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Proposed Committee Substitute by the Committee on Health  
Regulation

1                                   A bill to be entitled  
2           An act relating to the Department of Health;  
3           amending s. 20.43, F.S.; revising the purpose of the  
4           department; revising duties of the State Surgeon  
5           General; eliminating the Officer of Women's Health  
6           Strategy; revising divisions within the department;  
7           amending s. 20.435, F.S.; eliminating the Florida  
8           Drug, Device, and Cosmetic Trust Fund and the Nursing  
9           Student Loan Forgiveness Trust Fund as trust funds  
10          under the department; amending s. 215.5602, F.S.;  
11          conforming references; repealing s. 381.0013, F.S.,  
12          relating to the department's authority to exercise the  
13          power of eminent domain; repealing s. 381.0015, F.S.,  
14          relating to judicial presumptions regarding the  
15          department's authority to enforce public health rules;  
16          amending s. 381.0016, F.S.; allowing a county to enact  
17          health regulations and ordinances consistent with  
18          state law; repealing s. 381.0017, F.S., relating to  
19          the purchase, lease, and sale of real property by the  
20          department; repealing s. 381.00325, F.S., relating to  
21          the Hepatitis A awareness program; amending s.  
22          381.0034, F.S.; deleting an obsolete qualifying date  
23          reference; repealing s. 381.0037, F.S., relating to  
24          legislative findings and intent with respect to AIDS;  
25          amending s. 381.004, F.S.; deleting legislative  
26          intent; conforming cross-references; amending  
27          381.0046, F.S.; requiring the department to establish



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28 dedicated HIV and AIDS regional and statewide minority  
29 coordinators; deleting the requirement that the  
30 statewide director report to the chief of the Bureau  
31 of HIV and AIDS within the department; amending s.  
32 381.005, F.S.; deleting the requirement that hospitals  
33 implement a plan to offer immunizations for  
34 pneumococcal bacteria and influenza virus to all  
35 patients 65 years of age or older; amending s.  
36 381.0051, F.S.; deleting legislative intent for the  
37 Comprehensive Family Planning Act; amending s.  
38 381.0052, F.S., relating to the "Public Health Dental  
39 Program Act"; repealing unused department rulemaking  
40 authority; amending s. 381.0053, F.S., relating to the  
41 comprehensive nutrition program; repealing unused  
42 department rulemaking authority; amending s. 381.0056,  
43 F.S., relating to the "School Health Services Act";  
44 deleting legislative findings; deleting the  
45 requirement that school health programs funded by  
46 health care districts or entities be supplementary to  
47 and consistent with the act and other applicable  
48 statutes; amending s. 381.0057, F.S., relating to  
49 funding for school health services; deleting  
50 legislative intent; amending s. 381.00591, F.S.;  
51 permitting the department to apply for and become a  
52 National Environmental Laboratory Accreditation  
53 Program accreditation body; eliminating rulemaking  
54 authority of the department to implement standards of  
55 the National Environmental Laboratory Accreditation  
56 Program; amending s. 381.00593, F.S.; repealing unused



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57 rulemaking authority relating to the public school  
58 volunteer health care practitioner program; amending  
59 s. 381.0062, F.S., relating to the "Comprehensive  
60 Family Planning Act"; deleting legislative intent;  
61 amending s. 381.0065, F.S.; deleting legislative  
62 intent; defining the term "bedroom"; conforming cross-  
63 references; providing for any permit issued and  
64 approved by the Department of Health for the  
65 installation, modification, or repair of an onsite  
66 sewage treatment and disposal system to transfer with  
67 the title of the property; providing circumstances in  
68 which an onsite sewage treatment and disposal system  
69 is not considered abandoned; providing for the  
70 validity of an onsite sewage treatment and disposal  
71 system permit if rules change before final approval of  
72 the constructed system, under certain conditions;  
73 providing that a system modification, replacement, or  
74 upgrade is not required unless a bedroom is added to a  
75 single-family home; deleting provisions requiring the  
76 department to administer an evaluation and assessment  
77 program of onsite sewage treatment and disposal  
78 systems and requiring property owners to have such  
79 systems evaluated at least once every 5 years;  
80 deleting obsolete provisions; creating s. 381.00651,  
81 F.S.; requiring a county or municipality containing a  
82 first magnitude spring to adopt by ordinance, under  
83 certain circumstances, the program for the periodic  
84 evaluation and assessment of onsite sewage treatment  
85 and disposal systems; requiring the county or



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86 municipality to notify the Secretary of State of the  
87 ordinance; authorizing a county or municipality, in  
88 specified circumstances, to opt out by a majority plus  
89 one vote of certain requirements by a specified date;  
90 authorizing a county or municipality to adopt or  
91 repeal, after a specified date, an ordinance creating  
92 an evaluation and assessment program, subject to  
93 notification of the Secretary of State; providing  
94 criteria for evaluations, qualified contractors, and  
95 repair of systems; providing for certain procedures  
96 and exemptions in special circumstances; defining the  
97 term "system failure"; requiring that certain  
98 procedures be used for conducting tank and drainfield  
99 evaluations; providing for certain procedures in  
100 special circumstances; providing for contractor  
101 immunity from liability under certain conditions;  
102 providing for assessment procedures; providing  
103 requirements for county health departments; requiring  
104 the Department of Health to allow county health  
105 departments and qualified contractors to access the  
106 state database to track data and evaluation reports;  
107 requiring counties and municipalities to notify the  
108 Secretary of Environmental Protection and the  
109 Department of Health when an evaluation program  
110 ordinance is adopted; requiring the Department of  
111 Environmental Protection to notify those counties or  
112 municipalities of the use of, and access to, certain  
113 state and federal program funds and to provide certain  
114 guidance and technical assistance upon request;



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115 prohibiting the adoption of certain rules by the  
116 Department of Health; providing for applicability;  
117 repealing s. 381.00656, F.S., relating to a grant  
118 program for the repair of onsite sewage treatment and  
119 disposal systems; amending s. 381.0066, F.S.; lowering  
120 the fees imposed by the department for certain  
121 permits; conforming cross-references; amending s.  
122 381.0068, F.S.; deleting a date by which a technical  
123 review and advisory panel must be established within  
124 the department for assistance with rule adoption;  
125 deleting the authority of the chair of the panel to  
126 advise affected persons or the Legislature of the  
127 panel's position on legislation, proposed state  
128 policy, or other issue; amending s. 381.00781, F.S.;  
129 eliminating authority of the department to annually  
130 adjust maximum fees according to the Consumer Price  
131 Index; amending s. 381.0098, F.S.; deleting  
132 legislative intent with respect to standards for the  
133 safe packaging, transport, storage, treatment, and  
134 disposal of biomedical waste; amending s. 381.0101,  
135 F.S.; deleting legislative intent regarding  
136 certification of environmental health professionals;  
137 conforming a cross-reference; amending s. 381.0203,  
138 F.S.; eliminating the regulation of drugs, cosmetics,  
139 and household products under ch. 499, F.S., from the  
140 pharmacy services program; eliminating the  
141 contraception distribution program at county health  
142 departments; amending s. 381.0261, F.S.; requiring the  
143 department, rather than the Agency for Health Care



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144 Administration, to publish a summary of the Florida  
145 Patient's Bill of Rights and Responsibilities on its  
146 Internet website; deleting the requirement to print  
147 and distribute the summary; repealing s. 381.0301,  
148 F.S. relating to the Centers for Disease Control and  
149 Prevention, the State University System, Florida  
150 medical schools, and the College of Public Health of  
151 the University of South Florida; deleting the  
152 requirement that the College of Public Health be  
153 consulted by state officials in the management of  
154 public health; repealing s. 381.0302, F.S.;  
155 eliminating the Florida Health Services Corps;  
156 amending s. 381.0303, F.S.; eliminating the  
157 requirement that the Special Needs Shelter Interagency  
158 Committee submit recommendations to the Legislature;  
159 repealing s. 381.04015, F.S.; eliminating the Women's  
160 Health Strategy Office and Officer of Women's Health  
161 Strategy; amending s. 381.0403, F.S., relating to the  
162 "Community Hospital Education Act"; deleting  
163 legislative findings and intent; revising the mission  
164 of the program; requiring minimum funding for graduate  
165 education in family practice; deleting reference to an  
166 intent to establish a statewide graduate medical  
167 education program; amending s. 381.0405, F.S.;  
168 deleting an appropriation to the Office of Rural  
169 Health; amending s. 381.0406, F.S.; deleting  
170 unnecessary introductory language in provisions  
171 relating to rural health networks; repealing s.  
172 381.045, F.S.; eliminating department authority to



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173 provide services to certain health care providers  
174 infected with Hepatitis B or HIV; amending s.  
175 381.06015, F.S.; deleting obsolete provision that  
176 requires the department, the Agency for Health Care  
177 Administration, and private consortium members seeking  
178 private or federal funds to initiate certain program  
179 actions relating to the Public Cord Blood Tissue Bank;  
180 repealing s. 381.0605, F.S., relating to designating  
181 the Agency for Health Care Administration as the state  
182 agency to administer the Federal Hospital and Medical  
183 Facilities Amendments of 1964; eliminating authority  
184 of the Governor to provide for administration of the  
185 amendments; repealing s. 381.102, F.S., to eliminate  
186 the community health pilot projects; repealing s.  
187 381.103, F.S., to eliminate the duties of the  
188 department to assist the community health pilot  
189 projects; amending s. 381.4018, F.S.; deleting  
190 legislative findings and intent with respect to  
191 physician workforce assessment and development;  
192 conforming a cross-reference: repealing s. 381.60225,  
193 F.S., to eliminate background screening requirements  
194 for health care professionals and owners, operators,  
195 and employees of certain health care providers,  
196 services, and programs; amending s. 381.7352, F.S.;  
197 deleting legislative findings relating to the  
198 "Reducing Racial and Ethnic Health Disparities:  
199 Closing the Gap Act"; amending s. 381.7353, F.S.;  
200 removing the authority of the State Surgeon General to  
201 appoint an ad hoc committee to study certain aspects



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202 of racial and ethnic health outcome disparities and  
203 make recommendations; amending s. 381.7356, F.S.;  
204 deleting a provision requiring dissemination of  
205 Closing the Gap grant awards to begin on a date  
206 certain; amending s. 381.765, F.S.; repealing unused  
207 rulemaking authority relating to records and  
208 recordkeeping for department-owned property; repealing  
209 s. 381.77, F.S., to eliminate the annual survey of  
210 nursing home residents age 55 and under; repealing s.  
211 381.795, F.S., to eliminate the requirement that the  
212 department establish a program of long-term community-  
213 based supports and services for individuals with  
214 traumatic brain or spinal cord injuries; amending s.  
215 381.853, F.S.; repealing s. 381.855, F.S., which  
216 established the Florida Center for Universal Research  
217 to Eradicate Disease; deleting legislative findings  
218 relating to brain tumor research; repealing s. 381.87,  
219 F.S., to eliminate the osteoporosis prevention and  
220 education program; repealing s. 381.90, F.S., to  
221 eliminate the Health Information Systems Council;  
222 amending s. 381.91, F.S., relating to the Jesse Trice  
223 Cancer Program; revising legislative intent; amending  
224 s. 392.51, F.S., relating to tuberculosis control;  
225 removing legislative findings and intent; amending s.  
226 392.61, F.S.; eliminating the requirement that the  
227 department develop a methodology for distributing  
228 funds appropriated for community tuberculosis control  
229 programs; amending s. 392.62, F.S.; requiring a  
230 contractor to use licensed community hospitals and





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231 other facilities for the care and treatment of persons  
232 who have active tuberculosis or a history of  
233 noncompliance with prescribed drug regimens and  
234 require inpatient or other residential services;  
235 removing authority of the department to operate a  
236 licensed hospital to treat tuberculosis patients;  
237 requiring the tuberculosis control program to fund  
238 participating facilities; requiring facilities to meet  
239 specific conditions; requiring the department to  
240 develop a transition plan for the closure of A.G.  
241 Holley State Hospital; specifying content of  
242 transition plan; requiring submission of the plan to  
243 the Governor and Legislature; requiring full  
244 implementation of the transition plan by a certain  
245 date; amending s. 395.1027, F.S.; making conforming  
246 changes; amending s. 401.243, F.S.; repealing unused  
247 rulemaking authority governing the implementation of  
248 injury-prevention grant programs; amending s. 401.245,  
249 F.S.; repealing unused rulemaking authority relating  
250 to operating procedures for the Emergency Medical  
251 Services Advisory Council; amending s. 401.271, F.S.;  
252 repealing unused rulemaking authority relating to an  
253 exemption for the spouse of a member of the Armed  
254 Forces of the United States on active duty from  
255 certification renewal provisions while the spouse is  
256 absent from the state because of the member's active  
257 duty with the Armed Forces; repealing s. 402.45, F.S.;  
258 relating to the community resource mother or father  
259 program; amending ss. 400.914 and 409.256, F.S.;



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260 conforming references; repealing s. 458.346, F.S.,  
261 which created the Public Sector Physician Advisory  
262 Committee and established its responsibilities;  
263 amending s. 462.19, F.S., relating to the renewal of  
264 licenses for practitioners of naturopathy; repealing  
265 unused rulemaking authority; repealing s. 464.0197,  
266 F.S., relating to state budget support for the Florida  
267 Center for Nursing; amending s. 464.208, F.S.;  
268 repealing unused rulemaking authority relating to  
269 background screening information of certified nursing  
270 assistants; amending s. 633.115, F.S.; making  
271 conforming changes; amending s. 768.28, F.S.; making  
272 conforming changes; amending s. 1009.66, F.S.;  
273 reassigning responsibility for the Nursing Student  
274 Loan Forgiveness Program from the Department of Health  
275 to the Department of Education; amending s. 1009.67,  
276 F.S.; reassigning responsibility for the nursing  
277 scholarship program from the Department of Health to  
278 the Department of Education; providing type two  
279 transfers of the programs; providing for transfer of a  
280 trust fund; providing applicability to contracts;  
281 authorizing transfer of funds and positions between  
282 departments; requiring the Division of Medical Quality  
283 and Assurance to create a plan to improve efficiency  
284 of the function of the division; directing the  
285 division to take certain actions in creating the plan;  
286 directing the division to address particular topics in  
287 the plan; requiring all executive branch agencies to  
288 assist the department in creating the plan; requesting



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289 all other state agencies to assist the department in  
290 creating the plan; amending ss. 381.0041, 384.25,  
291 392.56, 456.032, and 775.0877, F.S.; conforming cross-  
292 references; providing effective dates.

