. Subsection (6) of section 401.245, Florida
2844 Statutes, is renumbered as subsection (5), and present
2845 subsection (5) of that section is amended to read:

2846 401.245 Emergency Medical Services Advisory Council.—

2847 ~~(5) The department shall adopt rules to implement this~~
2848 ~~section, which rules shall serve as formal operating procedures~~
2849 ~~for the Emergency Medical Services Advisory Council.~~

2850 Section 86. Section 401.271, Florida Statutes, is amended
2851 to read:

2852 401.271 Certification of emergency medical technicians and
2853 paramedics who are on active duty with the Armed Forces of the
2854 United States; spouses of members of the Armed Forces.—

2855 ~~(1) Any member of the Armed Forces of the United States on~~



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2856 active duty who, at the time he or she became a member, was in
2857 good standing with the department and was entitled to practice
2858 as an emergency medical technician or paramedic in the state
2859 remains in good standing without registering, paying dues or
2860 fees, or performing any other act, as long as he or she is a
2861 member of the Armed Forces of the United States on active duty
2862 and for a period of 6 months after his or her discharge from
2863 active duty as a member of the Armed Forces of the United
2864 States.

2865 ~~(2) The department may adopt rules exempting the spouse of~~
2866 ~~a member of the Armed Forces of the United States on active duty~~
2867 ~~from certification renewal provisions while the spouse is absent~~
2868 ~~from the state because of the member's active duty with the~~
2869 ~~Armed Forces.~~

2870 Section 87. Section 402.45, Florida Statutes is repealed.

2871 Section 88. Subsections (3) and (4) of section 403.863,
2872 Florida Statutes, are amended to read:

2873 403.863 State public water supply laboratory certification
2874 program.—

2875 (3) The Department of Health shall have the responsibility
2876 for the operation and implementation of the state laboratory
2877 certification program. The Department of Health shall contract
2878 for the evaluation and review of laboratory certification
2879 applications, and laboratory inspections. ~~except that,~~ Upon
2880 completion of the evaluation and review of the laboratory
2881 certification application, the evaluation shall be forwarded,
2882 along with recommendations, to the department for review and
2883 comment, prior to final approval or disapproval by the
2884 Department of Health.



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- 2885 (4) The following acts constitute grounds for which the
2886 disciplinary actions specified in subsection (5) may be taken:
- 2887 (a) Making false statements on an application or on any
2888 document associated with certification.
- 2889 (b) Making consistent errors in analyses or erroneous
2890 reporting.
- 2891 (c) Permitting personnel who are not qualified, as required
2892 by rules of the Department of Health, to perform analyses.
- 2893 (d) Falsifying the results of analyses.
- 2894 (e) Failing to employ approved laboratory methods in
2895 performing analyses as outlined in rules of the Department of
2896 Health.
- 2897 (f) Failing to properly maintain facilities and equipment
2898 according to the laboratory's quality assurance plan.
- 2899 (g) Failing to report analytical test results or maintain
2900 required records of test results as outlined in rules of the
2901 Department of Health.
- 2902 (h) Failing to participate successfully in a performance
2903 evaluation program approved by the Department of Health.
- 2904 (i) Violating any provision of this section or of the rules
2905 adopted under this section.
- 2906 (j) Falsely advertising services or credentials.
- 2907 (k) Failing to pay fees for initial certification or
2908 renewal certification or to pay inspection expenses incurred ~~by~~
2909 ~~the Department of Health.~~
- 2910 (l) Failing to report any change of an item included in the
2911 initial or renewal certification application.
- 2912 (m) Refusing to allow representatives of the department or
2913 the Department of Health to inspect a laboratory and its records



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2914 during normal business hours.

2915 Section 89. Subsection (1) of section 400.914, Florida
2916 Statutes, is amended to read:

2917 400.914 Rules establishing standards.-

2918 (1) Pursuant to the intention of the Legislature to provide
2919 safe and sanitary facilities and healthful programs, the agency
2920 in conjunction with the Division of Children's Medical Services
2921 ~~Prevention and Intervention~~ of the Department of Health shall
2922 adopt and publish rules to implement the provisions of this part
2923 and part II of chapter 408, which shall include reasonable and
2924 fair standards. Any conflict between these standards and those
2925 that may be set forth in local, county, or city ordinances shall
2926 be resolved in favor of those having statewide effect. Such
2927 standards shall relate to:

2928 (a) The assurance that PPEC services are family centered
2929 and provide individualized medical, developmental, and family
2930 training services.

2931 (b) The maintenance of PPEC centers, not in conflict with
2932 the provisions of chapter 553 and based upon the size of the
2933 structure and number of children, relating to plumbing, heating,
2934 lighting, ventilation, and other building conditions, including
2935 adequate space, which will ensure the health, safety, comfort,
2936 and protection from fire of the children served.

2937 (c) The appropriate provisions of the most recent edition
2938 of the "Life Safety Code" (NFPA-101) shall be applied.

2939 (d) The number and qualifications of all personnel who have
2940 responsibility for the care of the children served.

2941 (e) All sanitary conditions within the PPEC center and its
2942 surroundings, including water supply, sewage disposal, food



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2943 handling, and general hygiene, and maintenance thereof, which
2944 will ensure the health and comfort of children served.

2945 (f) Programs and basic services promoting and maintaining
2946 the health and development of the children served and meeting
2947 the training needs of the children's legal guardians.

2948 (g) Supportive, contracted, other operational, and
2949 transportation services.

2950 (h) Maintenance of appropriate medical records, data, and
2951 information relative to the children and programs. Such records
2952 shall be maintained in the facility for inspection by the
2953 agency.

2954 Section 90. Paragraph (f) of subsection (8) of section
2955 411.203, Florida Statutes, is amended to read:

2956 411.203 Continuum of comprehensive services.—The Department
2957 of Education and the Department of Health and Rehabilitative
2958 Services shall utilize the continuum of prevention and early
2959 assistance services for high-risk pregnant women and for high-
2960 risk and handicapped children and their families, as outlined in
2961 this section, as a basis for the intraagency and interagency
2962 program coordination, monitoring, and analysis required in this
2963 chapter. The continuum shall be the guide for the comprehensive
2964 statewide approach for services for high-risk pregnant women and
2965 for high-risk and handicapped children and their families, and
2966 may be expanded or reduced as necessary for the enhancement of
2967 those services. Expansion or reduction of the continuum shall be
2968 determined by intraagency or interagency findings and agreement,
2969 whichever is applicable. Implementation of the continuum shall
2970 be based upon applicable eligibility criteria, availability of
2971 resources, and interagency prioritization when programs impact



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2972 both agencies, or upon single agency prioritization when
2973 programs impact only one agency. The continuum shall include,
2974 but not be limited to:

2975 (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND PARENTS
2976 OF HIGH-RISK CHILDREN.—

2977 (f) Parent support groups, such as ~~the community resource~~
2978 ~~mother or father program as established in s. 402.45, or parents~~
2979 as first teachers, to strengthen families and to enable families
2980 of high-risk children to better meet their needs.

2981 Section 91. Paragraph (d) of subsection (11) of section
2982 409.256, Florida Statutes, is amended to read:

2983 409.256 Administrative proceeding to establish paternity or
2984 paternity and child support; order to appear for genetic
2985 testing.—

2986 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND
2987 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL
2988 STATISTICS.—

2989 (d) Upon rendering a final order of paternity or a final
2990 order of paternity and child support, the department shall
2991 notify the Office ~~Division~~ of Vital Statistics of the Department
2992 of Health that the paternity of the child has been established.

2993 Section 92. Section 458.346, Florida Statutes, is repealed.

2994 Section 93. Subsection (3) of section 462.19, Florida
2995 Statutes, is renumbered as subsection (2), and present
2996 subsection (2) of that section is amended to read:

2997 462.19 Renewal of license; inactive status.—

2998 ~~(2) The department shall adopt rules establishing a~~
2999 ~~procedure for the biennial renewal of licenses.~~

3000 Section 94. Subsection (6) of section 464.019, Florida



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3001 Statutes, is amended to read:
3002 464.019 Approval of nursing education programs.—
3003 (6) ACCOUNTABILITY.—
3004 (a)1. An approved program must achieve a graduate passage
3005 rate that is not lower than 10 percentage points less than the
3006 average passage rate for graduates of comparable degree programs
3007 who are United States educated first-time test takers on the
3008 National Council of State Boards of Nursing Licensing
3009 Examination during a calendar year, as calculated by the
3010 contract testing service of the National Council of State Boards
3011 of Nursing. For purposes of this subparagraph, an approved
3012 program is comparable to all degree programs of the same program
3013 type from among the following program types:
3014 a. Professional nursing education programs that terminate
3015 in a bachelor's degree.
3016 b. Professional nursing education programs that terminate
3017 in an associate degree.
3018 c. Professional nursing education programs that terminate
3019 in a diploma.
3020 d. Practical nursing education programs.
3021 2. Beginning with graduate passage rates for calendar year
3022 2010, if an approved program's graduate passage rates do not
3023 equal or exceed the required passage rates for 2 consecutive
3024 calendar years, the board shall place the program on
3025 probationary status pursuant to chapter 120 and the program
3026 director must appear before the board to present a plan for
3027 remediation. The program shall remain on probationary status
3028 until it achieves a graduate passage rate that equals or exceeds
3029 the required passage rate for any 1 calendar year. The board



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3030 shall deny a program application for a new prelicensure nursing
3031 education program submitted by an educational institution if the
3032 institution has an existing program that is already on
3033 probationary status.

3034 3. Upon the program's achievement of a graduate passage
3035 rate that equals or exceeds the required passage rate, the
3036 board, at its next regularly scheduled meeting following release
3037 of the program's graduate passage rate by the National Council
3038 of State Boards of Nursing, shall remove the program's
3039 probationary status. However, if the program, during the 2
3040 calendar years following its placement on probationary status,
3041 does not achieve the required passage rate for any 1 calendar
3042 year, the board shall terminate the program pursuant to chapter
3043 120.

3044 (b) If an approved program fails to submit the annual
3045 report required in subsection (4), the board shall notify the
3046 program director and president or chief executive officer of the
3047 educational institution in writing within 15 days after the due
3048 date of the annual report. The program director must appear
3049 before the board at the board's next regularly scheduled meeting
3050 to explain the reason for the delay. The board shall terminate
3051 the program pursuant to chapter 120 if it does not submit the
3052 annual report within 6 months after the due date.

3053 (c) An approved program on probationary status shall
3054 disclose its probationary status in writing to the program's
3055 students and applicants.

3056 Section 95. Section 464.0197, Florida Statutes, is
3057 repealed.

3058 Section 96. Subsection (1) of section 464.203, Florida



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3059 Statutes, is amended to read:

3060 464.203 Certified nursing assistants; certification
3061 requirement.—

3062 (1) The board shall issue a certificate to practice as a
3063 certified nursing assistant to any person who demonstrates a
3064 minimum competency to read and write and successfully passes the
3065 required background screening pursuant to s. 400.215 and meets
3066 one of the following requirements:

3067 (a) Has successfully completed an approved training program
3068 and achieved a minimum score, established by rule of the board,
3069 on the nursing assistant competency examination, which consists
3070 of a written portion and skills-demonstration portion approved
3071 by the board and administered at a site and by personnel
3072 approved by the department.

3073 (b) Has achieved a minimum score, established by rule of
3074 the board, on the nursing assistant competency examination,
3075 which consists of a written portion and skills-demonstration
3076 portion, approved by the board and administered at a site and by
3077 personnel approved by the department and:

- 3078 1. Has a high school diploma, or its equivalent; or
3079 2. Is at least 18 years of age.

3080 (c) Is currently certified in another state; is listed on
3081 that state's certified nursing assistant registry; and has not
3082 been found to have committed abuse, neglect, or exploitation in
3083 that state.

3084 (d) Has completed the curriculum developed under the
3085 Enterprise Florida Jobs and Education Partnership Grant ~~by the~~
3086 ~~Department of Education~~ and achieved a minimum score,
3087 established by rule of the board, on the nursing assistant



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3088 competency examination, which consists of a written portion and
3089 skills-demonstration portion, approved by the board and
3090 administered at a site and by personnel approved by the
3091 department.

3092 Section 97. Subsection (4) of section 464.208, Florida
3093 Statutes, is amended to read:

3094 464.208 Background screening information; rulemaking
3095 authority.—

3096 ~~(4) The board shall adopt rules to administer this part.~~

3097 Section 98. Section 466.00775, Florida Statutes, is
3098 repealed.

3099 Section 99. Subsection (4) of section 514.011, Florida
3100 Statutes, is amended to read:

3101 514.011 Definitions.—As used in this chapter:

3102 (4) "Public bathing place" means a body of water, natural
3103 or modified by humans, for swimming, diving, and recreational
3104 bathing, ~~together with adjacent shoreline or land area,~~
3105 ~~buildings, equipment, and appurtenances pertaining thereto,~~ used
3106 by consent of the owner or owners and held out to the public by
3107 any person or public body, irrespective of whether a fee is
3108 charged for the use thereof. The bathing water areas of public
3109 bathing places include, but are not limited to, lakes, ponds,
3110 rivers, streams, artificial impoundments, and waters along the
3111 coastal and intracoastal beaches and shores of the state.

3112 Section 100. Section 514.021, Florida Statutes, is amended
3113 to read:

3114 514.021 Department authorization.—

3115 (1) The department may adopt and enforce rules, ~~which may~~
3116 ~~include definitions of terms,~~ to protect the health, safety, or



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3117 welfare of persons by setting sanitation and safety standards
3118 for using public swimming pools and public bathing places. The
3119 department shall review and revise such rules as necessary, but
3120 not less than biennially. Sanitation and safety standards shall
3121 ~~include, but not~~ be limited to, matters relating to ~~structure;~~
3122 ~~appurtenances; operation;~~ source of water supply;
3123 microbiological bacteriological, chemical, and physical quality
3124 of water in the pool or bathing area; method of water
3125 purification, treatment, and disinfection; lifesaving apparatus;
3126 and measures to ensure safety of bathers; ~~and measures to ensure~~
3127 ~~the personal cleanliness of bathers.~~

3128 (2) The department may not establish by rule any regulation
3129 governing the design, alteration, modification, or repair of
3130 public swimming pools and bathing places which has no impact on
3131 sanitation and safety ~~the health, safety, and welfare of persons~~
3132 using public swimming pools and bathing places. Further, the
3133 department may not adopt by rule any regulation governing the
3134 construction, erection, or demolition of public swimming pools
3135 and bathing places. It is the intent of the Legislature to
3136 preempt those functions to the Florida Building Commission
3137 through adoption and maintenance of the Florida Building Code.
3138 The department shall provide technical assistance to the
3139 commission in updating the construction standards of the Florida
3140 Building Code which govern public swimming pools ~~and bathing~~
3141 ~~places. Further, the department is authorized to conduct plan~~
3142 ~~reviews, to issue approvals, and to enforce the special-~~
3143 ~~occupancy provisions of the Florida Building Code which apply to~~
3144 ~~public swimming pools and bathing places in conducting any~~
3145 ~~inspections authorized by this chapter.~~ This subsection does not



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3146 abrogate the authority of the department to adopt and enforce
3147 appropriate sanitary regulations and requirements as authorized
3148 in subsection (1).

3149 Section 101. Section 514.023, Florida Statutes, is amended
3150 to read:

3151 514.023 Sampling of beach waters and public bathing places;
3152 health advisories.-

3153 (1) As used in this section, the term "beach waters" means
3154 the waters along the coastal and intracoastal beaches and shores
3155 of the state, and includes salt water and brackish water.

3156 (2) The department may adopt and enforce rules to protect
3157 the health, safety, and welfare of persons using the beach
3158 waters and public bathing places of the state. The rules must
3159 establish health standards and prescribe procedures and
3160 timeframes for bacteriological sampling of beach waters and
3161 public bathing places.

3162 (3) The department may issue health advisories if the
3163 quality of beach waters or a public bathing place fails to meet
3164 standards established by the department. The issuance of health
3165 advisories related to the results of bacteriological sampling of
3166 beach waters is preempted to the state.

3167 (4) When the department issues a health advisory against
3168 swimming in beach waters or a public bathing place on the basis
3169 of finding elevated levels of fecal coliform, Escherichia coli,
3170 or enterococci bacteria in a water sample, the department shall
3171 concurrently notify the municipality or county in which the
3172 affected beach waters are located, whichever has jurisdiction,
3173 and the local office of the Department of Environmental
3174 Protection, of the advisory. The local office of the Department



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3175 of Environmental Protection shall promptly investigate
3176 wastewater treatment facilities within 1 mile of the affected
3177 beach waters or public bathing place to determine if a facility
3178 experienced an incident that may have contributed to the
3179 contamination and provide the results of the investigation in
3180 writing or by electronic means to the municipality or county, as
3181 applicable.

3182 ~~(5) Contingent upon legislative appropriation to the~~
3183 ~~department in the amount of \$600,000 nonrecurring, the~~
3184 ~~department will perform a 3-year study to determine the water~~
3185 ~~quality at beaches throughout the state. The study will be~~
3186 ~~performed in all counties that have public-access saltwater and~~
3187 ~~brackish water beaches.~~

3188 Section 102. Section 514.025, Florida Statutes, is amended
3189 to read:

3190 514.025 Assignment of authority to county health
3191 departments.-

3192 (1) The department shall assign to county health
3193 departments that are staffed with qualified engineering
3194 personnel shall perform the functions of reviewing applications
3195 and plans for the construction, development, or modification of
3196 public swimming pools or bathing places; of conducting
3197 inspections ~~for and issuance of initial operating permits;~~ and
3198 of issuing all permits. If the county health department
3199 determines that qualified staff are not available ~~is not~~
3200 ~~assigned the functions of application and plan review and the~~
3201 ~~issuance of initial operating permits,~~ the department shall be
3202 responsible for such functions. ~~The department shall make the~~
3203 ~~determination concerning the qualifications of county health~~



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3204 ~~department personnel to perform these functions and may make and~~
3205 ~~enforce such rules pertaining thereto as it shall deem proper.~~

3206 (2) ~~After the initial operating permit is issued, the~~
3207 County health departments are responsible ~~shall assume full~~
3208 ~~responsibility~~ for routine surveillance of water quality in all
3209 public swimming pools and bathing places, including
3210 ~~responsibility for a minimum of two~~ routine inspections
3211 annually, complaint investigations, enforcement procedures, and
3212 ~~reissuance of operating permits, and renewal of operating~~
3213 permits.