293

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

295

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

298 20.43 Department of Health.—There is created a Department  
299 of Health.

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

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

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

315 (c) Collect, manage, and analyze vital statistics and other  
316 health data to inform the public and formulate public health  
317 policy and planning ~~Conduct special studies of the causes of~~



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318 ~~diseases and formulate preventive strategies.~~

319       (d) Maintain and coordinate preparedness for and responses  
320 to public health emergencies in the state ~~Promote the~~  
321 ~~maintenance and improvement of the environment as it affects~~  
322 ~~public health.~~

323       (e) Provide or ensure the provision of quality health care  
324 and related services to identified populations in the state  
325 ~~Promote the maintenance and improvement of health in the~~  
326 ~~residents of the state.~~

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

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

336       (h) Provide services to abused and neglected children  
337 through child protection teams and sexual abuse treatment  
338 programs.

339       (i) ~~Develop working associations with all agencies and~~  
340 ~~organizations involved and interested in health and health care~~  
341 ~~delivery.~~

342       (j) ~~Analyze trends in the evolution of health systems, and~~  
343 ~~identify and promote the use of innovative, cost-effective~~  
344 ~~health delivery systems.~~

345       (k) ~~Serve as the statewide repository of all aggregate data~~  
346 ~~accumulated by state agencies related to health care; analyze~~



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347 ~~that data and issue periodic reports and policy statements, as~~  
348 ~~appropriate; require that all aggregated data be kept in a~~  
349 ~~manner that promotes easy utilization by the public, state~~  
350 ~~agencies, and all other interested parties; provide technical~~  
351 ~~assistance as required; and work cooperatively with the state's~~  
352 ~~higher education programs to promote further study and analysis~~  
353 ~~of health care systems and health care outcomes.~~

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

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

362 (2)(a) The head of the Department of Health is the State  
363 Surgeon General and State Health Officer. The State Surgeon  
364 General must be a physician licensed under chapter 458 or  
365 chapter 459 who has advanced training or extensive experience in  
366 public health administration. The State Surgeon General is  
367 appointed by the Governor subject to confirmation by the Senate.  
368 The State Surgeon General serves at the pleasure of the  
369 Governor. ~~The State Surgeon General shall serve as the leading~~  
370 ~~voice on wellness and disease prevention efforts, including the~~  
371 ~~promotion of healthful lifestyles, immunization practices,~~  
372 ~~health literacy, and the assessment and promotion of the~~  
373 ~~physician and health care workforce in order to meet the health~~  
374 ~~care needs of the state. The State Surgeon General shall focus~~  
375 ~~on advocating healthy lifestyles, developing public health~~



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376 ~~policy, and building collaborative partnerships with schools,~~  
377 ~~businesses, health care practitioners, community-based~~  
378 ~~organizations, and public and private institutions in order to~~  
379 ~~promote health literacy and optimum quality of life for all~~  
380 ~~Floridians.~~

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

384 (3) The following divisions of the Department of Health are  
385 established:

386 (a) Division of Administration.

387 (b) Division of Emergency Preparedness and Community  
388 Support Environmental Health.

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

390 (d) Division of Community Health Promotion Family Health  
391 Services.

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

393 (f) Division of Public Health Statistics and Performance  
394 Management Emergency Medical Operations.

395 (g) Division of Medical Quality Assurance, which is  
396 responsible for the following boards and professions established  
397 within the division:

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

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

400 3. The Board of Osteopathic Medicine, created under chapter  
401 459.

402 4. The Board of Chiropractic Medicine, created under  
403 chapter 460.

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



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- 405 461.
- 406 6. Naturopathy, as provided under chapter 462.
- 407 7. The Board of Optometry, created under chapter 463.
- 408 8. The Board of Nursing, created under part I of chapter
- 409 464.
- 410 9. Nursing assistants, as provided under part II of chapter
- 411 464.
- 412 10. The Board of Pharmacy, created under chapter 465.
- 413 11. The Board of Dentistry, created under chapter 466.
- 414 12. Midwifery, as provided under chapter 467.
- 415 13. The Board of Speech-Language Pathology and Audiology,
- 416 created under part I of chapter 468.
- 417 14. The Board of Nursing Home Administrators, created under
- 418 part II of chapter 468.
- 419 15. The Board of Occupational Therapy, created under part
- 420 III of chapter 468.
- 421 16. Respiratory therapy, as provided under part V of
- 422 chapter 468.
- 423 17. Dietetics and nutrition practice, as provided under
- 424 part X of chapter 468.
- 425 18. The Board of Athletic Training, created under part XIII
- 426 of chapter 468.
- 427 19. The Board of Orthotists and Prosthetists, created under
- 428 part XIV of chapter 468.
- 429 20. Electrolysis, as provided under chapter 478.
- 430 21. The Board of Massage Therapy, created under chapter
- 431 480.
- 432 22. The Board of Clinical Laboratory Personnel, created
- 433 under part III of chapter 483.



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- 434           23. Medical physicists, as provided under part IV of  
435 chapter 483.
- 436           24. The Board of Opticianry, created under part I of  
437 chapter 484.
- 438           25. The Board of Hearing Aid Specialists, created under  
439 part II of chapter 484.
- 440           26. The Board of Physical Therapy Practice, created under  
441 chapter 486.
- 442           27. The Board of Psychology, created under chapter 490.
- 443           28. School psychologists, as provided under chapter 490.
- 444           29. The Board of Clinical Social Work, Marriage and Family  
445 Therapy, and Mental Health Counseling, created under chapter  
446 491.
- 447           30. Emergency medical technicians and paramedics, as  
448 provided under part III of chapter 401.
- 449           ~~(h) Division of Children's Medical Services Prevention and~~  
450 ~~Intervention.~~
- 451           ~~(i) Division of Information Technology.~~
- 452           ~~(j) Division of Health Access and Tobacco.~~
- 453           (h)~~(k)~~ Division of Disability Determinations.
- 454           Section 2. Subsections (14) through (22) of section 20.435,  
455 Florida Statutes, are renumbered as subsection (13) through  
456 (20), respectively, and present subsections (13) and (17) of  
457 that section are amended to read:
- 458           20.435 Department of Health; trust funds.—The following  
459 trust funds shall be administered by the Department of Health:
- 460           ~~(13) Florida Drug, Device, and Cosmetic Trust Fund.~~
- 461           ~~(a) Funds to be credited to and uses of the trust fund~~  
462 ~~shall be administered in accordance with the provisions of~~





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463 ~~chapter 499.~~

464 ~~(b) Notwithstanding the provisions of s. 216.301 and~~  
465 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~  
466 ~~of any fiscal year shall remain in the trust fund at the end of~~  
467 ~~the year and shall be available for carrying out the purposes of~~  
468 ~~the trust fund.~~

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

470 ~~(a) Funds to be credited to and uses of the trust fund~~  
471 ~~shall be administered in accordance with the provisions of s.~~  
472 ~~1009.66.~~

473 ~~(b) Notwithstanding the provisions of s. 216.301 and~~  
474 ~~pursuant to s. 216.351, any balance in the trust fund at the end~~  
475 ~~of any fiscal year shall remain in the trust fund at the end of~~  
476 ~~the year and shall be available for carrying out the purposes of~~  
477 ~~the trust fund.~~

478 Section 3. Subsections (10) and (12) of section 215.5602,  
479 Florida Statutes, are amended to read:

480 215.5602 James and Esther King Biomedical Research  
481 Program.—

482 (10) The council shall submit an annual progress report on  
483 the state of biomedical research in this state to ~~the Florida~~  
484 ~~Center for Universal Research to Eradicate Disease and to the~~  
485 Governor, the State Surgeon General, the President of the  
486 Senate, and the Speaker of the House of Representatives by  
487 February 1. The report must include:

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

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

491 (c) A list of publications in peer reviewed journals



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492 involving research supported by grants or fellowships awarded  
493 under the program.

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

496 (e) New grants for biomedical research which were funded  
497 based on research supported by grants or fellowships awarded  
498 under the program.

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

502 ~~(12) From funds appropriated to accomplish the goals of~~  
503 ~~this section, up to \$250,000 shall be available for the~~  
504 ~~operating costs of the Florida Center for Universal Research to~~  
505 ~~Eradicate Disease.~~ Beginning in the 2011-2012 fiscal year and  
506 thereafter, \$25 million from the revenue deposited into the  
507 Health Care Trust Fund pursuant to ss. 210.011(9) and 210.276(7)  
508 shall be reserved for research of tobacco-related or cancer-  
509 related illnesses. Of the revenue deposited in the Health Care  
510 Trust Fund pursuant to this section, \$25 million shall be  
511 transferred to the Biomedical Research Trust Fund within the  
512 Department of Health. Subject to annual appropriations in the  
513 General Appropriations Act, \$5 million shall be appropriated to  
514 the James and Esther King Biomedical Research Program, \$5  
515 million shall be appropriated to the William G. "Bill" Bankhead,  
516 Jr., and David Coley Cancer Research Program created under s.  
517 381.922, \$5 million shall be appropriated to the H. Lee Moffitt  
518 Cancer Center and Research Institute established under s.  
519 1004.43, \$5 million shall be appropriated to the Sylvester  
520 Comprehensive Cancer Center of the University of Miami, and \$5



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521 million shall be appropriated to the ~~University of Florida~~  
522 Shands Cancer Hospital Center.

523 Section 4. Section 381.001, Florida Statutes, is amended to  
524 read:

525 381.001 ~~Legislative intent~~; Public health system.—

526 ~~(1) It is the intent of the Legislature that~~ The Department  
527 of Health is ~~be~~ responsible for the state's public health system  
528 which shall be designed to promote, protect, and improve the  
529 health of all people in the state. ~~The mission of the state's~~  
530 ~~public health system is to foster the conditions in which people~~  
531 ~~can be healthy, by assessing state and community health needs~~  
532 ~~and priorities through data collection, epidemiologic studies,~~  
533 ~~and community participation; by developing comprehensive public~~  
534 ~~health policies and objectives aimed at improving the health~~  
535 ~~status of people in the state; and by ensuring essential health~~  
536 ~~care and an environment which enhances the health of the~~  
537 ~~individual and the community.~~ The department shall provide  
538 leadership for ~~Legislature recognizes that the state's public~~  
539 ~~health system must be founded on an active partnership working~~  
540 toward shared public health goals and involving between federal,  
541 state, and local governments and the private sector ~~government~~  
542 ~~and between the public and private sectors, and, therefore,~~  
543 ~~assessment, policy development, and service provision must be~~  
544 ~~shared by all of these entities to achieve its mission.~~

545 ~~(2) It is the intent of the Legislature that the~~  
546 ~~department, in carrying out the mission of public health, focus~~  
547 ~~attention on identifying, assessing, and controlling the~~  
548 ~~presence and spread of communicable diseases; on monitoring and~~  
549 ~~regulating factors in the environment which may impair the~~



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550 ~~public's health, with particular attention to preventing~~  
551 ~~contamination of drinking water, the air people breathe, and the~~  
552 ~~food people consume; and ensuring availability of and access to~~  
553 ~~preventive and primary health care, including, but not limited~~  
554 ~~to, acute and episodic care, prenatal and postpartum care, child~~  
555 ~~health, family planning, school health, chronic disease~~  
556 ~~prevention, child and adult immunization, dental health,~~  
557 ~~nutrition, and health education and promotion services.~~

558 ~~(3) It is, furthermore, the intent of the Legislature that~~  
559 ~~the public health system include comprehensive planning, data~~  
560 ~~collection, technical support, and health resource development~~  
561 ~~functions. These functions include, but are not limited to,~~  
562 ~~state laboratory and pharmacy services, the state vital~~  
563 ~~statistics system, the Florida Center for Health Information and~~  
564 ~~Policy Analysis, emergency medical services coordination and~~  
565 ~~support, and recruitment, retention, and development of~~  
566 ~~preventive and primary health care professionals and managers.~~

567 ~~(4) It is, furthermore, the intent of the Legislature that~~  
568 ~~the department~~ The department shall provide public health  
569 services through the 67 county health departments in partnership  
570 with county governments, as specified in part I of chapter 154,  
571 and in so doing make every attempt possible to solicit the  
572 support and involvement of private and not-for-profit health  
573 care agencies in fulfilling the public health mission.