3214 (3) The department may assign the responsibilities and
3215 functions specified in this section to any multicounty
3216 independent special district created by the Legislature to
3217 perform multiple functions, to include municipal services and
3218 improvements, to the same extent and under the same conditions
3219 as provided in subsections (1) and (2), upon request of the
3220 special district.

3221 Section 103. Section 514.03, Florida Statutes, is amended
3222 to read:

3223 514.03 ~~Construction plans~~ Approval necessary to construct,
3224 develop, or modify public swimming pools or public bathing
3225 places. ~~It is unlawful for any person or public body to~~
3226 ~~construct, develop, or modify any public swimming pool or~~
3227 ~~bathing place, other than coastal or intracoastal beaches,~~
3228 ~~without a valid construction plans approval from the department.~~
3229 ~~This section does not preempt the authority of~~ Local governments
3230 or local enforcement districts may determine ~~to conduct plan~~
3231 ~~reviews and inspections of public swimming pools and bathing~~
3232 ~~places for~~ compliance with the general construction standards of



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3233 the Florida Building Code, pursuant to s. 553.80. Local
3234 governments or local enforcement districts may conduct plan
3235 reviews and inspections of public swimming pools and public
3236 bathing places for this purpose.

3237 ~~(1) Any person or public body desiring to construct,~~
3238 ~~develop, or modify any public swimming pool or bathing place~~
3239 ~~shall file an application for a construction plans approval with~~
3240 ~~the department on application forms provided by the department~~
3241 ~~and shall accompany such application with:~~

3242 ~~(a) Engineering drawings, specifications, descriptions, and~~
3243 ~~detailed maps of the structure, its appurtenances, and its~~
3244 ~~intended operation.~~

3245 ~~(b) A description of the source or sources of water supply~~
3246 ~~and amount and quality of water available and intended to be~~
3247 ~~used.~~

3248 ~~(c) A description of the method and manner of water~~
3249 ~~purification, treatment, disinfection, and heating.~~

3250 ~~(d) Other applicable information deemed necessary by the~~
3251 ~~department to fulfill the requirements of this chapter.~~

3252 ~~(2) If the proposed construction of, development of, or~~
3253 ~~modification of a public swimming pool or bathing place meets~~
3254 ~~standards of public health and safety as defined in this chapter~~
3255 ~~and rules adopted hereunder, the department shall grant the~~
3256 ~~application for the construction plans approval within 30 days~~
3257 ~~after receipt of a complete submittal. If engineering plans~~
3258 ~~submitted are in substantial compliance with the standards~~
3259 ~~mentioned, the department may approve the plans with~~
3260 ~~provisions for corrective action to be completed prior to~~
3261 ~~issuance of the operating permit.~~



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3262 ~~(3) If the proposed construction, development, or~~
3263 ~~modification of a public swimming pool or bathing place fails to~~
3264 ~~meet standards of public health and safety as defined in this~~
3265 ~~chapter and rules adopted hereunder, the department shall deny~~
3266 ~~the application for construction plans approval pursuant to the~~
3267 ~~provisions of chapter 120. Such denial shall be issued in~~
3268 ~~writing within 30 days and shall list the circumstances for~~
3269 ~~denial. Upon correction of such circumstances, an applicant~~
3270 ~~previously denied permission to construct, develop, or modify a~~
3271 ~~public swimming pool or bathing place may reapply for~~
3272 ~~construction plans approval.~~

3273 ~~(4) An approval of construction plans issued by the~~
3274 ~~department under this section becomes void 1 year after the date~~
3275 ~~the approval was issued if the construction is not commenced~~
3276 ~~within 1 year after the date of issuance.~~

3277 Section 104. Section 514.031, Florida Statutes, is amended
3278 to read:

3279 514.031 Permit necessary to operate public swimming pool ~~or~~
3280 ~~bathing place.~~

3281 (1) It is unlawful for any person or public body to operate
3282 or continue to operate any public swimming pool ~~or bathing place~~
3283 without a valid permit from the department, such permit to be
3284 obtained in the following manner:

3285 (a) Any person or public body desiring to operate any
3286 public swimming pool ~~or bathing place~~ shall file an application
3287 for a permit with the department, on application forms provided
3288 by the department, and shall accompany such application with:

3289 ~~1. Descriptions of the structure, its appurtenances, and~~
3290 ~~its operation.~~



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3291 ~~1.2.~~ Description of the source or sources of water supply,
3292 and the amount and quality of water available and intended to be
3293 used.

3294 ~~2.3.~~ Method and manner of water purification, treatment,
3295 disinfection, and heating.

3296 ~~3.4.~~ Safety equipment and standards to be used.

3297 ~~5. Measures to ensure personal cleanliness of bathers.~~

3298 ~~4.6.~~ Any other pertinent information deemed necessary by
3299 the department ~~to fulfill the requirements of this chapter.~~

3300 (b) If the department determines that the public swimming
3301 pool ~~or bathing place~~ is or may reasonably be expected to be
3302 operated in compliance with this chapter and the rules adopted
3303 hereunder, the department shall grant the application for
3304 permit.

3305 (c) If the department determines that the public swimming
3306 pool ~~or bathing place~~ does not meet the provisions outlined in
3307 this chapter or the rules adopted hereunder, the department
3308 shall deny the application for a permit pursuant to the
3309 provisions of chapter 120. Such denial shall be in writing and
3310 shall list the circumstances for the denial. Upon correction of
3311 such circumstances, an applicant previously denied permission to
3312 operate a public swimming pool or bathing place may reapply for
3313 a permit.

3314 (2) Operating permits shall not be required for coastal or
3315 intracoastal beaches.

3316 (3) Operating permits may be transferred ~~shall not be~~
3317 ~~transferable~~ from one name or owner to another. When the
3318 ownership or name of an existing public swimming pool ~~or bathing~~
3319 ~~place~~ is changed and such establishment is operating at the time



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3320 of the change with a valid permit from the department, the new
3321 owner of the establishment shall apply to the department, upon
3322 forms provided by the department, within 30 days after such a
3323 change, for a reissuance of the existing permit.

3324 (4) Each such operating permit shall be renewed annually
3325 and the permit must be posted in a conspicuous place.

3326 (5) An owner or operator of a public swimming pool,
3327 including, but not limited to, a spa, wading, or special purpose
3328 pool, to which admittance is obtained by membership for a fee
3329 shall post in a prominent location within the facility the most
3330 recent pool inspection report issued by the department
3331 pertaining to the health and safety conditions of such facility.
3332 The report shall be legible and readily accessible to members or
3333 potential members. The department shall adopt rules to enforce
3334 this subsection. A portable pool may not be used as a public
3335 pool.

3336 Section 105. Section 514.033, Florida Statutes, is amended
3337 to read:

3338 514.033 Creation of fee schedules authorized.—

3339 (1) The department is authorized to establish a schedule of
3340 fees to be charged by the department or by any authorized county
3341 health department as detailed in s. 514.025 ~~for the review of~~
3342 ~~applications and plans to construct, develop, or modify a public~~
3343 ~~swimming pool or bathing place, for the issuance of permits to~~
3344 ~~operate such establishments, and for the review of variance~~
3345 ~~applications for public swimming pools and bathing places.~~ Fees
3346 assessed under this chapter shall be in an amount sufficient to
3347 meet the cost of carrying out the provisions of this chapter.

3348 (2) The fee schedule shall be: for original construction or



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3349 development plan approval, not less than \$275 and not more than
3350 \$500; for modification of original construction, not less than
3351 \$100 and not more than \$150; for an initial operating permit,
3352 not less than \$125 and not more than \$250; and for review of
3353 variance applications, not less than \$240 and not more than
3354 \$400. The department shall assess the minimum fees provided in
3355 this subsection until a fee schedule is promulgated by rule of
3356 the department.

3357 (3) Fees shall be ~~Any person or public body operating a~~
3358 ~~public swimming pool or bathing place shall pay to the~~
3359 ~~department an annual operating permit fee based on pool or~~
3360 ~~bathing place~~ aggregate gallonage, which shall be: up to and
3361 including 25,000 gallons, not less than \$75 and not more than
3362 \$125; and in excess of 25,000 gallons, not less than \$160 and
3363 not more than \$265, except for a pool inspected pursuant to s.
3364 514.0115(2) (b) for which the annual fee shall be \$50.

3365 (4) Fees collected by the department in accordance with
3366 this chapter shall be deposited into the Grants and Donations
3367 Trust Fund or Public Swimming Pool and Bathing Place Trust Fund
3368 ~~for the payment of costs incurred in the administration of this~~
3369 ~~chapter. Fees collected by county health departments performing~~
3370 ~~functions pursuant to s. 514.025 shall be deposited into the~~
3371 County Health Department Trust Fund. Any fee collected under
3372 this chapter is nonrefundable.

3373 (5) The department may not charge any fees for services
3374 provided under this chapter other than those fees authorized in
3375 this section. However, the department shall prorate the initial
3376 annual fee for an operating permit on a half-year basis.

3377 Section 106. Subsections (4) and (5) of section 514.05,



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3378 Florida Statutes, are amended to read:

3379 514.05 Denial, suspension, or revocation of permit;
3380 administrative fines.-

3381 (4) All amounts collected pursuant to this section shall be
3382 deposited into the Grants and Donations Trust Fund ~~Public~~
3383 ~~Swimming Pool and Bathing Place Trust Fund~~ or into the County
3384 Health Department Trust Fund, whichever is applicable.

3385 (5) Under conditions specified by rule, the department may
3386 close a public pool that is not in compliance with this chapter
3387 or the rules adopted under this chapter.

3388 Section 107. Section 514.06, Florida Statutes, is amended
3389 to read:

3390 514.06 Injunction to restrain violations.-Any public
3391 swimming pool or public bathing place presenting a significant
3392 risk to public health by failing to meet the water quality and
3393 safety standards established pursuant to ~~constructed, developed,~~
3394 ~~operated, or maintained contrary to the provisions of this~~
3395 chapter is declared to be a public nuisance, dangerous to health
3396 or safety. Such nuisances may be abated or enjoined in an action
3397 brought by the county health department or the department.

3398 Section 108. Subsections (1) and (2) of section 633.115,
3399 Florida Statutes, are amended to read:

3400 633.115 Fire and Emergency Incident Information Reporting
3401 Program; duties; fire reports.-

3402 (1) (a) The Fire and Emergency Incident Information
3403 Reporting Program is created within the Division of State Fire
3404 Marshal. The program shall:

3405 1. Establish and maintain an electronic communication
3406 system capable of transmitting fire and emergency incident



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3407 information to and between fire protection agencies.

3408 2. Initiate a Fire and Emergency Incident Information
3409 Reporting System that shall be responsible for:

3410 a. Receiving fire and emergency incident information from
3411 fire protection agencies.

3412 b. Preparing and disseminating annual reports to the
3413 Governor, the President of the Senate, the Speaker of the House
3414 of Representatives, fire protection agencies, and, upon request,
3415 the public. Each report shall include, but not be limited to,
3416 the information listed in the National Fire Incident Reporting
3417 System.

3418 c. Upon request, providing other states and federal
3419 agencies with fire and emergency incident data of this state.

3420 3. Adopt rules to effectively and efficiently implement,
3421 administer, manage, maintain, and use the Fire and Emergency
3422 Incident Information Reporting Program. The rules shall be
3423 considered minimum requirements and shall not preclude a fire
3424 protection agency from implementing its own requirements which
3425 shall not conflict with the rules of the Division of State Fire
3426 Marshal.

3427 4. By rule, establish procedures and a format for each fire
3428 protection agency to voluntarily monitor its records and submit
3429 reports to the program.

3430 5. Establish an electronic information database which is
3431 accessible and searchable by fire protection agencies.

3432 (b) The Division of State Fire Marshal shall consult with
3433 the Division of Forestry of the Department of Agriculture and
3434 Consumer Services and the Division ~~Bureau~~ of Emergency
3435 Preparedness and Community Support ~~Medical Services~~ of the



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3436 Department of Health to coordinate data, ensure accuracy of the
3437 data, and limit duplication of efforts in data collection,
3438 analysis, and reporting.

3439 (2) The Fire and Emergency Incident Information System
3440 Technical Advisory Panel is created within the Division of State
3441 Fire Marshal. The panel shall advise, review, and recommend to
3442 the State Fire Marshal with respect to the requirements of this
3443 section. The membership of the panel shall consist of the
3444 following 15 members:

3445 (a) The current 13 members of the Firefighters Employment,
3446 Standards, and Training Council as established in s. 633.31.

3447 (b) One member from the Division of Forestry of the
3448 Department of Agriculture and Consumer Services, appointed by
3449 the division director.

3450 (c) One member from the Division Bureau of Emergency
3451 Preparedness and Community Support ~~Medical Services~~ of the
3452 Department of Health, appointed by the division director ~~bureau~~
3453 ~~chief~~.

3454 Section 109. Subsections (4), (5), (6), (8), (9), (10),
3455 (11), and (12) of section 1009.66, Florida Statutes, are amended
3456 to read:

3457 1009.66 Nursing Student Loan Forgiveness Program.—

3458 (4) From the funds available, the Department of Education
3459 ~~Health~~ may make loan principal repayments of up to \$4,000 a year
3460 for up to 4 years on behalf of selected graduates of an
3461 accredited or approved nursing program. All repayments shall be
3462 contingent upon continued proof of employment in the designated
3463 facilities in this state and shall be made directly to the
3464 holder of the loan. The state shall bear no responsibility for



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3465 the collection of any interest charges or other remaining
3466 balance. In the event that the designated facilities are
3467 changed, a nurse shall continue to be eligible for loan
3468 forgiveness as long as he or she continues to work in the
3469 facility for which the original loan repayment was made and
3470 otherwise meets all conditions of eligibility.

3471 (5) There is created the Nursing Student Loan Forgiveness
3472 Trust Fund to be administered by the Department of Education
3473 ~~Health~~ pursuant to this section and s. 1009.67 and department
3474 rules. The Chief Financial Officer shall authorize expenditures
3475 from the trust fund upon receipt of vouchers approved by the
3476 Department of Education ~~Health~~. All moneys collected from the
3477 private health care industry and other private sources for the
3478 purposes of this section shall be deposited into the Nursing
3479 Student Loan Forgiveness Trust Fund. Any balance in the trust
3480 fund at the end of any fiscal year shall remain therein and
3481 shall be available for carrying out the purposes of this section
3482 and s. 1009.67.

3483 (6) In addition to licensing fees imposed under part I of
3484 chapter 464, there is hereby levied and imposed an additional
3485 fee of \$5, which fee shall be paid upon licensure or renewal of
3486 nursing licensure. Revenues collected from the fee imposed in
3487 this subsection shall be deposited in the Nursing Student Loan
3488 Forgiveness Trust Fund of the Department of Education ~~Health~~ and
3489 will be used solely for the purpose of carrying out the
3490 provisions of this section and s. 1009.67. Up to 50 percent of
3491 the revenues appropriated to implement this subsection may be
3492 used for the nursing scholarship program established pursuant to
3493 s. 1009.67.



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3494 ~~(8) The Department of Health may solicit technical~~
3495 ~~assistance relating to the conduct of this program from the~~
3496 ~~Department of Education.~~

3497 (8)~~(9)~~ The Department of Education ~~Health~~ is authorized to
3498 recover from the Nursing Student Loan Forgiveness Trust Fund its
3499 costs for administering the Nursing Student Loan Forgiveness
3500 Program.

3501 (9)~~(10)~~ The Department of Education ~~Health~~ may adopt rules
3502 necessary to administer this program.

3503 (10)~~(11)~~ This section shall be implemented only as
3504 specifically funded.

3505 (11)~~(12)~~ Students receiving a nursing scholarship pursuant
3506 to s. 1009.67 are not eligible to participate in the Nursing
3507 Student Loan Forgiveness Program.

3508 Section 110. Section 1009.67, Florida Statutes, is amended
3509 to read:

3510 1009.67 Nursing scholarship program.—

3511 (1) There is established within the Department of Education
3512 ~~Health~~ a scholarship program for the purpose of attracting
3513 capable and promising students to the nursing profession.

3514 (2) A scholarship applicant shall be enrolled in an
3515 approved nursing program leading to the award of an associate
3516 degree, a baccalaureate degree, or a graduate degree in nursing.

3517 (3) A scholarship may be awarded for no more than 2 years,
3518 in an amount not to exceed \$8,000 per year. However, registered
3519 nurses pursuing a graduate degree for a faculty position or to
3520 practice as an advanced registered nurse practitioner may
3521 receive up to \$12,000 per year. These amounts shall be adjusted
3522 by the amount of increase or decrease in the consumer price



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3523 index for urban consumers published by the United States
3524 Department of Commerce.

3525 (4) Credit for repayment of a scholarship shall be as
3526 follows:

3527 (a) For each full year of scholarship assistance, the
3528 recipient agrees to work for 12 months in a faculty position in
3529 a college of nursing or Florida College System institution
3530 nursing program in this state or at a health care facility in a
3531 medically underserved area as designated ~~approved~~ by the
3532 Department of Health. Scholarship recipients who attend school
3533 on a part-time basis shall have their employment service
3534 obligation prorated in proportion to the amount of scholarship
3535 payments received.