574 Section 5. Section 381.0011, Florida Statutes, is amended  
575 to read:

576 381.0011 Duties and powers of the Department of Health.—It  
577 is the duty of the Department of Health to:

578 (1) Assess the public health status and needs of the state



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579 ~~through statewide data collection and other appropriate means,~~  
580 ~~with special attention to future needs that may result from~~  
581 ~~population growth, technological advancements, new societal~~  
582 ~~priorities, or other changes.~~

583 (2) Formulate general policies affecting the public health  
584 of the state.

585 (3) Administer and enforce laws and rules relating to  
586 sanitation, control of communicable diseases, illnesses and  
587 hazards to health among humans and from animals to humans, and  
588 the general health of the people of the state.

589 (4) Coordinate with ~~Cooperate with and accept assistance~~  
590 ~~from~~ federal, state, and local officials for the prevention and  
591 suppression of communicable and other diseases, illnesses,  
592 injuries, and hazards to human health.

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

598 (a) The department shall adopt rules to specify the  
599 conditions and procedures for imposing and releasing a  
600 quarantine. The rules must include provisions related to:

- 601 1. The closure of premises.
- 602 2. The movement of persons or animals exposed to or  
603 infected with a communicable disease.
- 604 3. The tests or treatment, including vaccination, for  
605 communicable disease required prior to employment or admission  
606 to the premises or to comply with a quarantine.
- 607 4. Testing or destruction of animals with or suspected of



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608 having a disease transmissible to humans.  
609       5. Access by the department to quarantined premises.  
610       6. The disinfection of quarantined animals, persons, or  
611 premises.  
612       7. Methods of quarantine.  
613       (b) Any health regulation that restricts travel or trade  
614 within the state may not be adopted or enforced in this state  
615 except by authority of the department.  
616       (6) Provide for a thorough investigation and study of the  
617 incidence, causes, modes of propagation and transmission, and  
618 means of prevention, control, and cure of diseases, illnesses,  
619 and hazards to human health.  
620       (7) Provide for the dissemination of information to the  
621 public relative to the prevention, control, and cure of  
622 diseases, illnesses, and hazards to human health. ~~The department~~  
623 ~~shall conduct a workshop before issuing any health alert or~~  
624 ~~advisory relating to food-borne illness or communicable disease~~  
625 ~~in public lodging or food service establishments in order to~~  
626 ~~inform persons, trade associations, and businesses of the risk~~  
627 ~~to public health and to seek the input of affected persons,~~  
628 ~~trade associations, and businesses on the best methods of~~  
629 ~~informing and protecting the public, except in an emergency, in~~  
630 ~~which case the workshop must be held within 14 days after the~~  
631 ~~issuance of the emergency alert or advisory.~~  
632       (8) Act as registrar of vital statistics.  
633       ~~(9) Cooperate with and assist federal health officials in~~  
634 ~~enforcing public health laws and regulations.~~  
635       ~~(10) Cooperate with other departments, local officials, and~~  
636 ~~private boards and organizations for the improvement and~~



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637 ~~preservation of the public health.~~

638 ~~(9)-(11)~~ Maintain a statewide injury-prevention program.

639 ~~(10)-(12)~~ Adopt rules pursuant to ss. 120.536(1) and 120.54  
640 to implement the provisions of law conferring duties upon it.  
641 This subsection does not authorize the department to require a  
642 permit or license unless such requirement is specifically  
643 provided by law.

644 ~~(11)-(13)~~ Manage and coordinate emergency preparedness and  
645 disaster response functions to: investigate and control the  
646 spread of disease; coordinate the availability and staffing of  
647 special needs shelters; support patient evacuation; ensure the  
648 safety of food and drugs; provide critical incident stress  
649 debriefing; and provide surveillance and control of  
650 radiological, chemical, biological, and other environmental  
651 hazards.

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

653 Section 6. Section 381.0013, Florida Statutes, is repealed.

654 Section 7. Section 381.0015, Florida Statutes, is repealed.

655 Section 8. Section 381.0016, Florida Statutes, is amended  
656 to read:

657 381.0016 County and municipal regulations and ordinances.—  
658 Any county or municipality may enact, in a manner prescribed by  
659 law, health regulations and ordinances not inconsistent with  
660 state public health laws and rules adopted by the department.

661 Section 9. Section 381.0017, Florida Statutes, is repealed.

662 Section 10. Section 381.00325, Florida Statutes, is  
663 repealed.

664 Section 11. Subsection (1) of section 381.0034, Florida  
665 Statutes, is amended to read:



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666 381.0034 Requirement for instruction on HIV and AIDS.—

667 (1) ~~As of July 1, 1991,~~ The Department of Health shall  
668 require each person licensed or certified under chapter 401,  
669 chapter 467, part IV of chapter 468, or chapter 483, as a  
670 condition of biennial relicensure, to complete an educational  
671 course approved by the department on the modes of transmission,  
672 infection control procedures, clinical management, and  
673 prevention of human immunodeficiency virus and acquired immune  
674 deficiency syndrome. Such course shall include information on  
675 current Florida law on acquired immune deficiency syndrome and  
676 its impact on testing, confidentiality of test results, and  
677 treatment of patients. Each such licensee or certificateholder  
678 shall submit confirmation of having completed said course, on a  
679 form provided by the department, when submitting fees or  
680 application for each biennial renewal.

681 Section 12. Section 381.0037, Florida Statutes, is  
682 repealed.

683 Section 13. Subsection (1), paragraph (a) of subsection  
684 (2), paragraph (a) of subsection (3), paragraph (a) of  
685 subsection (4), paragraph (d) of subsection (5), paragraph (a)  
686 of subsection (6), subsections (7) and (8), paragraph (a) of  
687 subsection (9), subsection (10), and paragraph (c) of subsection  
688 (11) of section 381.004, Florida Statutes, are amended to read:

689 381.004 HIV testing.—

690 ~~(1) LEGISLATIVE INTENT. The Legislature finds that the use~~  
691 ~~of tests designed to reveal a condition indicative of human~~  
692 ~~immunodeficiency virus infection can be a valuable tool in~~  
693 ~~protecting the public health. The Legislature finds that despite~~  
694 ~~existing laws, regulations, and professional standards which~~





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695 ~~require or promote the informed, voluntary, and confidential use~~  
696 ~~of tests designed to reveal human immunodeficiency virus~~  
697 ~~infection, many members of the public are deterred from seeking~~  
698 ~~such testing because they misunderstand the nature of the test~~  
699 ~~or fear that test results will be disclosed without their~~  
700 ~~consent. The Legislature finds that the public health will be~~  
701 ~~served by facilitating informed, voluntary, and confidential use~~  
702 ~~of tests designed to detect human immunodeficiency virus~~  
703 ~~infection.~~

704 ~~(2)~~ (1) DEFINITIONS.—As used in this section:

705 (a) "HIV test" means a test ordered after July 6, 1988, to  
706 determine the presence of the antibody or antigen to human  
707 immunodeficiency virus or the presence of human immunodeficiency  
708 virus infection.

709 ~~(3)~~ (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED  
710 CONSENT; RESULTS; COUNSELING; CONFIDENTIALITY.—

711 (a) No person in this state shall order a test designed to  
712 identify the human immunodeficiency virus, or its antigen or  
713 antibody, without first obtaining the informed consent of the  
714 person upon whom the test is being performed, except as  
715 specified in paragraph (h). Informed consent shall be preceded  
716 by an explanation of the right to confidential treatment of  
717 information identifying the subject of the test and the results  
718 of the test to the extent provided by law. Information shall  
719 also be provided on the fact that a positive HIV test result  
720 will be reported to the county health department with sufficient  
721 information to identify the test subject and on the availability  
722 and location of sites at which anonymous testing is performed.  
723 As required in paragraph (3) (c) ~~(4) (e)~~, each county health



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724 department shall maintain a list of sites at which anonymous  
725 testing is performed, including the locations, phone numbers,  
726 and hours of operation of the sites. Consent need not be in  
727 writing provided there is documentation in the medical record  
728 that the test has been explained and the consent has been  
729 obtained.

730 ~~(4)~~(3) COUNTY HEALTH DEPARTMENT NETWORK OF VOLUNTARY HUMAN  
731 IMMUNODEFICIENCY VIRUS TESTING PROGRAMS.—

732 (a) The Department of Health shall establish a network of  
733 voluntary human immunodeficiency virus testing programs in every  
734 county in the state. These programs shall be conducted in each  
735 health department established under the provisions of part I of  
736 chapter 154. Additional programs may be contracted to other  
737 private providers to the extent that finances permit and local  
738 circumstances dictate.

739 ~~(5)~~(4) HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS;  
740 REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM  
741 REGISTRATION.—No county health department and no other person in  
742 this state shall conduct or hold themselves out to the public as  
743 conducting a testing program for acquired immune deficiency  
744 syndrome or human immunodeficiency virus status without first  
745 registering with the Department of Health, reregistering each  
746 year, complying with all other applicable provisions of state  
747 law, and meeting the following requirements:

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

750 ~~(6)~~(5) PENALTIES.—

751 (a) Any violation of this section by a facility or licensed  
752 health care provider shall be a ground for disciplinary action



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753 contained in the facility's or professional's respective  
754 licensing chapter.

755 ~~(7)~~(6) EXEMPTIONS.—Except as provided in paragraph  
756 (3) (d)~~(4) (d)~~ and ss. 627.429 and 641.3007, insurers and others  
757 participating in activities related to the insurance application  
758 and underwriting process shall be exempt from this section.

759 ~~(8)~~(7) MODEL PROTOCOL FOR COUNSELING AND TESTING FOR HUMAN  
760 IMMUNODEFICIENCY VIRUS.—The Department of Health shall develop,  
761 by rule, a model protocol consistent with the provisions of this  
762 section for counseling and testing persons for the human  
763 immunodeficiency virus. The protocol shall include criteria for  
764 evaluating a patient's risk for human immunodeficiency virus  
765 infection and for offering human immunodeficiency virus testing,  
766 on a voluntary basis, as a routine part of primary health care  
767 or admission to a health care facility. The Department of Health  
768 shall ensure that the protocols developed under this section are  
769 made available to health care providers.

770 ~~(9)~~(8) FEES.—

771 (a) Each person or private organization registered as an  
772 AIDS or HIV testing site shall pay the department a fee which  
773 shall be set by rule of the department.

774 ~~(10)~~(9) RULES.—The Department of Health may adopt rules to  
775 implement this section, including definitions of terms,  
776 procedures for accessing confidential information, requirements  
777 for testing, and requirements for registered testing sites.

778 ~~(11)~~(10) TESTING AS A CONDITION OF TREATMENT OR ADMISSION.—

779 (c) Any violation of this subsection or the rules  
780 implementing it shall be punishable as provided in subsection  
781 (5)~~(6)~~.



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782           Section 14. Subsection (2) of section 381.0046, Florida  
783 Statutes, is amended to read:

784           381.0046 Statewide HIV and AIDS prevention campaign.—

785           (2) The Department of Health shall establish dedicated ~~four~~  
786 positions within the department for HIV and AIDS regional  
787 minority coordinators and ~~one position for~~ a statewide HIV and  
788 AIDS minority coordinator. The coordinators shall facilitate  
789 statewide efforts to implement and coordinate HIV and AIDS  
790 prevention and treatment programs. ~~The statewide coordinator~~  
791 ~~shall report directly to the chief of the Bureau of HIV and AIDS~~  
792 ~~within the Department of Health.~~

793           Section 15. Subsection (3) of section 381.005, Florida  
794 Statutes, is renumbered as subsection (2), and present  
795 subsection (2) of that section is amended to read:

796           381.005 Primary and preventive health services.—

797           ~~(2) Between October 1, or earlier if the vaccination is~~  
798 ~~available, and February 1 of each year, subject to the~~  
799 ~~availability of an adequate supply of the necessary vaccine,~~  
800 ~~each hospital licensed pursuant to chapter 395 shall implement a~~  
801 ~~program to offer immunizations against the influenza virus and~~  
802 ~~pneumococcal bacteria to all patients age 65 or older, in~~  
803 ~~accordance with the recommendations of the Advisory Committee on~~  
804 ~~Immunization Practices of the United States Centers for Disease~~  
805 ~~Control and Prevention and subject to the clinical judgment of~~  
806 ~~the responsible practitioner.~~

807           Section 16. Subsections (3) through (7) of section  
808 381.0051, Florida Statutes, are renumbered as subsections (2)  
809 through (6), respectively, and present subsection (2) of that  
810 section is amended to read:



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811 381.0051 Family planning.-

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

816 Section 17. Subsection (5) of section 381.0052, Florida  
817 Statutes, is amended to read:

818 381.0052 Dental health.-

819 ~~(5) The department may adopt rules to implement this~~  
820 ~~section.~~

821 Section 18. Subsection (4) of section 381.0053, Florida  
822 Statutes, is amended to read:

823 381.0053 Comprehensive nutrition program.-

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

826 Section 19. Subsections (3) through (11) of section  
827 381.0056, Florida Statutes are renumbered as subsections (2)  
828 through (9), respectively, and present subsections (2), (3), and  
829 (11) of that section are amended to read:

830 381.0056 School health services program.-

831 ~~(2) The Legislature finds that health services conducted as~~  
832 ~~a part of the total school health program should be carried out~~  
833 ~~to appraise, protect, and promote the health of students. School~~  
834 ~~health services supplement, rather than replace, parental~~  
835 ~~responsibility and are designed to encourage parents to devote~~  
836 ~~attention to child health, to discover health problems, and to~~  
837 ~~encourage use of the services of their physicians, dentists, and~~  
838 ~~community health agencies.~~

839 ~~(2)(3) As~~ When used in ~~or for~~ purposes of this section:



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

844 (b) "Entity" or "health care entity" means a unit of local  
845 government or a political subdivision of the state; a hospital  
846 licensed under chapter 395; a health maintenance organization  
847 certified under chapter 641; a health insurer authorized under  
848 the Florida Insurance Code; a community health center; a migrant  
849 health center; a federally qualified health center; an  
850 organization that meets the requirements for nonprofit status  
851 under s. 501(c)(3) of the Internal Revenue Code; a private  
852 industry or business; or a philanthropic foundation that agrees  
853 to participate in a public-private partnership with a county  
854 health department, local school district, or school in the  
855 delivery of school health services, and agrees to the terms and  
856 conditions for the delivery of such services as required by this  
857 section and as documented in the local school health services  
858 plan.

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

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

863 (e) "School health services plan" means the document that  
864 describes the services to be provided, the responsibility for  
865 provision of the services, the anticipated expenditures to  
866 provide the services, and evidence of cooperative planning by  
867 local school districts and county health departments.

868 (f) "Screening" means presumptive identification of unknown



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869 or unrecognized diseases or defects by the application of tests  
870 that can be given with ease and rapidity to apparently healthy  
871 persons.

872 ~~(11) School health programs funded by health care districts~~  
873 ~~or entities defined in subsection (3) must be supplementary to~~  
874 ~~and consistent with the requirements of this section and ss.~~  
875 ~~381.0057 and 381.0059.~~

876 Section 20. Subsections (2) through (7) of section  
877 381.0057, Florida Statutes, are renumbered as subsections (1)  
878 through (6), respectively, and present subsections (1), (4), and  
879 (6) of that section are amended to read:

880 381.0057 Funding for school health services.—

881 ~~(1) It is the intent of the Legislature that funds in~~  
882 ~~addition to those provided under the School Health Services Act~~  
883 ~~be provided to those school districts and schools where there is~~  
884 ~~a high incidence of medically underserved high-risk children,~~  
885 ~~low birthweight babies, infant mortality, or teenage pregnancy.~~  
886 ~~The purpose of this funding is to phase in those programs which~~  
887 ~~offer the greatest potential for promoting the health of~~  
888 ~~students and reducing teenage pregnancy.~~

889 (3)~~(4)~~ Any school district, school, or laboratory school  
890 which desires to receive state funding under the provisions of  
891 this section shall submit a proposal to the joint committee  
892 established in subsection (2) ~~(3)~~. The proposal shall state the  
893 goals of the program, provide specific plans for reducing  
894 teenage pregnancy, and describe all of the health services to be  
895 available to students with funds provided pursuant to this  
896 section, including a combination of initiatives such as health  
897 education, counseling, extracurricular, and self-esteem



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898 components. School health services shall not promote elective  
899 termination of pregnancy as a part of counseling services. Only  
900 those program proposals which have been developed jointly by  
901 county health departments and local school districts or schools,  
902 and which have community and parental support, shall be eligible  
903 for funding. Funding shall be available specifically for  
904 implementation of one of the following programs:

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

909 1. Planning, implementing, and evaluating school health  
910 services. Staffing shall include a full-time, trained school  
911 health aide in each elementary, middle, and high school; one  
912 full-time nurse to supervise the aides in the elementary and  
913 middle schools; and one full-time nurse in each high school.

914 2. Providing student health appraisals and identification  
915 of actual or potential health problems by screenings, nursing  
916 assessments, and record reviews.

917 3. Expanding screening activities.

918 4. Improving the student utilization of school health  
919 services.

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

922 (b) Student support services team program.—The program  
923 shall include a multidisciplinary team composed of a  
924 psychologist, social worker, and nurse whose responsibilities  
925 are to provide basic support services and to assist, in the  
926 school setting, children who exhibit mild to severely complex





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927 health, behavioral, or learning problems affecting their school  
928 performance. Support services shall include, but not be limited  
929 to: evaluation and treatment for minor illnesses and injuries,  
930 referral and followup for serious illnesses and emergencies,  
931 onsite care and consultation, referral to a physician, and  
932 followup care for pregnancy or chronic diseases and disorders as  
933 well as emotional or mental problems. Services also shall  
934 include referral care for drug and alcohol abuse and sexually  
935 transmitted diseases, sports and employment physicals,  
936 immunizations, and in addition, effective preventive services  
937 aimed at delaying early sexual involvement and aimed at  
938 pregnancy, acquired immune deficiency syndrome, sexually  
939 transmitted diseases, and destructive lifestyle conditions, such  
940 as alcohol and drug abuse. Moneys for this program shall be used  
941 to fund three teams, each consisting of one half-time  
942 psychologist, one full-time nurse, and one full-time social  
943 worker. Each team shall provide student support services to an  
944 elementary school, middle school, and high school that are a  
945 part of one feeder school system and shall coordinate all  
946 activities with the school administrator and guidance counselor  
947 at each school. A program which places all three teams in middle  
948 schools or high schools may also be proposed.

949 (c) Full service schools.—The full-service schools shall  
950 integrate the services of the Department of Health that are  
951 critical to the continuity-of-care process. The department shall  
952 provide services to students on the school grounds. Department  
953 personnel shall provide their specialized services as an  
954 extension of the educational environment. Such services may  
955 include nutritional services, medical services, aid to dependent



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956 children, parenting skills, counseling for abused children, and  
957 education for the students' parents or guardians.

958  
959 Funding may also be available for any other program that is  
960 comparable to a program described in this subsection but is  
961 designed to meet the particular needs of the community.

962 ~~(5)-(6)~~ Each school district or school program that is  
963 funded through the provisions of this section shall provide a  
964 mechanism through which a parent may, by written request, exempt  
965 a child from all or certain services provided by a school health  
966 services program described in subsection (3) ~~(4)~~.

967 Section 21. Section 381.00591, Florida Statutes, is amended  
968 to read:

969 381.00591 Department of Health; National Environmental  
970 Laboratory accreditation; application; ~~rules.~~—The Department of  
971 Health may apply for and become a National Environmental  
972 Laboratory Accreditation Program accreditation body ~~accrediting~~  
973 ~~authority. The department, as an accrediting entity, may adopt~~  
974 ~~rules pursuant to ss. 120.536(1) and 120.54, to implement~~  
975 ~~standards of the National Environmental Laboratory Accreditation~~  
976 ~~Program, including requirements for proficiency testing~~  
977 ~~providers and other rules that are not inconsistent with this~~  
978 ~~section, including rules pertaining to fees, application~~  
979 ~~procedures, standards applicable to environmental or public~~  
980 ~~water supply laboratories, and compliance.~~

981 Section 22. Subsection (9) of section 381.00593, Florida  
982 Statutes, is renumbered as subsection (8), and present  
983 subsection (8) of that section is amended to read:

984 381.00593 Public school volunteer health care practitioner



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985 program.—

986 ~~(8) The Department of Health, in cooperation with the~~  
987 ~~Department of Education, may adopt rules necessary to implement~~  
988 ~~this section. The rules shall include the forms to be completed~~  
989 ~~and procedures to be followed by applicants and school personnel~~  
990 ~~under the program.~~

991 Section 23. Subsections (2) through (6) of section  
992 381.0062, Florida Statutes, are renumbered as subsections (1)  
993 through (6), respectively, and present subsection (1) of that  
994 section is amended to read:

995 381.0062 Supervision; private and certain public water  
996 systems.—

997 ~~(1) LEGISLATIVE INTENT. It is the intent of the Legislature~~  
998 ~~to protect the public's health by establishing standards for the~~  
999 ~~construction, modification, and operation of public and private~~  
1000 ~~water systems to assure consumers that the water provided by~~  
1001 ~~those systems is potable.~~

1002 Section 24. Subsections (1), (5), (6), and (7) of section  
1003 381.0065, Florida Statutes, are amended, paragraphs (b) through  
1004 (p) of subsection (2) of that section are redesignated as  
1005 paragraphs (c) through (q), respectively, a new paragraph (b) is  
1006 added to that subsection, paragraph (j) of subsection (3) and  
1007 paragraph (n) of subsection (4) of that section are amended, and  
1008 paragraphs (w) through (z) are added to subsection (4) of that  
1009 section, to read:

1010 381.0065 Onsite sewage treatment and disposal systems;  
1011 regulation.—

1012 (1) LEGISLATIVE INTENT.—

1013 (a) It is the intent of the Legislature that proper



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1014 management of onsite sewage treatment and disposal systems is  
1015 paramount to the health, safety, and welfare of the public. ~~It~~  
1016 ~~is further the intent of the Legislature that the department~~  
1017 ~~shall administer an evaluation program to ensure the operational~~  
1018 ~~condition of the system and identify any failure with the~~  
1019 ~~system.~~

1020 ~~(b)~~ It is the intent of the Legislature that where a  
1021 publicly owned or investor-owned sewerage system is not  
1022 available, the department shall issue permits for the  
1023 construction, installation, modification, abandonment, or repair  
1024 of onsite sewage treatment and disposal systems under conditions  
1025 as described in this section and rules adopted under this  
1026 section. It is further the intent of the Legislature that the  
1027 installation and use of onsite sewage treatment and disposal  
1028 systems not adversely affect the public health or significantly  
1029 degrade the groundwater or surface water.

1030 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the  
1031 term:

1032 (b)1. "Bedroom" means a room that can be used for sleeping  
1033 and that:

1034 a. For site-built dwellings, has a minimum of 70 square  
1035 feet of conditioned space;

1036 b. For manufactured homes, is constructed according to  
1037 standards of the United States Department of Housing and Urban  
1038 Development and has a minimum of 50 square feet of floor area;

1039 c. Is located along an exterior wall;

1040 d. Has a closet and a door or an entrance where a door  
1041 could be reasonably installed; and

1042 e. Has an emergency means of escape and rescue opening to



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1043 the outside.

1044 2. A room may not be considered a bedroom if it is used to  
1045 access another room except a bathroom or closet.

1046 3. "Bedroom" does not include a hallway, bathroom, kitchen,  
1047 living room, family room, dining room, den, breakfast nook,  
1048 pantry, laundry room, sunroom, recreation room, media/video  
1049 room, or exercise room.

1050 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The  
1051 department shall:

1052 (j) Supervise research on, demonstration of, and training  
1053 on the performance, environmental impact, and public health  
1054 impact of onsite sewage treatment and disposal systems within  
1055 this state. Research fees collected under s. 381.0066(2)(k)  
1056 ~~381.0066(2)(l)~~ must be used to develop and fund hands-on  
1057 training centers designed to provide practical information about  
1058 onsite sewage treatment and disposal systems to septic tank  
1059 contractors, master septic tank contractors, contractors,  
1060 inspectors, engineers, and the public and must also be used to  
1061 fund research projects which focus on improvements of onsite  
1062 sewage treatment and disposal systems, including use of  
1063 performance-based standards and reduction of environmental  
1064 impact. Research projects shall be initially approved by the  
1065 technical review and advisory panel and shall be applicable to  
1066 and reflect the soil conditions specific to Florida. Such  
1067 projects shall be awarded through competitive negotiation, using  
1068 the procedures provided in s. 287.055, to public or private  
1069 entities that have experience in onsite sewage treatment and  
1070 disposal systems in Florida and that are principally located in  
1071 Florida. Research projects shall not be awarded to firms or



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1072 entities that employ or are associated with persons who serve on  
1073 either the technical review and advisory panel or the research  
1074 review and advisory committee.