3536 (b) Eligible health care facilities include nursing homes
3537 and hospitals in this state, state-operated medical or health
3538 care facilities, public schools, county health departments,
3539 federally sponsored community health centers, colleges of
3540 nursing in universities in this state, and Florida College
3541 System institution nursing programs in this state, family
3542 practice teaching hospitals as defined in s. 395.805, or
3543 specialty children's hospitals as described in s. 409.9119. The
3544 recipient shall be encouraged to complete the service obligation
3545 at a single employment site. If continuous employment at the
3546 same site is not feasible, the recipient may apply to the
3547 department for a transfer to another approved health care
3548 facility.

3549 (c) Any recipient who does not complete an appropriate
3550 program of studies, who does not become licensed, who does not
3551 accept employment as a nurse at an approved health care



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3552 facility, or who does not complete 12 months of approved
3553 employment for each year of scholarship assistance received
3554 shall repay to the Department of Education Health, on a schedule
3555 to be determined by the department, the entire amount of the
3556 scholarship plus 18 percent interest accruing from the date of
3557 the scholarship payment. Moneys repaid shall be deposited into
3558 the Nursing Student Loan Forgiveness Trust Fund established in
3559 s. 1009.66. However, the department may provide additional time
3560 for repayment if the department finds that circumstances beyond
3561 the control of the recipient caused or contributed to the
3562 default.

3563 (5) Scholarship payments shall be transmitted to the
3564 recipient upon receipt of documentation that the recipient is
3565 enrolled in an approved nursing program. The Department of
3566 Education Health shall develop a formula to prorate payments to
3567 scholarship recipients so as not to exceed the maximum amount
3568 per academic year.

3569 (6) The Department of Education Health shall adopt rules,
3570 including rules to address extraordinary circumstances that may
3571 cause a recipient to default on either the school enrollment or
3572 employment contractual agreement, to implement this section.

3573 (7) The Department of Education Health may recover from the
3574 Nursing Student Loan Forgiveness Trust Fund its costs for
3575 administering the nursing scholarship program.

3576 Section 111. Department of Health; type two transfer.-

3577 (1) All powers, duties, functions, records, offices,
3578 personnel, associated administrative support positions,
3579 property, pending issues, existing contracts, administrative
3580 authority, administrative rules, and unexpended balances of



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3581 appropriations, allocations, and other funds relating to the
3582 Nursing Student Loan Forgiveness Program and the nursing
3583 scholarship program in the Department of Health are transferred
3584 by a type two transfer, as defined in s. 20.06(2), Florida
3585 Statutes, to the Department of Education.

3586 (2) The Nursing Student Loan Forgiveness Trust Fund is
3587 transferred from the Department of Health to the Department of
3588 Education.

3589 (3) Any binding contract or interagency agreement related
3590 to the Nursing Student Loan Forgiveness Program existing before
3591 July 1, 2012, between the Department of Health, or an entity or
3592 agent of the agency, and any other agency, entity, or person
3593 shall continue as a binding contract or agreement for the
3594 remainder of the term of such contract or agreement on the
3595 successor department, agency, or entity responsible for the
3596 program, activity, or functions relative to the contract or
3597 agreement.

3598 (4) Notwithstanding s. 216.292 and pursuant to s. 216.351,
3599 Florida Statutes, upon approval by the Legislative Budget
3600 Commission, the Executive Office of the Governor may transfer
3601 funds and positions between agencies to implement this act.

3602 (5) The transfer of any program, activity, duty, or
3603 function under this act includes the transfer of any records and
3604 unexpended balances of appropriations, allocations, or other
3605 funds related to such program, activity, duty, or function.
3606 Unless otherwise provided, the successor organization to any
3607 program, activity, duty, or function transferred under this act
3608 shall become the custodian of any property of the organization
3609 that was responsible for the program, activity, duty, or



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3610 function immediately before the transfer.
3611 Section 112. The Division of Medical Quality Assurance
3612 shall develop a plan to improve the efficiency of its functions.
3613 Specifically, the plan shall delineate methods to: reduce the
3614 average length of time for a qualified applicant to receive
3615 initial and renewal licensure, certification, or registration,
3616 by one-third; improve the agenda process for board meetings to
3617 increase transparency, timeliness, and usefulness for board
3618 decisionmaking; and improve the cost-effectiveness and
3619 efficiency of the joint functions of the division and the
3620 regulatory boards. In developing the plan, the division shall
3621 identify and analyze best practices found within the division
3622 and other state agencies with similar functions, options for
3623 information technology improvements, options for contracting
3624 with outside entities, and any other option the division deems
3625 useful. The division shall consult with and solicit
3626 recommendations from the regulatory boards in developing the
3627 plan. The division shall submit the plan to the Governor, the
3628 Speaker of the House of Representatives, and the President of
3629 the Senate by November 1, 2012. All executive branch agencies
3630 are instructed, and all other state agencies are requested, to
3631 assist the division in accomplishing its purposes under this
3632 section.

3633 Section 113. Paragraph (e) of subsection (2) of section
3634 154.503, Florida Statutes, is amended to read:

3635 154.503 Primary Care for Children and Families Challenge
3636 Grant Program; creation; administration.—

3637 (2) The department shall:

3638 (e) Coordinate with the primary care program developed



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3639 pursuant to s. 154.011, the Florida Healthy Kids Corporation
3640 program created in s. 624.91, the school health services program
3641 created in ss. 381.0056 and 381.0057, ~~the Healthy Communities,~~
3642 ~~Healthy People Program created in s. 381.734,~~ and the volunteer
3643 health care provider program developed pursuant to s. 766.1115.

3644 Section 114. Subsection (1), paragraph (c) of subsection
3645 (3), and subsection (9) of section 381.0041, Florida Statutes,
3646 are amended to read:

3647 381.0041 Donation and transfer of human tissue; testing
3648 requirements.-

3649 (1) Every donation of blood, plasma, organs, skin, or other
3650 human tissue for transfusion or transplantation to another shall
3651 be tested prior to transfusion or other use for human
3652 immunodeficiency virus infection and other communicable diseases
3653 specified by rule of the Department of Health. Tests for the
3654 human immunodeficiency virus infection shall be performed only
3655 after obtaining written, informed consent from the potential
3656 donor or the donor's legal representative. Such consent may be
3657 given by a minor pursuant to s. 743.06. Obtaining consent shall
3658 include a fair explanation of the procedures to be followed and
3659 the meaning and use of the test results. Such explanation shall
3660 include a description of the confidential nature of the test as
3661 described in s. 381.004(2) ~~381.004(3)~~. If consent for testing is
3662 not given, then the person shall not be accepted as a donor
3663 except as otherwise provided in subsection (3).

3664 (3) No person shall collect any blood, organ, skin, or
3665 other human tissue from one human being and hold it for, or
3666 actually perform, any implantation, transplantation,
3667 transfusion, grafting, or any other method of transfer to



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3668 another human being without first testing such tissue for the
3669 human immunodeficiency virus and other communicable diseases
3670 specified by rule of the Department of Health, or without
3671 performing another process approved by rule of the Department of
3672 Health capable of killing the causative agent of those diseases
3673 specified by rule. Such testing shall not be required:

3674 (c) When there is insufficient time to obtain the results
3675 of a confirmatory test for any tissue or organ which is to be
3676 transplanted, notwithstanding the provisions of s. 381.004(2)(d)
3677 ~~381.004(3)(d)~~. In such circumstances, the results of preliminary
3678 screening tests may be released to the potential recipient's
3679 treating physician for use in determining organ or tissue
3680 suitability.

3681 (9) All blood banks shall be governed by the
3682 confidentiality provisions of s. 381.004(2) ~~381.004(3)~~.

3683 Section 115. Paragraph (b) of subsection (3) of section
3684 384.25, Florida Statutes, is amended to read:

3685 384.25 Reporting required.—

3686 (3) To ensure the confidentiality of persons infected with
3687 the human immunodeficiency virus (HIV), reporting of HIV
3688 infection and AIDS must be conducted using a system developed by
3689 the Centers for Disease Control and Prevention of the United
3690 States Public Health Service or an equivalent system.

3691 (b) The reporting may not affect or relate to anonymous HIV
3692 testing programs conducted pursuant to s. 381.004(3) ~~381.004(4)~~.

3693 Section 116. Subsection (5) of section 392.56, Florida
3694 Statutes, is amended to read:

3695 392.56 Hospitalization, placement, and residential
3696 isolation.—



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3697 (5) If the department petitions the circuit court to order
3698 that a person who has active tuberculosis be hospitalized in a
3699 facility operated under s. 392.62(2), the department shall
3700 notify the facility of the potential court order.

3701 Section 117. Subsection (2) of section 456.032, Florida
3702 Statutes, is amended to read:

3703 456.032 Hepatitis B or HIV carriers.-

3704 (2) Any person licensed by the department and any other
3705 person employed by a health care facility who contracts a blood-
3706 borne infection shall have a rebuttable presumption that the
3707 illness was contracted in the course and scope of his or her
3708 employment, provided that the person, as soon as practicable,
3709 reports to the person's supervisor or the facility's risk
3710 manager any significant exposure, as that term is defined in s.
3711 381.004(1)(c) ~~381.004(2)(e)~~, to blood or body fluids. The
3712 employer may test the blood or body fluid to determine if it is
3713 infected with the same disease contracted by the employee. The
3714 employer may rebut the presumption by the preponderance of the
3715 evidence. Except as expressly provided in this subsection, there
3716 shall be no presumption that a blood-borne infection is a job-
3717 related injury or illness.

3718 Section 118. Subsection (15) of section 499.003, Florida
3719 Statutes, is amended to read:

3720 499.003 Definitions of terms used in this part.-As used in
3721 this part, the term:

3722 (15) "Department" means the Department of Business and
3723 Professional Regulation ~~Department of Health~~.

3724 Section 119. Subsection (2) of section 499.601, Florida
3725 Statutes, is amended to read:



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3726 499.601 Legislative intent; construction.-

3727 (2) The provisions of this part are cumulative and shall
3728 not be construed as repealing or affecting any powers, duties,
3729 or authority of the department ~~of Health~~ under any other law of
3730 this state; except that, with respect to the regulation of ether
3731 as herein provided, in instances in which the provisions of this
3732 part may conflict with any other such law, the provisions of
3733 this part shall control.

3734 Section 120. Subsection (2) of section 499.61, Florida
3735 Statutes, is amended to read:

3736 499.61 Definitions.-As used in this part:

3737 (2) "Department" means the Department of Business and
3738 Professional Regulation ~~Department of Health~~.

3739 Section 121. Subsection (2) of section 513.10, Florida
3740 Statutes, is amended to read:

3741 513.10 Operating without permit; enforcement of chapter;
3742 penalties.-

3743 (2) This chapter or rules adopted under this chapter may be
3744 enforced in the manner provided in s. 381.0012 and as provided
3745 in this chapter. Violations of this chapter and the rules
3746 adopted under this chapter are subject to the penalties provided
3747 in this chapter and in s. ss. 381.0025 and 381.0061.

3748 Section 122. Paragraph (b) of subsection (9) of section
3749 768.28, Florida Statutes, is amended to read:

3750 768.28 Waiver of sovereign immunity in tort actions;
3751 recovery limits; limitation on attorney fees; statute of
3752 limitations; exclusions; indemnification; risk management
3753 programs.-

3754 (9)



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3755 (b) As used in this subsection, the term:
3756 1. "Employee" includes any volunteer firefighter.
3757 2. "Officer, employee, or agent" includes, but is not
3758 limited to, any health care provider when providing services
3759 pursuant to s. 766.1115; ~~any member of the Florida Health~~
3760 ~~Services Corps, as defined in s. 381.0302, who provides~~
3761 ~~uncompensated care to medically indigent persons referred by the~~
3762 ~~Department of Health;~~ any nonprofit independent college or
3763 university located and chartered in this state which owns or
3764 operates an accredited medical school, and its employees or
3765 agents, when providing patient services pursuant to paragraph
3766 (10) (f); and any public defender or her or his employee or
3767 agent, including, among others, an assistant public defender and
3768 an investigator.

3769 Section 123. Subsection (1) of section 775.0877, Florida
3770 Statutes, is amended to read:

3771 775.0877 Criminal transmission of HIV; procedures;
3772 penalties.—

3773 (1) In any case in which a person has been convicted of or
3774 has pled nolo contendere or guilty to, regardless of whether
3775 adjudication is withheld, any of the following offenses, or the
3776 attempt thereof, which offense or attempted offense involves the
3777 transmission of body fluids from one person to another:

3778 (a) Section 794.011, relating to sexual battery;

3779 (b) Section 826.04, relating to incest;

3780 (c) Section 800.04, relating to lewd or lascivious offenses
3781 committed upon or in the presence of persons less than 16 years
3782 of age;

3783 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),



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3784 relating to assault;
3785 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),
3786 relating to aggravated assault;
3787 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
3788 relating to battery;
3789 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
3790 relating to aggravated battery;
3791 (h) Section 827.03(1), relating to child abuse;
3792 (i) Section 827.03(2), relating to aggravated child abuse;
3793 (j) Section 825.102(1), relating to abuse of an elderly
3794 person or disabled adult;
3795 (k) Section 825.102(2), relating to aggravated abuse of an
3796 elderly person or disabled adult;
3797 (l) Section 827.071, relating to sexual performance by
3798 person less than 18 years of age;
3799 (m) Sections 796.03, 796.07, and 796.08, relating to
3800 prostitution; or
3801 (n) Section 381.0041(11)(b), relating to donation of blood,
3802 plasma, organs, skin, or other human tissue,
3803
3804 the court shall order the offender to undergo HIV testing, to be
3805 performed under the direction of the Department of Health in
3806 accordance with s. 381.004, unless the offender has undergone
3807 HIV testing voluntarily or pursuant to procedures established in
3808 s. 381.004(2)(h)6. ~~381.004(3)(h)6.~~ or s. 951.27, or any other
3809 applicable law or rule providing for HIV testing of criminal
3810 offenders or inmates, subsequent to her or his arrest for an
3811 offense enumerated in paragraphs (a)-(n) for which she or he was
3812 convicted or to which she or he pled nolo contendere or guilty.



3813 The results of an HIV test performed on an offender pursuant to
3814 this subsection are not admissible in any criminal proceeding
3815 arising out of the alleged offense.

3816 Section 124. Except as otherwise expressly provided in this
3817 act, this act shall take effect upon becoming a law.

3818
3819 ===== T I T L E A M E N D M E N T =====

3820 And the title is amended as follows:

3821 Delete everything before the enacting clause
3822 and insert:

3823 A bill to be entitled
3824 An act relating to the Department of Health; amending
3825 s. 20.43, F.S.; revising the purpose of the
3826 department; revising duties of the State Surgeon
3827 General; eliminating the Officer of Women's Health
3828 Strategy; revising divisions within the department;
3829 amending s. 20.435, F.S.; eliminating the Florida
3830 Drug, Device, and Cosmetic Trust Fund and the Nursing
3831 Student Loan Forgiveness Trust Fund as trust funds
3832 under the department; amending s. 154.05, F.S.;
3833 providing that two or more counties may combine for
3834 the operation of a county health department when such
3835 counties establish an interlocal agreement; providing
3836 criteria for such an agreement; specifying that an
3837 interlocal agreement may only be terminated at the end
3838 of a contract year; requiring the parties to give
3839 written notice to the department no less than 90 days
3840 before the termination; amending s. 215.5602, F.S.;
3841 conforming references; amending s. 381.001, F.S.;



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3842 revising legislative intent; requiring the Department
3843 of Health to be responsible for the state public
3844 health system; requiring the department to provide
3845 leadership for a partnership involving federal, state,
3846 and local government and the private sector to
3847 accomplish public health goals; amending s. 381.0011,
3848 F.S.; revising duties and powers of the department;
3849 repealing s. 381.0013, F.S., relating to the
3850 department's authority to exercise the power of
3851 eminent domain; repealing s. 381.0014, F.S., relating
3852 to department rules that superseded regulations and
3853 ordinances enacted by other state departments, boards
3854 or commissions, or municipalities; repealing s.
3855 381.0015, F.S., relating to judicial presumptions
3856 regarding the department's authority to enforce public
3857 health rules; amending s. 381.0016, F.S.; allowing a
3858 county to enact health regulations and ordinances
3859 consistent with state law; repealing s. 381.0017,
3860 F.S., relating to the purchase, lease, and sale of
3861 real property by the department; repealing s.
3862 381.0025, F.S., relating to penalties; amending s.
3863 381.003, F.S.; revising provisions relating to the
3864 department's responsibility for communicable disease
3865 prevention and control programs; amending s. 381.0031,
3866 F.S.; permitting the department to conduct studies
3867 concerning epidemiology of diseases of public health
3868 significance; specifying that the list of diseases of
3869 public health significance is based on the
3870 recommendations to be nationally notifiable by the



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3871 Council of State and Territorial Epidemiologists and
3872 the Centers for Disease Control and Prevention;
3873 authorizing the department to expand the list if a
3874 disease emerges for which regular, frequent and timely
3875 information regarding individual cases is considered
3876 necessary for the prevention and control of a disease
3877 specific to Florida; amending s. 381.00315, F.S.;
3878 requiring the department to establish rules for
3879 conditions and procedures for imposing and releasing a
3880 quarantine; requiring specific provisions to be
3881 included in rules; providing that the rules
3882 established under this section supersede all rules
3883 enacted by other state agencies, boards, or political
3884 subdivisions; providing that a violation of the rules
3885 established under the section, a quarantine, or
3886 requirement adopted pursuant to a declared public
3887 health emergency is a second-degree misdemeanor;
3888 providing penalties; repealing s. 381.0032, F.S.,
3889 relating to epidemiological research; repealing s.
3890 381.00325, F.S., relating to the Hepatitis A awareness
3891 program; amending s. 381.0034, F.S.; deleting an
3892 obsolete qualifying date reference; repealing s.
3893 381.0037, F.S., relating to legislative findings and
3894 intent with respect to AIDS; amending s. 381.004,
3895 F.S.; deleting legislative intent; conforming cross-
3896 references; amending 381.0046, F.S.; requiring the
3897 department to establish dedicated HIV and AIDS
3898 regional and statewide minority coordinators; deleting
3899 the requirement that the statewide director report to