1075 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
1076 construct, repair, modify, abandon, or operate an onsite sewage  
1077 treatment and disposal system without first obtaining a permit  
1078 approved by the department. The department may issue permits to  
1079 carry out this section, but shall not make the issuance of such  
1080 permits contingent upon prior approval by the Department of  
1081 Environmental Protection, except that the issuance of a permit  
1082 for work seaward of the coastal construction control line  
1083 established under s. 161.053 shall be contingent upon receipt of  
1084 any required coastal construction control line permit from the  
1085 Department of Environmental Protection. A construction permit is  
1086 valid for 18 months from the issuance date and may be extended  
1087 by the department for one 90-day period under rules adopted by  
1088 the department. A repair permit is valid for 90 days from the  
1089 date of issuance. An operating permit must be obtained prior to  
1090 the use of any aerobic treatment unit or if the establishment  
1091 generates commercial waste. Buildings or establishments that use  
1092 an aerobic treatment unit or generate commercial waste shall be  
1093 inspected by the department at least annually to assure  
1094 compliance with the terms of the operating permit. The operating  
1095 permit for a commercial wastewater system is valid for 1 year  
1096 from the date of issuance and must be renewed annually. The  
1097 operating permit for an aerobic treatment unit is valid for 2  
1098 years from the date of issuance and must be renewed every 2  
1099 years. If all information pertaining to the siting, location,  
1100 and installation conditions or repair of an onsite sewage



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1101 treatment and disposal system remains the same, a construction  
1102 or repair permit for the onsite sewage treatment and disposal  
1103 system may be transferred to another person, if the transferee  
1104 files, within 60 days after the transfer of ownership, an  
1105 amended application providing all corrected information and  
1106 proof of ownership of the property. There is no fee associated  
1107 with the processing of this supplemental information. A person  
1108 may not contract to construct, modify, alter, repair, service,  
1109 abandon, or maintain any portion of an onsite sewage treatment  
1110 and disposal system without being registered under part III of  
1111 chapter 489. A property owner who personally performs  
1112 construction, maintenance, or repairs to a system serving his or  
1113 her own owner-occupied single-family residence is exempt from  
1114 registration requirements for performing such construction,  
1115 maintenance, or repairs on that residence, but is subject to all  
1116 permitting requirements. A municipality or political subdivision  
1117 of the state may not issue a building or plumbing permit for any  
1118 building that requires the use of an onsite sewage treatment and  
1119 disposal system unless the owner or builder has received a  
1120 construction permit for such system from the department. A  
1121 building or structure may not be occupied and a municipality,  
1122 political subdivision, or any state or federal agency may not  
1123 authorize occupancy until the department approves the final  
1124 installation of the onsite sewage treatment and disposal system.  
1125 A municipality or political subdivision of the state may not  
1126 approve any change in occupancy or tenancy of a building that  
1127 uses an onsite sewage treatment and disposal system until the  
1128 department has reviewed the use of the system with the proposed  
1129 change, approved the change, and amended the operating permit.



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1130           (n) Evaluations for determining the seasonal high-water  
1131 table elevations or the suitability of soils for the use of a  
1132 new onsite sewage treatment and disposal system shall be  
1133 performed by department personnel, professional engineers  
1134 registered in the state, or such other persons with expertise,  
1135 as defined by rule, in making such evaluations. Evaluations for  
1136 determining mean annual flood lines shall be performed by those  
1137 persons identified in paragraph (2) (j) ~~(2) (i)~~. The department  
1138 shall accept evaluations submitted by professional engineers and  
1139 such other persons as meet the expertise established by this  
1140 section or by rule unless the department has a reasonable  
1141 scientific basis for questioning the accuracy or completeness of  
1142 the evaluation.

1143           (w) Any permit issued and approved by the department for  
1144 the installation, modification, or repair of an onsite sewage  
1145 treatment and disposal system shall transfer with the title to  
1146 the property in a real estate transaction. A title may not be  
1147 encumbered at the time of transfer by new permit requirements by  
1148 a governmental entity for an onsite sewage treatment and  
1149 disposal system which differ from the permitting requirements in  
1150 effect at the time the system was permitted, modified, or  
1151 repaired. No inspection of a system shall be mandated by any  
1152 governmental entity at the point of sale in a real estate  
1153 transaction.

1154           (x)1. An onsite sewage treatment and disposal system is not  
1155 considered abandoned if the system is disconnected from a  
1156 structure that was made unusable or destroyed following a  
1157 disaster and was properly functioning at the time of  
1158 disconnection and not adversely affected by the disaster. The





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1159 onsite sewage treatment and disposal system may be reconnected  
1160 to a rebuilt structure if:

1161 a. The reconnection of the system is to the same type of  
1162 structure which contains the same number of bedrooms or less,  
1163 provided the square footage of the structure is less than or  
1164 equal to 110 percent of the original square footage of the  
1165 structure that existed prior to the disaster;

1166 b. The system is not a sanitary nuisance; and

1167 c. The system has not been altered without prior  
1168 authorization.

1169 2. An onsite sewage treatment and disposal system that  
1170 serves a property that is foreclosed upon is not considered  
1171 abandoned.

1172 (y) If an onsite sewage treatment and disposal system  
1173 permittee receives, relies upon, and undertakes construction of  
1174 a system based upon a validly issued construction permit under  
1175 rules applicable at the time of construction but a change to a  
1176 rule occurs within 5 years after the approval of the system for  
1177 construction but before the final approval of the system, the  
1178 rules applicable and in effect at the time of construction  
1179 approval apply at the time of final approval if fundamental site  
1180 conditions have not changed between the time of construction  
1181 approval and final approval.

1182 (z) A modification, replacement, or upgrade of an onsite  
1183 sewage treatment and disposal system is not required for a  
1184 remodeling addition to a single-family home if a bedroom is not  
1185 added.

1186 ~~(5) EVALUATION AND ASSESSMENT.—~~

1187 ~~(a) Beginning July 1, 2011, the department shall administer~~



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1188 ~~an onsite sewage treatment and disposal system evaluation~~  
1189 ~~program for the purpose of assessing the fundamental operational~~  
1190 ~~condition of systems and identifying any failures within the~~  
1191 ~~systems. The department shall adopt rules implementing the~~  
1192 ~~program standards, procedures, and requirements, including, but~~  
1193 ~~not limited to, a schedule for a 5-year evaluation cycle,~~  
1194 ~~requirements for the pump-out of a system or repair of a failing~~  
1195 ~~system, enforcement procedures for failure of a system owner to~~  
1196 ~~obtain an evaluation of the system, and failure of a contractor~~  
1197 ~~to timely submit evaluation results to the department and the~~  
1198 ~~system owner. The department shall ensure statewide~~  
1199 ~~implementation of the evaluation and assessment program by~~  
1200 ~~January 1, 2016.~~

1201 ~~(b) Owners of an onsite sewage treatment and disposal~~  
1202 ~~system, excluding a system that is required to obtain an~~  
1203 ~~operating permit, shall have the system evaluated at least once~~  
1204 ~~every 5 years to assess the fundamental operational condition of~~  
1205 ~~the system, and identify any failure within the system.~~

1206 ~~(c) All evaluation procedures must be documented and~~  
1207 ~~nothing in this subsection limits the amount of detail an~~  
1208 ~~evaluator may provide at his or her professional discretion. The~~  
1209 ~~evaluation must include a tank and drainfield evaluation, a~~  
1210 ~~written assessment of the condition of the system, and, if~~  
1211 ~~necessary, a disclosure statement pursuant to the department's~~  
1212 ~~procedure.~~

1213 ~~(d)1. Systems being evaluated that were installed prior to~~  
1214 ~~January 1, 1983, shall meet a minimum 6-inch separation from the~~  
1215 ~~bottom of the drainfield to the wettest season water table~~  
1216 ~~elevation as defined by department rule. All drainfield repairs,~~



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1217 ~~replacements or modifications to systems installed prior to~~  
1218 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~  
1219 ~~the bottom of the drainfield to the wettest season water table~~  
1220 ~~elevation as defined by department rule.~~

1221 ~~2. Systems being evaluated that were installed on or after~~  
1222 ~~January 1, 1983, shall meet a minimum 12-inch separation from~~  
1223 ~~the bottom of the drainfield to the wettest season water table~~  
1224 ~~elevation as defined by department rule. All drainfield repairs,~~  
1225 ~~replacements or modification to systems developed on or after~~  
1226 ~~January 1, 1983, shall meet a minimum 24-inch separation from~~  
1227 ~~the bottom of the drainfield to the wettest season water table~~  
1228 ~~elevation.~~

1229 ~~(e) If documentation of a tank pump-out or a permitted new~~  
1230 ~~installation, repair, or modification of the system within the~~  
1231 ~~previous 5 years is provided, and states the capacity of the~~  
1232 ~~tank and indicates that the condition of the tank is not a~~  
1233 ~~sanitary or public health nuisance pursuant to department rule,~~  
1234 ~~a pump-out of the system is not required.~~

1235 ~~(f) Owners are responsible for paying the cost of any~~  
1236 ~~required pump-out, repair, or replacement pursuant to department~~  
1237 ~~rule, and may not request partial evaluation or the omission of~~  
1238 ~~portions of the evaluation.~~

1239 ~~(g) Each evaluation or pump-out required under this~~  
1240 ~~subsection must be performed by a septic tank contractor or~~  
1241 ~~master septic tank contractor registered under part III of~~  
1242 ~~chapter 489, a professional engineer with wastewater treatment~~  
1243 ~~system experience licensed pursuant to chapter 471, or an~~  
1244 ~~environmental health professional certified under chapter 381 in~~  
1245 ~~the area of onsite sewage treatment and disposal system~~



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1246 ~~evaluation.~~

1247 ~~(h) The evaluation report fee collected pursuant to s.~~  
1248 ~~381.0066(2) (b) shall be remitted to the department by the~~  
1249 ~~evaluator at the time the report is submitted.~~

1250 ~~(i) Prior to any evaluation deadline, the department must~~  
1251 ~~provide a minimum of 60 days' notice to owners that their~~  
1252 ~~systems must be evaluated by that deadline. The department may~~  
1253 ~~include a copy of any homeowner educational materials developed~~  
1254 ~~pursuant to this section which provides information on the~~  
1255 ~~proper maintenance of onsite sewage treatment and disposal~~  
1256 ~~systems.~~

1257 ~~(5) (6) ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-~~

1258 (a) Department personnel who have reason to believe  
1259 noncompliance exists, may at any reasonable time, enter the  
1260 premises permitted under ss. 381.0065-381.0066, or the business  
1261 premises of any septic tank contractor or master septic tank  
1262 contractor registered under part III of chapter 489, or any  
1263 premises that the department has reason to believe is being  
1264 operated or maintained not in compliance, to determine  
1265 compliance with the provisions of this section, part I of  
1266 chapter 386, or part III of chapter 489 or rules or standards  
1267 adopted under ss. 381.0065-381.0067, part I of chapter 386, or  
1268 part III of chapter 489. As used in this paragraph, the term  
1269 "premises" does not include a residence or private building. To  
1270 gain entry to a residence or private building, the department  
1271 must obtain permission from the owner or occupant or secure an  
1272 inspection warrant from a court of competent jurisdiction.

1273 (b)1. The department may issue citations that may contain  
1274 an order of correction or an order to pay a fine, or both, for



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1275 violations of ss. 381.0065-381.0067, part I of chapter 386, or  
1276 part III of chapter 489 or the rules adopted by the department,  
1277 when a violation of these sections or rules is enforceable by an  
1278 administrative or civil remedy, or when a violation of these  
1279 sections or rules is a misdemeanor of the second degree. A  
1280 citation issued under ss. 381.0065-381.0067, part I of chapter  
1281 386, or part III of chapter 489 constitutes a notice of proposed  
1282 agency action.

1283         2. A citation must be in writing and must describe the  
1284 particular nature of the violation, including specific reference  
1285 to the provisions of law or rule allegedly violated.

1286         3. The fines imposed by a citation issued by the department  
1287 may not exceed \$500 for each violation. Each day the violation  
1288 exists constitutes a separate violation for which a citation may  
1289 be issued.

1290         4. The department shall inform the recipient, by written  
1291 notice pursuant to ss. 120.569 and 120.57, of the right to an  
1292 administrative hearing to contest the citation within 21 days  
1293 after the date the citation is received. The citation must  
1294 contain a conspicuous statement that if the recipient fails to  
1295 pay the fine within the time allowed, or fails to appear to  
1296 contest the citation after having requested a hearing, the  
1297 recipient has waived the recipient's right to contest the  
1298 citation and must pay an amount up to the maximum fine.

1299         5. The department may reduce or waive the fine imposed by  
1300 the citation. In determining whether to reduce or waive the  
1301 fine, the department must consider the gravity of the violation,  
1302 the person's attempts at correcting the violation, and the  
1303 person's history of previous violations including violations for



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1304 which enforcement actions were taken under ss. 381.0065-  
1305 381.0067, part I of chapter 386, part III of chapter 489, or  
1306 other provisions of law or rule.

1307 6. Any person who willfully refuses to sign and accept a  
1308 citation issued by the department commits a misdemeanor of the  
1309 second degree, punishable as provided in s. 775.082 or s.  
1310 775.083.

1311 7. The department, pursuant to ss. 381.0065-381.0067, part  
1312 I of chapter 386, or part III of chapter 489, shall deposit any  
1313 fines it collects in the county health department trust fund for  
1314 use in providing services specified in those sections.

1315 8. This section provides an alternative means of enforcing  
1316 ss. 381.0065-381.0067, part I of chapter 386, and part III of  
1317 chapter 489. This section does not prohibit the department from  
1318 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part  
1319 III of chapter 489, or its rules, by any other means. However,  
1320 the department must elect to use only a single method of  
1321 enforcement for each violation.

1322 ~~(6) (7) LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective~~  
1323 ~~January 1, 2016, the land application of septage from onsite~~  
1324 ~~sewage treatment and disposal systems is prohibited. By February~~  
1325 ~~1, 2011, the department, in consultation with the Department of~~  
1326 ~~Environmental Protection, shall provide a report to the~~  
1327 ~~Governor, the President of the Senate, and the Speaker of the~~  
1328 ~~House of Representatives, recommending alternative methods to~~  
1329 ~~establish enhanced treatment levels for the land application of~~  
1330 ~~septage from onsite sewage and disposal systems. The report~~  
1331 ~~shall include, but is not limited to, a schedule for the~~  
1332 ~~reduction in land application, appropriate treatment levels,~~



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~~alternative methods for treatment and disposal, enhanced application site permitting requirements including any requirements for nutrient management plans, and the range of costs to local governments, affected businesses, and individuals for alternative treatment and disposal methods. The report shall also include any recommendations for legislation or rule authority needed to reduce land application of septage.~~

Section 25. Section 381.00651, Florida Statutes, is created to read:

381.00651 Periodic evaluation and assessment of onsite sewage treatment and disposal systems.-

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

(2) A county or municipality that contains a first magnitude spring shall, by no later than January 1, 2013, develop and adopt by local ordinance an onsite sewage treatment and disposal system evaluation and assessment program that meets the requirements of this section. The ordinance may apply within all or part of its geographic area. Those counties or municipalities containing a first magnitude spring which have already adopted an onsite sewage treatment and disposal system evaluation and assessment program and which meet the grandfathering requirements contained in this section, or have chosen to opt out of this section in the manner provided herein, are exempt from the requirement to adopt an ordinance implementing an evaluation and assessment program. The governing



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1362 body of a local government that chooses to opt out of this  
1363 section, by a majority plus one vote of the members of the  
1364 governing board, shall do so by adopting a resolution that  
1365 indicates an intent on the part of such local government not to  
1366 adopt an onsite sewage treatment and disposal system evaluation  
1367 and assessment program. Such resolution shall be addressed and  
1368 transmitted to the Secretary of State. Absent an interlocal  
1369 agreement or county charter provision to the contrary, a  
1370 municipality may elect to opt out of the requirements of this  
1371 section, by a majority plus one vote of the members of the  
1372 governing board, notwithstanding a contrary decision of the  
1373 governing body of a county. Any local government that has  
1374 properly opted out of this section but subsequently chooses to  
1375 adopt an evaluation and assessment program may do so only  
1376 pursuant to the requirements of this section and may not deviate  
1377 from such requirements.

1378 (3) Any county or municipality that does not contain a  
1379 first magnitude spring may at any time develop and adopt by  
1380 local ordinance an onsite sewage treatment and disposal system  
1381 evaluation and assessment program, provided such program meets  
1382 and does not deviate from the requirements of this section.

1383 (4) Notwithstanding any other provision in this section, a  
1384 county or municipality that has adopted a program before July 1,  
1385 2011, may continue to enforce its current program without having  
1386 to meet the requirements of this section, provided such program  
1387 does not require an evaluation at the point of sale in a real  
1388 estate transaction.

1389 (5) Any county or municipality may repeal an ordinance  
1390 adopted pursuant to this section only if the county or





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1391 municipality notifies the Secretary of State by letter of the  
1392 repeal. No county or municipality may adopt an onsite sewage  
1393 treatment and disposal system evaluation and assessment program  
1394 except pursuant to this section.

1395 (6) The requirements for an onsite sewage treatment and  
1396 disposal system evaluation and assessment program are as  
1397 follows:

1398 (a) *Evaluations.*—An evaluation of each onsite sewage  
1399 treatment and disposal system within all or part of the county's  
1400 or municipality's jurisdiction must take place once every 5  
1401 years to assess the fundamental operational condition of the  
1402 system and to identify system failures. The ordinance may not  
1403 mandate an evaluation at the point of sale in a real estate  
1404 transaction and may not require a soil examination. The location  
1405 of the system shall be identified. A tank and drainfield  
1406 evaluation and a written assessment of the overall condition of  
1407 the system pursuant to the assessment procedure prescribed in  
1408 subsection (7) are required.

1409 (b) *Qualified contractors.*—Each evaluation required under  
1410 this subsection must be performed by a qualified contractor, who  
1411 may be a septic tank contractor or master septic tank contractor  
1412 registered under part III of chapter 489, a professional  
1413 engineer having wastewater treatment system experience and  
1414 licensed under chapter 471, or an environmental health  
1415 professional certified under this chapter in the area of onsite  
1416 sewage treatment and disposal system evaluation. Evaluations and  
1417 pump-outs may also be performed by an authorized employee  
1418 working under the supervision of an individual listed in this  
1419 paragraph; however, all evaluation forms must be signed by a



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1420 qualified contractor in writing or by electronic signature.

1421 (c) *Repair of systems.*—The local ordinance may not require  
1422 a repair, modification, or replacement of a system as a result  
1423 of an evaluation unless the evaluation identifies a system  
1424 failure. For purposes of this subsection, the term “system  
1425 failure” means a condition existing within an onsite sewage  
1426 treatment and disposal system which results in the discharge of  
1427 untreated or partially treated wastewater onto the ground  
1428 surface or into surface water or that results in the failure of  
1429 building plumbing to discharge properly and presents a sanitary  
1430 nuisance. A system is not in failure if the system does not have  
1431 a minimum separation distance between the drainfield and the  
1432 wettest season water table or if an obstruction in a sanitary  
1433 line or an effluent screen or filter prevents effluent from  
1434 flowing into a drainfield. If a system failure is identified and  
1435 several allowable remedial measures are available to resolve the  
1436 failure, the system owner may choose the least costly allowable  
1437 remedial measure to fix the system. There may be instances in  
1438 which a pump-out is sufficient to resolve a system failure.  
1439 Allowable remedial measures to resolve a system failure are  
1440 limited to what is necessary to resolve the failure and must  
1441 meet, to the maximum extent practicable, the requirements of the  
1442 repair code in effect when the repair is made, subject to the  
1443 exceptions specified in s. 381.0065(4)(g). An engineer-designed  
1444 performance-based treatment system to reduce nutrients may not  
1445 be required as an alternative remediation measure to resolve the  
1446 failure of a conventional system.

1447 (d) *Exemptions.*—

1448 1. The local ordinance shall exempt from the evaluation



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1449 requirements any system that is required to obtain an operating  
1450 permit pursuant to state law or that is inspected by the  
1451 department pursuant to the annual permit inspection requirements  
1452 of chapter 513.

1453 2. The local ordinance may provide for an exemption or an  
1454 extension of time to obtain an evaluation and assessment if  
1455 connection to a sewer system is available, connection to the  
1456 sewer system is imminent, and written arrangements for payment  
1457 of any utility assessments or connection fees have been made by  
1458 the system owner.

1459 3. An onsite sewage treatment and disposal system serving a  
1460 residential dwelling unit on a lot with a ratio of one bedroom  
1461 per acre or greater is exempt from the requirements of this  
1462 section and may not be included in any onsite sewage treatment  
1463 and disposal system inspection program.

1464 (7) The following procedures shall be used for conducting  
1465 evaluations:

1466 (a) Tank evaluation.—The tank evaluation shall assess the  
1467 apparent structural condition and watertightness of the tank and  
1468 shall estimate the size of the tank. The evaluation must include  
1469 a pump-out. However, an ordinance may not require a pump-out if  
1470 there is documentation indicating that a tank pump-out or a  
1471 permitted new installation, repair, or modification of the  
1472 system has occurred within the previous 5 years, identifying the  
1473 capacity of the tank, and indicating that the condition of the  
1474 tank is structurally sound and watertight. Visual inspection of  
1475 the tank must be made when the tank is empty to detect cracks,  
1476 leaks, or other defects. Baffles or tees must be checked to  
1477 ensure that they are intact and secure. The evaluation shall



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1478 note the presence and condition of outlet devices, effluent  
1479 filters, and compartment walls; any structural defect in the  
1480 tank; the condition and fit of the tank lid, including manholes;  
1481 whether surface water can infiltrate the tank; and whether the  
1482 tank was pumped out. If the tank, in the opinion of the  
1483 qualified contractor, is in danger of being damaged by leaving  
1484 the tank empty after inspection, the tank shall be refilled  
1485 before concluding the inspection. Broken or damaged lids or  
1486 manholes shall be replaced without obtaining a repair permit.

1487 (b) Drainfield evaluation.—The drainfield evaluation must  
1488 include a determination of the approximate size and location of  
1489 the drainfield. The evaluation shall state whether there is any  
1490 sewage or effluent visible on the ground or discharging to a  
1491 ditch or other water body and the location of any downspout or  
1492 other source of water near or in the vicinity of the drainfield.

1493 (c) Special circumstances.—If the system contains pumps,  
1494 siphons, or alarms, the following information may be provided at  
1495 the request of the homeowner:

1496 1. An assessment of dosing tank integrity, including the  
1497 approximate volume and the type of material used in the tank's  
1498 construction;

1499 2. Whether the pump is elevated off the bottom of the  
1500 chamber and its operational status;

1501 3. Whether the system has a check valve and purge hole; and

1502 4. Whether the system has a high-water alarm, and if so  
1503 whether the alarm is audio or visual or both, the location and  
1504 operational condition of the alarm, and whether the electrical  
1505 connections to the alarm appear satisfactory.

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1507 If the homeowner does not request this information, the  
1508 qualified contractor and its employee are not liable for any  
1509 damages directly relating from a failure of the system's pumps,  
1510 siphons, or alarms. This exclusion of liability must be stated  
1511 on the front cover of the report required under paragraph (d).

1512 (d) Assessment procedure.—All evaluation procedures used by  
1513 a qualified contractor shall be documented in the environmental  
1514 health database of the Department of Health. The qualified  
1515 contractor shall provide a copy of a written, signed evaluation  
1516 report to the property owner upon completion of the evaluation  
1517 and to the county health department within 30 days after the  
1518 evaluation. The report shall contain the name and license number  
1519 of the company providing the report. A copy of the evaluation  
1520 report shall be retained by the local county health department  
1521 for a minimum of 5 years and until a subsequent inspection  
1522 report is filed. The front cover of the report must identify any  
1523 system failure and include a clear and conspicuous notice to the  
1524 owner that the owner has a right to have any remediation of the  
1525 failure performed by a qualified contractor other than the  
1526 contractor performing the evaluation. The report must further  
1527 identify any crack, leak, improper fit, or other defect in the  
1528 tank, manhole, or lid, and any other damaged or missing  
1529 component; any sewage or effluent visible on the ground or  
1530 discharging to a ditch or other surface water body; any  
1531 downspout, stormwater, or other source of water directed onto or  
1532 toward the system; and any other maintenance need or condition  
1533 of the system at the time of the evaluation which, in the  
1534 opinion of the qualified contractor, would possibly interfere  
1535 with or restrict any future repair or modification to the



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1536 existing system. The report shall conclude with an overall  
1537 assessment of the fundamental operational condition of the  
1538 system.

1539 (8) The county health department shall administer any  
1540 evaluation program on behalf of a county, or a municipality  
1541 within the county, that has adopted an evaluation program  
1542 pursuant to this section. In order to administer the evaluation  
1543 program, the county or municipality, in consultation with the  
1544 county health department, may develop a reasonable fee schedule  
1545 to be used solely to pay for the costs of administering the  
1546 evaluation program. Such a fee schedule shall be identified in  
1547 the ordinance that adopts the evaluation program. When arriving  
1548 at a reasonable fee schedule, the estimated annual revenues to  
1549 be derived from fees may not exceed reasonable estimated annual  
1550 costs of the program. Fees shall be assessed to the system owner  
1551 during an inspection and separately identified on the invoice of  
1552 the qualified contractor. Fees shall be remitted by the  
1553 qualified contractor to the county health department. The county  
1554 health department's administrative responsibilities include the  
1555 following:

1556 (a) Providing a notice to the system owner at least 60 days  
1557 before the system is due for an evaluation. The notice may  
1558 include information on the proper maintenance of onsite sewage  
1559 treatment and disposal systems.