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3900 the chief of the Bureau of HIV and AIDS within the
3901 department; amending s. 381.005, F.S.; deleting the
3902 requirement that hospitals implement a plan to offer
3903 immunizations for pneumococcal bacteria and influenza
3904 virus to all patients 65 years of age or older;
3905 amending s. 381.0051, F.S.; deleting legislative
3906 intent for the Comprehensive Family Planning Act;
3907 amending s. 381.0052, F.S., relating to the "Public
3908 Health Dental Program Act"; repealing unused
3909 department rulemaking authority; amending s. 381.0053,
3910 F.S., relating to the comprehensive nutrition program;
3911 repealing unused department rulemaking authority;
3912 repealing s. 381.0054, F.S., relating to healthy
3913 lifestyles promotion by the department; amending s.
3914 381.0056, F.S., relating to the "School Health
3915 Services Act"; deleting legislative findings; deleting
3916 the requirement that school health programs funded by
3917 health care districts or entities be supplementary to
3918 and consistent with the act and other applicable
3919 statutes; amending s. 381.0057, F.S., relating to
3920 funding for school health services; deleting
3921 legislative intent; amending s. 381.00591, F.S.;
3922 permitting the department to apply for and become a
3923 National Environmental Laboratory Accreditation
3924 Program accreditation body; eliminating rulemaking
3925 authority of the department to implement standards of
3926 the National Environmental Laboratory Accreditation
3927 Program; amending s. 381.00593, F.S.; removing unused
3928 rulemaking authority relating to the public school



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3929 volunteer health care practitioner program; amending
3930 s. 381.0062, F.S., relating to the "Comprehensive
3931 Family Planning Act"; deleting legislative intent;
3932 conforming a cross-reference; amending s. 381.0065,
3933 F.S., relating to regulation of onsite sewage
3934 treatment and disposal systems; deleting legislative
3935 intent; conforming provisions to changes made by the
3936 act; amending s. 381.0068, F.S.; deleting a date by
3937 which a technical review and advisory panel must be
3938 established within the department for assistance with
3939 rule adoption; deleting the authority of the chair of
3940 the panel to advise affected persons or the
3941 Legislature of the panel's position on legislation,
3942 proposed state policy, or other issue; amending s.
3943 381.0072, F.S.; revising the definition of the term
3944 "food establishment" to include certain facilities
3945 participating in the United States Department of
3946 Agriculture Afterschool Meal Program; amending s.
3947 381.00781, F.S.; eliminating authority of the
3948 department to annually adjust maximum fees according
3949 to the Consumer Price Index; amending s. 381.0086,
3950 F.S.; revising department rulemaking authority
3951 relating to migrant farmworkers and other migrant
3952 labor camp or residential migrant housing occupants;
3953 removing lighting and maintenance and operation of
3954 roads from the list of health and safety standards to
3955 be created by the department; conforming a cross-
3956 reference; amending s. 381.0098, F.S.; deleting
3957 legislative intent with respect to standards for the



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3958 safe packaging, transport, storage, treatment, and
3959 disposal of biomedical waste; conforming a cross-
3960 reference; amending s. 381.0101, F.S.; deleting
3961 legislative intent regarding certification of
3962 environmental health professionals; providing for the
3963 Division Director for Emergency Preparedness and
3964 Community Support to serve on an environmental health
3965 professionals advisory board; conforming a cross-
3966 reference; amending s. 381.0203, F.S.; eliminating the
3967 regulation of drugs, cosmetics, and household products
3968 under ch. 499, F.S., from the pharmacy services
3969 program; eliminating the contraception distribution
3970 program at county health departments; amending s.
3971 381.0261, F.S.; requiring the department, rather than
3972 the Agency for Health Care Administration, to publish
3973 a summary of the Florida Patient's Bill of Rights and
3974 Responsibilities on its Internet website; deleting the
3975 requirement to print and distribute the summary;
3976 repealing s. 381.0301, F.S. relating to the Centers
3977 for Disease Control and Prevention, the State
3978 University System, Florida medical schools, and the
3979 College of Public Health of the University of South
3980 Florida; deleting the requirement that the College of
3981 Public Health be consulted by state officials in the
3982 management of public health; repealing s. 381.0302,
3983 F.S.; eliminating the Florida Health Services Corps;
3984 amending s. 381.0303, F.S.; eliminating the
3985 requirement that the Special Needs Shelter Interagency
3986 Committee submit recommendations to the Legislature;



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3987 repealing s. 381.04015, F.S.; eliminating the Women's
3988 Health Strategy Office and Officer of Women's Health
3989 Strategy; amending s. 381.0403, F.S., relating to the
3990 "Community Hospital Education Act"; deleting
3991 legislative findings and intent; revising the mission
3992 of the program; requiring minimum funding for graduate
3993 education in family practice; deleting reference to an
3994 intent to establish a statewide graduate medical
3995 education program; amending s. 381.0405, F.S.;
3996 deleting an appropriation to the Office of Rural
3997 Health; amending s. 381.0406, F.S.; deleting
3998 unnecessary introductory language in provisions
3999 relating to rural health networks; repealing s.
4000 381.0407, F.S., to eliminate the mandatory payment of
4001 claims from public health care providers and county
4002 health departments by managed care plans; repealing s.
4003 381.045, F.S.; eliminating department authority to
4004 provide services to certain health care providers
4005 infected with Hepatitis B or HIV; amending s.
4006 381.06015, F.S.; deleting obsolete provision that
4007 requires the department, the Agency for Health Care
4008 Administration, and private consortium members seeking
4009 private or federal funds to initiate certain program
4010 actions relating to the Public Cord Blood Tissue Bank;
4011 repealing s. 381.0605, F.S., relating to designating
4012 the Agency for Health Care Administration as the state
4013 agency to administer the Federal Hospital and Medical
4014 Facilities Amendments of 1964; eliminating authority
4015 of the Governor to provide for administration of the



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4016 amendments; repealing ss. 381.1001-381.103, F.S., the
4017 Florida Community Health Protection Act; amending s.
4018 381.4018, F.S.; deleting legislative findings and
4019 intent with respect to physician workforce assessment
4020 and development; conforming a cross-reference:
4021 repealing s. 381.60225, F.S., to eliminate background
4022 screening requirements for health care professionals
4023 and owners, operators, and employees of certain health
4024 care providers, services, and programs; repealing ss.
4025 381.732-381.734, F.S., the "Healthy People, Healthy
4026 Communities Act"; amending s. 381.7352, F.S.; deleting
4027 legislative findings relating to the "Reducing Racial
4028 and Ethnic Health Disparities: Closing the Gap Act";
4029 amending s. 381.7353, F.S.; removing the authority of
4030 the State Surgeon General to appoint an ad hoc
4031 committee to study certain aspects of racial and
4032 ethnic health outcome disparities and make
4033 recommendations; amending s. 381.7356, F.S.; deleting
4034 a provision requiring dissemination of Closing the Gap
4035 grant awards to begin on a date certain; amending s.
4036 381.765, F.S.; repealing unused rulemaking authority
4037 relating to records and recordkeeping for department-
4038 owned property; repealing s. 381.77, F.S., to
4039 eliminate the annual survey of nursing home residents
4040 age 55 and under; repealing s. 381.795, F.S., to
4041 eliminate the requirement that the department
4042 establish a program of long-term community-based
4043 supports and services for individuals with traumatic
4044 brain or spinal cord injuries; amending s. 381.853,



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4045 F.S.; deleting legislative findings relating to brain
4046 tumor research; repealing s. 381.855, F.S., which
4047 established the Florida Center for Universal Research
4048 to Eradicate Disease; repealing s. 381.87, F.S., to
4049 eliminate the osteoporosis prevention and education
4050 program; repealing s. 381.90, F.S., to eliminate the
4051 Health Information Systems Council; amending s.
4052 381.91, F.S., relating to the Jesse Trice Cancer
4053 Program; revising legislative intent; amending
4054 381.922, F.S.; conforming a reference; amending s.
4055 383.011, F.S.; requiring the Department of Health to
4056 establish an interagency agreement with the Department
4057 of Children and Family Services for management of the
4058 Special Supplemental Nutrition program for Women,
4059 Infants, and Children; specifying responsibilities of
4060 each department; creating s. 383.141, F.S.; providing
4061 legislative findings; providing definitions; requiring
4062 that health care providers provide pregnant women with
4063 current information about the nature of the
4064 developmental disabilities tested for in certain
4065 prenatal tests, the accuracy of such tests, and
4066 resources for obtaining support services for Down
4067 syndrome and other prenatally diagnosed developmental
4068 disabilities; providing duties for the Department of
4069 Health concerning establishment of an information
4070 clearinghouse; creating an advocacy council within the
4071 Department of Health to provide technical assistance
4072 in forming the clearinghouse; providing membership for
4073 the council; providing duties of the council;