1560 (b) In consultation with the Department of Health,  
1561 providing uniform disciplinary procedures and penalties for  
1562 qualified contractors who do not comply with the requirements of  
1563 the adopted ordinance, including, but not limited to, failure to  
1564 provide the evaluation report as required in this subsection to



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1565 the system owner and the county health department. Only the  
1566 county health department may assess penalties against system  
1567 owners for failure to comply with the adopted ordinance,  
1568 consistent with existing requirements of law.

1569 (9) (a) A county or municipality that adopts an onsite  
1570 sewage treatment and disposal system evaluation and assessment  
1571 program pursuant to this section shall notify the Secretary of  
1572 Environmental Protection, the Department of Health, and the  
1573 applicable county health department upon the adoption of its  
1574 ordinance establishing the program.

1575 (b) Upon receipt of the notice under paragraph (a), the  
1576 Department of Environmental Protection shall, within existing  
1577 resources, notify the county or municipality of the potential  
1578 use of, and access to, program funds under the Clean Water State  
1579 Revolving Fund or s. 319 of the Clean Water Act, provide  
1580 guidance in the application process to receive such moneys, and  
1581 provide advice and technical assistance to the county or  
1582 municipality on how to establish a low-interest revolving loan  
1583 program or how to model a revolving loan program after the low-  
1584 interest loan program of the Clean Water State Revolving Fund.  
1585 This paragraph does not obligate the Department of Environmental  
1586 Protection to provide any county or municipality with money to  
1587 fund such programs.

1588 (c) The Department of Health may not adopt any rule that  
1589 alters the provisions of this section.

1590 (d) The Department of Health must allow county health  
1591 departments and qualified contractors access to the  
1592 environmental health database to track relevant information and  
1593 assimilate data from assessment and evaluation reports of the



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1594 overall condition of onsite sewage treatment and disposal  
1595 systems. The environmental health database must be used by  
1596 contractors to report each service and evaluation event and by a  
1597 county health department to notify owners of onsite sewage  
1598 treatment and disposal systems when evaluations are due. Data  
1599 and information must be recorded and updated as service and  
1600 evaluations are conducted and reported.

1601 (10) This section does not:

1602 (a) Limit county and municipal home rule authority to act  
1603 outside the scope of the evaluation and assessment program set  
1604 forth in this section;

1605 (b) Repeal or affect any other law relating to the subject  
1606 matter of onsite sewage treatment and disposal systems; or

1607 (c) Prohibit a county or municipality from:

1608 1. Enforcing existing ordinances or adopting new ordinances  
1609 relating to onsite sewage treatment facilities to address public  
1610 health and safety if such ordinances do not repeal, suspend, or  
1611 alter the requirements or limitations of this section.

1612 2. Adopting local environmental and pollution abatement  
1613 ordinances for water quality improvement as provided for by law  
1614 if such ordinances do not repeal, suspend, or alter the  
1615 requirements or limitations of this section.

1616 3. Exercising its independent and existing authority to  
1617 meet the requirements of s. 381.0065.

1618 Section 26. Section 381.00656, Florida Statutes, is  
1619 repealed.

1620 Section 27. Subsection (2) of section 381.0066, Florida  
1621 Statutes, is amended to read:

1622 381.0066 Onsite sewage treatment and disposal systems;





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1623 fees.—  
1624           (2) The minimum fees in the following fee schedule apply  
1625 until changed by rule by the department within the following  
1626 limits:  
1627           (a) Application review, permit issuance, or system  
1628 inspection, including repair of a subsurface, mound, filled, or  
1629 other alternative system or permitting of an abandoned system: a  
1630 fee of not less than \$25, or more than \$125.  
1631           ~~(b) A 5-year evaluation report submitted pursuant to s.~~  
1632 ~~381.0065(5): a fee not less than \$15, or more than \$30. At least~~  
1633 ~~\$1 and no more than \$5 collected pursuant to this paragraph~~  
1634 ~~shall be used to fund a grant program established under s.~~  
1635 ~~381.00656.~~  
1636           (b)~~(e)~~ Site evaluation, site reevaluation, evaluation of a  
1637 system previously in use, or a per annum septage disposal site  
1638 evaluation: a fee of not less than \$40, or more than \$115.  
1639           (c)~~(d)~~ Biennial Operating permit for aerobic treatment  
1640 units or performance-based treatment systems: a fee of not more  
1641 than \$100.  
1642           (d)~~(e)~~ Annual operating permit for systems located in areas  
1643 zoned for industrial manufacturing or equivalent uses or where  
1644 the system is expected to receive wastewater which is not  
1645 domestic in nature: a fee of not less than \$150, or more than  
1646 \$300.  
1647           (e)~~(f)~~ Innovative technology: a fee not to exceed \$25,000.  
1648           (f)~~(g)~~ Septage disposal service, septage stabilization  
1649 facility, portable or temporary toilet service, tank  
1650 manufacturer inspection: a fee of not less than \$25, or more  
1651 than \$200, per year.



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1652            (g)~~(h)~~ Application for variance: a fee of not less than  
1653 \$150, or more than \$300.

1654            (h)~~(i)~~ Annual operating permit for waterless, incinerating,  
1655 or organic waste composting toilets: a fee of not less than \$15  
1656 ~~\$50~~, or more than \$30 ~~\$150~~.

1657            (i)~~(j)~~ Aerobic treatment unit or performance-based  
1658 treatment system maintenance entity permit: a fee of not less  
1659 than \$25, or more than \$150, per year.

1660            (j)~~(k)~~ Reinspection fee per visit for site inspection after  
1661 system construction approval or for noncompliant system  
1662 installation per site visit: a fee of not less than \$25, or more  
1663 than \$100.

1664            (k)~~(l)~~ Research: An additional \$5 fee shall be added to  
1665 each new system construction permit issued to be used to fund  
1666 onsite sewage treatment and disposal system research,  
1667 demonstration, and training projects. Five dollars from any  
1668 repair permit fee collected under this section shall be used for  
1669 funding the hands-on training centers described in s.  
1670 381.0065(3)(j).

1671            (l)~~(m)~~ Annual operating permit, including annual inspection  
1672 and any required sampling and laboratory analysis of effluent,  
1673 for an engineer-designed performance-based system: a fee of not  
1674 less than \$150, or more than \$300.

1675  
1676            ~~On or before January 1, 2011, the Surgeon General, after~~  
1677 ~~consultation with the Revenue Estimating Conference, shall~~  
1678 ~~determine a revenue neutral fee schedule for services provided~~  
1679 ~~pursuant to s. 381.0065(5) within the parameters set in~~  
1680 ~~paragraph (b). Such determination is not subject to the~~



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1681 ~~provisions of chapter 120.~~ The funds collected pursuant to this  
1682 subsection must be deposited in a trust fund administered by the  
1683 department, to be used for the purposes stated in this section  
1684 and ss. 381.0065 and 381.00655.

1685 Section 28. Section 381.0068, Florida Statutes, is amended  
1686 to read:

1687 381.0068 Technical review and advisory panel.—

1688 (1) The Department of Health shall, ~~by July 1, 1996,~~  
1689 establish and staff a technical review and advisory panel to  
1690 assist the department with rule adoption.

1691 (2) The primary purpose of the panel is to assist the  
1692 department in rulemaking and decisionmaking by drawing on the  
1693 expertise of representatives from several groups that are  
1694 affected by onsite sewage treatment and disposal systems. The  
1695 panel may also review and comment on any legislation or any  
1696 existing or proposed state policy or issue related to onsite  
1697 sewage treatment and disposal systems. ~~If requested by the~~  
1698 ~~panel, the chair will advise any affected person or member of~~  
1699 ~~the Legislature of the panel's position on the legislation or~~  
1700 ~~any existing or proposed state policy or issue.~~ The chair may  
1701 also take such other action as is appropriate to allow the panel  
1702 to function. At a minimum, the panel shall consist of a soil  
1703 scientist; a professional engineer registered in this state who  
1704 is recommended by the Florida Engineering Society and who has  
1705 work experience in onsite sewage treatment and disposal systems;  
1706 two representatives from the home-building industry recommended  
1707 by the Florida Home Builders Association, including one who is a  
1708 developer in this state who develops lots using onsite sewage  
1709 treatment and disposal systems; a representative from the county



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1710 health departments who has experience permitting and inspecting  
1711 the installation of onsite sewage treatment and disposal systems  
1712 in this state; a representative from the real estate industry  
1713 who is recommended by the Florida Association of Realtors; a  
1714 consumer representative with a science background; two  
1715 representatives of the septic tank industry recommended by the  
1716 Florida Onsite Wastewater Association, including one who is a  
1717 manufacturer of onsite sewage treatment and disposal systems; a  
1718 representative from local government who is knowledgeable about  
1719 domestic wastewater treatment and who is recommended by the  
1720 Florida Association of Counties and the Florida League of  
1721 Cities; and a representative from the environmental health  
1722 profession who is recommended by the Florida Environmental  
1723 Health Association and who is not employed by a county health  
1724 department. Members are to be appointed for a term of 2 years.  
1725 The panel may also, as needed, be expanded to include ad hoc,  
1726 nonvoting representatives who have topic-specific expertise. All  
1727 rules proposed by the department which relate to onsite sewage  
1728 treatment and disposal systems must be presented to the panel  
1729 for review and comment prior to adoption. The panel's position  
1730 on proposed rules shall be made a part of the rulemaking record  
1731 that is maintained by the agency. The panel shall select a  
1732 chair, who shall serve for a period of 1 year and who shall  
1733 direct, coordinate, and execute the duties of the panel. The  
1734 panel shall also solicit input from the department's variance  
1735 review and advisory committee before submitting any comments to  
1736 the department concerning proposed rules. The panel's comments  
1737 must include any dissenting points of view concerning proposed  
1738 rules. The panel shall hold meetings as it determines necessary



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1739 to conduct its business, except that the chair, a quorum of the  
1740 voting members of the panel, or the department may call  
1741 meetings. The department shall keep minutes of all meetings of  
1742 the panel. Panel members shall serve without remuneration, but,  
1743 if requested, shall be reimbursed for per diem and travel  
1744 expenses as provided in s. 112.061.

1745 Section 29. Section 381.00781, Florida Statutes, is amended  
1746 to read:

1747 381.00781 Fees; disposition.—

1748 ~~(1)~~ The department shall establish by rule the following  
1749 fees:

1750 (1) ~~(a)~~ Fee For the initial licensure of a tattoo  
1751 establishment and the renewal of such license, a fee which,  
1752 ~~except as provided in subsection (2),~~ may not to exceed \$250 per  
1753 year.

1754 (2) ~~(b)~~ Fee For licensure of a temporary establishment, a  
1755 fee which, ~~except as provided in subsection (2),~~ may not to  
1756 exceed \$250.

1757 (3) ~~(c)~~ Fee For the initial licensure of a tattoo artist and  
1758 the renewal of such license, a fee which, ~~except as provided in~~  
1759 ~~subsection (2),~~ may not to exceed \$150 per year.

1760 (3) ~~(d)~~ Fee For registration or reregistration of a guest  
1761 tattoo artist, a fee which, ~~except as provided in subsection~~  
1762 ~~(2),~~ may not to exceed \$45.

1763 (4) ~~(e)~~ Fee For reactivation of an inactive tattoo  
1764 establishment license or tattoo artist license. A license  
1765 becomes inactive if it is not renewed before the expiration of  
1766 the current license.

1767 ~~(2) The department may annually adjust the maximum fees~~



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1768 ~~authorized under subsection (1) according to the rate of~~  
1769 ~~inflation or deflation indicated by the Consumer Price Index for~~  
1770 ~~All Urban Consumers, U.S. City Average, All Items, as reported~~  
1771 ~~by the United States Department of Labor.~~

1772 Section 30. Subsection (1) of section 381.0098, Florida  
1773 Statutes, is amended to read:

1774 381.0098 Biomedical waste.-

1775 (1) LEGISLATIVE INTENT.-~~It is the intent of the Legislature~~  
1776 ~~to protect the public health by establishing standards for the~~  
1777 ~~safe packaging, transport, storage, treatment, and disposal of~~  
1778 ~~biomedical waste.~~ Except as otherwise provided herein, the  
1779 Department of Health shall regulate the packaging, transport,  
1780 storage, and treatment of biomedical waste. The Department of  
1781 Environmental Protection shall regulate onsite and offsite  
1782 incineration and disposal of biomedical waste. Consistent with  
1783 the foregoing, the Department of Health shall have the exclusive  
1784 authority to establish treatment efficacy standards for  
1785 biomedical waste and the Department of Environmental Protection  
1786 shall have the exclusive authority to establish statewide  
1787 standards relating to environmental impacts, if any, of  
1788 treatment and disposal including, but not limited to, water  
1789 discharges and air emissions. An interagency agreement between  
1790 the Department of Environmental Protection and the Department of  
1791 Health shall be developed to ensure maximum efficiency in  
1792 coordinating, administering, and regulating biomedical wastes.