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4074 providing terms for members of the council; providing
4075 for election of a chairperson and vice chairperson;
4076 providing meeting times for the council; requiring the
4077 members to serve without compensation or reimbursement
4078 for travel expenses; authorizing meetings by
4079 teleconference or other electronic means; requiring
4080 the Department of Health to provide administrative
4081 support; repealing s. 385.210, F.S., the Arthritis
4082 Prevention and Education Act by a specific date;
4083 amending s. 391.016, F.S.; clarifying the purposes and
4084 functions of the Children's Medical Services program;
4085 requiring the coordination and maintenance of a
4086 medical home for participating children; amending s.
4087 391.021, F.S.; revising definitions; amending s.
4088 391.025, F.S.; revising the components of the
4089 Children's Medical Services program; amending s.
4090 391.026, F.S.; revising the powers and duties of the
4091 department in administering the Children's Medical
4092 Services network; amending s. 391.028, F.S.;
4093 eliminating the central office and area offices of the
4094 Children's Medical Services program; authorizing the
4095 Director of Children's Medical Services to appoint
4096 necessary staff and contract with providers to
4097 establish a system to provide certain program
4098 activities on a statewide basis; amending s. 391.029,
4099 F.S.; specifying eligibility for services provided
4100 under the Children's Medical Services program;
4101 clarifying who may receive services under the program;
4102 deleting the requirement that the department determine



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4103 financial and medical eligibility for program;
4104 deleting the requirement that the department determine
4105 the financial ability of parents to pay for services;
4106 eliminating discretion of the department to pay
4107 reasonable travel expenses; amending s. 391.0315,
4108 F.S.; deleting a prohibition against a child eligible
4109 under Title XIX or XXI of the Social Security Act from
4110 receiving services under the program until the child
4111 is enrolled in Medicaid or a Title XXI program;
4112 amending s. 392.51, F.S., relating to tuberculosis
4113 control; removing legislative findings and intent;
4114 amending s. 392.61, F.S.; eliminating the requirement
4115 that the department develop a methodology for
4116 distributing funds appropriated for community
4117 tuberculosis control programs; amending s. 392.62,
4118 F.S.; requiring a contractor to use licensed community
4119 hospitals and other facilities for the care and
4120 treatment of persons who have active tuberculosis or a
4121 history of noncompliance with prescribed drug regimens
4122 and require inpatient or other residential services;
4123 removing authority of the department to operate a
4124 licensed hospital to treat tuberculosis patients;
4125 requiring the tuberculosis control program to fund
4126 participating facilities; requiring facilities to meet
4127 specific conditions; requiring the department to
4128 develop a transition plan for the closure of A.G.
4129 Holley State Hospital; specifying content of
4130 transition plan; requiring submission of the plan to
4131 the Governor and Legislature; requiring full



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4132 implementation of the transition plan by a certain
4133 date; amending s. 401.243, F.S.; repealing unused
4134 rulemaking authority governing the implementation of
4135 injury-prevention grant programs; amending s. 401.245,
4136 F.S.; repealing unused rulemaking authority relating
4137 to operating procedures for the Emergency Medical
4138 Services Advisory Council; amending s. 401.271, F.S.;
4139 repealing unused rulemaking authority relating to an
4140 exemption for the spouse of a member of the Armed
4141 Forces of the United States on active duty from
4142 certification renewal provisions while the spouse is
4143 absent from the state because of the member's active
4144 duty with the Armed Forces; repealing s. 402.45, F.S.;
4145 repealing unused rulemaking authority relating to the
4146 community resource mother or father program; amending
4147 s. 403.863, F.S.; directing the department to contract
4148 to perform state public water supply laboratory
4149 certification application review and evaluation and
4150 laboratory inspections; adding certain actions to the
4151 list of acts constituting grounds for which
4152 disciplinary actions may be taken under the section;
4153 amending ss. 400.914 and 409.256, F.S.; conforming
4154 references; repealing s. 458.346, F.S., which created
4155 the Public Sector Physician Advisory Committee and
4156 established its responsibilities; amending s. 462.19,
4157 F.S., relating to the renewal of licenses for
4158 practitioners of naturopathy; repealing unused
4159 rulemaking authority; amending s. 464.019, F.S.,
4160 requiring the Board of Nursing to deny a program



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4161 application for new prelicensure nursing education
4162 program while the existing program is on probationary
4163 status; repealing s. 464.0197, F.S., relating to state
4164 budget support for the Florida Center for Nursing;
4165 amending s. 464.203, F.S.; revising the certification
4166 requirements for certified nursing assistants;
4167 amending s. 464.208, F.S.; repealing unused rulemaking
4168 authority relating to background screening information
4169 of certified nursing assistants; repealing s.
4170 466.00775, F.S., relating to unused rulemaking
4171 authority relating to dental health access and dental
4172 laboratory registration provisions; amending ss.
4173 212.08, 499.003, 499.601, and 499.61, F.S.; updating
4174 departmental designation; amending s. 514.011, F.S.;
4175 revising the definition of "public bathing place";
4176 amending s. 514.021, F.S.; restricting rulemaking
4177 authority of the department; limiting scope of
4178 standards for public pools and public bathing places;
4179 prohibiting the department from adopting by rule any
4180 regulation regarding the design, alteration, or repair
4181 of a public pool or public bathing; eliminating
4182 authority of the department to review plans, issue
4183 approvals, and enforce occupancy provisions of the
4184 Florida Building Code; amending s. 514.023, F.S.;
4185 adding public bathing places to the provisions
4186 allowing sampling of beach waters to determine
4187 sanitation and allowing health advisories to be issued
4188 for elevated levels of bacteria in such waters;
4189 deleting an obsolete provision; amending s. 514.025,



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4190 F.S.; requiring the department to review applications
4191 and plans for the construction or placement of public
4192 pools or bathing places; providing for the department
4193 to review applications and plans if no qualified staff
4194 are employed at the county health department;
4195 establishing that the department is responsible to
4196 monitor water quality in public pools and bathing
4197 places; amending s. 514.03, F.S.; permitting local
4198 governments or local enforcement districts to
4199 determine compliance with general construction
4200 provisions of the Florida Building Code; permitting
4201 local governments or local enforcement districts to
4202 conduct plan reviews and inspections of public pools
4203 and bathing places to determine compliance;
4204 eliminating an application process for review of
4205 building plans for a public pool or bathing place by
4206 the department; amending s. 514.031, F.S.; requiring a
4207 valid permit from the department to operate a public
4208 pool; revising the list of documents that must
4209 accompany an application for a permit to operate a
4210 public pool; providing the department with authority
4211 to review, approve, and deny an application for a
4212 permit to operate a public pool; amending s. 514.033,
4213 F.S.; deleting authority of the department to
4214 establish a fee schedule; requiring fees collected by
4215 the department or county health department to be
4216 deposited into the Grants and Doations Trust Fund or
4217 the County Health Department Trust Fund; amending s.
4218 514.05, F.S.; requiring all amounts collected to be



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4219 deposited in the Grants and Donations Trust Fund or
4220 the County Health Department Trust Fund; granting the
4221 county health department the authority to close a
4222 public pool that is not in compliance with ch. 514,
4223 F.S., or applicable rules; amending s. 514.06, F.S.;
4224 deeming a public pool or bathing place to present a
4225 significant risk to public health by failing to meet
4226 water quality and safety to be a public nuisance;
4227 allowing for a public nuisance to be abated or
4228 enjoined; amending s. 633.115, F.S.; making conforming
4229 changes; amending s. 1009.66, F.S.; reassigning
4230 responsibility for the Nursing Student Loan
4231 Forgiveness Program from the Department of Health to
4232 the Department of Education; amending s. 1009.67,
4233 F.S.; reassigning responsibility for the nursing
4234 scholarship program from the Department of Health to
4235 the Department of Education; providing type two
4236 transfers of the programs; providing for transfer of a
4237 trust fund; providing applicability to contracts;
4238 authorizing transfer of funds and positions between
4239 departments; requiring the Division of Medical Quality
4240 and Assurance to create a plan to improve efficiency
4241 of the function of the division; directing the
4242 division to take certain actions in creating the plan;
4243 directing the division to address particular topics in
4244 the plan; requiring all executive branch agencies to
4245 assist the department in creating the plan; requesting
4246 all other state agencies to assist the department in
4247 creating the plan; amending ss. 154.503, 381.0041,



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4248 384.25, 392.56, 395.1027, 411.203, 456.032, 513.10,
4249 768.28, and 775.0877, F.S.; conforming cross-
4250 references; providing effective dates.