1793 Section 31. Subsections (2) through (8) of section  
1794 381.0101, Florida Statutes, are renumbered as subsection (1)  
1795 through (7), respectively, and present subsections (1), (2),  
1796 (3), and (4) and paragraph (a) of present subsection (5) of that



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1797 section are amended to read:

1798 381.0101 Environmental health professionals.—

1799 ~~(1) LEGISLATIVE INTENT. Persons responsible for providing~~  
1800 ~~technical and scientific evaluations of environmental health and~~  
1801 ~~sanitary conditions in business establishments and communities~~  
1802 ~~throughout the state may create a danger to the public health if~~  
1803 ~~they are not skilled or competent to perform such evaluations.~~  
1804 ~~The public relies on the judgment of environmental health~~  
1805 ~~professionals employed by both government agencies and~~  
1806 ~~industries to assure them that environmental hazards are~~  
1807 ~~identified and removed before they endanger the health or safety~~  
1808 ~~of the public. The purpose of this section is to assure the~~  
1809 ~~public that persons specifically responsible for performing~~  
1810 ~~environmental health and sanitary evaluations have been~~  
1811 ~~certified by examination as competent to perform such work.~~

1812 (1)~~(2)~~ DEFINITIONS.—As used in this section:

1813 (a) "Board" means the Environmental Health Professionals  
1814 Advisory Board.

1815 (b) "Department" means the Department of Health.

1816 (c) "Environmental health" means that segment of public  
1817 health work which deals with the examination of those factors in  
1818 the human environment which may impact adversely on the health  
1819 status of an individual or the public.

1820 (d) "Environmental health professional" means a person who  
1821 is employed or assigned the responsibility for assessing the  
1822 environmental health or sanitary conditions, as defined by the  
1823 department, within a building, on an individual's property, or  
1824 within the community at large, and who has the knowledge,  
1825 skills, and abilities to carry out these tasks. Environmental



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1826 health professionals may be either field, supervisory, or  
1827 administrative staff members.

1828 (2)~~(3)~~ CERTIFICATION REQUIRED.—A ~~No~~ person may not ~~shall~~  
1829 perform environmental health or sanitary evaluations in any  
1830 primary program area of environmental health without being  
1831 certified by the department as competent to perform such  
1832 evaluations. This section does not apply to:

1833 (a) Persons performing inspections of public food service  
1834 establishments licensed under chapter 509; or

1835 (b) Persons performing site evaluations in order to  
1836 determine proper placement and installation of onsite wastewater  
1837 treatment and disposal systems who have successfully completed a  
1838 department-approved soils morphology course and who are working  
1839 under the direct responsible charge of an engineer licensed  
1840 under chapter 471.

1841 (3)~~(4)~~ ENVIRONMENTAL HEALTH PROFESSIONALS ADVISORY BOARD.—  
1842 The State Health Officer shall appoint an advisory board to  
1843 assist the department in the promulgation of rules for  
1844 certification, testing, establishing standards, and seeking  
1845 enforcement actions against certified professionals.

1846 (a) The board shall be comprised of the Division Director  
1847 for Emergency Preparedness and Community Support ~~Environmental~~  
1848 ~~Health~~ or his or her designee, one individual who will be  
1849 certified under this section, one individual not employed in a  
1850 governmental capacity who will or does employ a certified  
1851 environmental health professional, one individual whose business  
1852 is or will be evaluated by a certified environmental health  
1853 professional, a citizen of the state who neither employs nor is  
1854 routinely evaluated by a person certified under this section.





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1855 (b) The board shall advise the department as to the minimum  
1856 disciplinary guidelines and standards of competency and  
1857 proficiency necessary to obtain certification in a primary area  
1858 of environmental health practice.

1859 1. The board shall recommend primary areas of environmental  
1860 health practice in which environmental health professionals  
1861 should be required to obtain certification.

1862 2. The board shall recommend minimum standards of practice  
1863 which the department shall incorporate into rule.

1864 3. The board shall evaluate and recommend to the department  
1865 existing registrations and certifications which meet or exceed  
1866 minimum department standards and should, therefore, exempt  
1867 holders of such certificates or registrations from compliance  
1868 with this section.

1869 4. The board shall hear appeals of certificate denials,  
1870 revocation, or suspension and shall advise the department as to  
1871 the disposition of such an appeal.

1872 5. The board shall meet as often as necessary, but no less  
1873 than semiannually, handle appeals to the department, and conduct  
1874 other duties of the board.

1875 6. Members of the board shall receive no compensation but  
1876 are entitled to reimbursement for per diem and travel expenses  
1877 in accordance with s. 112.061.

1878 ~~(4)-(5)~~ STANDARDS FOR CERTIFICATION.—The department shall  
1879 adopt rules that establish definitions of terms and minimum  
1880 standards of education, training, or experience for those  
1881 persons subject to this section. The rules must also address the  
1882 process for application, examination, issuance, expiration, and  
1883 renewal of certification and ethical standards of practice for



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1884 the profession.

1885 (a) Persons employed as environmental health professionals  
1886 shall exhibit a knowledge of rules and principles of  
1887 environmental and public health law in Florida through  
1888 examination. A person may not conduct environmental health  
1889 evaluations in a primary program area unless he or she is  
1890 currently certified in that program area or works under the  
1891 direct supervision of a certified environmental health  
1892 professional.

1893 1. All persons who begin employment in a primary  
1894 environmental health program on or after September 21, 1994,  
1895 must be certified in that program within 6 months after  
1896 employment.

1897 2. Persons employed in the primary environmental health  
1898 program of a food protection program or an onsite sewage  
1899 treatment and disposal system prior to September 21, 1994, shall  
1900 be considered certified while employed in that position and  
1901 shall be required to adhere to any professional standards  
1902 established by the department pursuant to paragraph (b),  
1903 complete any continuing education requirements imposed under  
1904 paragraph (d), and pay the certificate renewal fee imposed under  
1905 subsection (6) ~~(7)~~.

1906 3. Persons employed in the primary environmental health  
1907 program of a food protection program or an onsite sewage  
1908 treatment and disposal system prior to September 21, 1994, who  
1909 change positions or program areas and transfer into another  
1910 primary environmental health program area on or after September  
1911 21, 1994, must be certified in that program within 6 months  
1912 after such transfer, except that they will not be required to



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1913 possess the college degree required under paragraph (e).

1914 4. Registered sanitarians shall be considered certified and  
1915 shall be required to adhere to any professional standards  
1916 established by the department pursuant to paragraph (b).

1917 Section 32. Section 381.0203, Florida Statutes, is amended  
1918 to read:

1919 381.0203 Pharmacy services.—

1920 (1) The department may contract on a statewide basis for  
1921 the purchase of drugs, as defined in s. 499.003, to be used by  
1922 state agencies and political subdivisions, and may adopt rules  
1923 to administer this section.

1924 (2) The department shall establish and maintain a pharmacy  
1925 services program, including, but not limited to:

1926 (a) A central pharmacy to support pharmaceutical services  
1927 provided by the county health departments, including  
1928 pharmaceutical repackaging, dispensing, and the purchase and  
1929 distribution of immunizations and other pharmaceuticals.

1930 ~~(b) Regulation of drugs, cosmetics, and household products~~  
1931 ~~pursuant to chapter 499.~~

1932 ~~(b)(e)~~ Consultation to county health departments as  
1933 required by s. 154.04(1)(c).

1934 ~~(d) A contraception distribution program which shall be~~  
1935 ~~implemented, to the extent resources permit, through the~~  
1936 ~~licensed pharmacies of county health departments. A woman who is~~  
1937 ~~eligible for participation in the contraceptive distribution~~  
1938 ~~program is deemed a patient of the county health department.~~

1939 ~~1. To be eligible for participation in the program a woman~~  
1940 ~~must:~~

1941 ~~a. Be a client of the department or the Department of~~



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- 1942 ~~Children and Family Services.~~
- 1943 ~~b. Be of childbearing age with undesired fertility.~~
- 1944 ~~e. Have an income between 150 and 200 percent of the~~
- 1945 ~~federal poverty level.~~
- 1946 ~~d. Have no Medicaid benefits or applicable health insurance~~
- 1947 ~~benefits.~~
- 1948 ~~e. Have had a medical examination by a licensed health care~~
- 1949 ~~provider within the past 6 months.~~
- 1950 ~~f. Have a valid prescription for contraceptives that are~~
- 1951 ~~available through the contraceptive distribution program.~~
- 1952 ~~g. Consent to the release of necessary medical information~~
- 1953 ~~to the county health department.~~
- 1954 ~~2. Fees charged for the contraceptives under the program~~
- 1955 ~~must cover the cost of purchasing and providing contraceptives~~
- 1956 ~~to women participating in the program.~~
- 1957 ~~3. The department may adopt rules to administer this~~
- 1958 ~~program.~~

1959 Section 33. Subsection (1) of section 381.0261, Florida

1960 Statutes, is amended to read:

1961 381.0261 Summary of patient's bill of rights; distribution;

1962 penalty.—

1963 (1) The Department of Health shall publish on its Internet

1964 website ~~Agency for Health Care Administration shall have printed~~

1965 ~~and made continuously available to health care facilities~~

1966 ~~licensed under chapter 395, physicians licensed under chapter~~

1967 ~~458, osteopathic physicians licensed under chapter 459, and~~

1968 ~~pediatric physicians licensed under chapter 461~~ a summary of the

1969 Florida Patient's Bill of Rights and Responsibilities. In

1970 adopting and making available to patients the summary of the



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1971 Florida Patient's Bill of Rights and Responsibilities, health  
1972 care providers and health care facilities are not limited to the  
1973 format in which the department publishes ~~Agency for Health Care~~  
1974 ~~Administration prints and distributes~~ the summary.

1975 Section 34. Section 381.0301, Florida Statutes, is  
1976 repealed.

1977 Section 35. Section 381.0302, Florida Statutes, is  
1978 repealed.

1979 Section 36. Subsection (5) of section 381.0303, Florida  
1980 Statutes, is amended to read:

1981 381.0303 Special needs shelters.—

1982 (5) SPECIAL NEEDS SHELTER INTERAGENCY COMMITTEE.—The State  
1983 Surgeon General may establish a special needs shelter  
1984 interagency committee and serve as, or appoint a designee to  
1985 serve as, the committee's chair. The department shall provide  
1986 any necessary staff and resources to support the committee in  
1987 the performance of its duties. The committee shall address and  
1988 resolve problems related to special needs shelters not addressed  
1989 in the state comprehensive emergency medical plan and shall  
1990 consult on the planning and operation of special needs shelters.

1991 (a) The committee shall—

1992 ~~1.~~ develop, negotiate, and regularly review any necessary  
1993 interagency agreements, and—

1994 ~~2.~~ undertake other such activities as the department deems  
1995 necessary to facilitate the implementation of this section.

1996 ~~3. Submit recommendations to the Legislature as necessary.~~

1997 (b) The special needs shelter interagency committee shall  
1998 be composed of representatives of emergency management, health,  
1999 medical, and social services organizations. Membership shall



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2000 include, but shall not be limited to, representatives of the  
2001 Departments of Health, Children and Family Services, Elderly  
2002 Affairs, and Education; the Agency for Health Care  
2003 Administration; the Division of Emergency Management; the  
2004 Florida Medical Association; the Florida Osteopathic Medical  
2005 Association; Associated Home Health Industries of Florida, Inc.;  
2006 the Florida Nurses Association; the Florida Health Care  
2007 Association; the Florida Assisted Living Affiliation; the  
2008 Florida Hospital Association; the Florida Statutory Teaching  
2009 Hospital Council; the Florida Association of Homes for the  
2010 Aging; the Florida Emergency Preparedness Association; the  
2011 American Red Cross; Florida Hospices and Palliative Care, Inc.;  
2012 the Association of Community Hospitals and Health Systems; the  
2013 Florida Association of Health Maintenance Organizations; the  
2014 Florida League of Health Systems; the Private Care Association;  
2015 the Salvation Army; the Florida Association of Aging Services  
2016 Providers; the AARP; and the Florida Renal Coalition.

2017 (c) Meetings of the committee shall be held in Tallahassee,  
2018 and members of the committee shall serve at the expense of the  
2019 agencies or organizations they represent. The committee shall  
2020 make every effort to use teleconference or videoconference  
2021 capabilities in order to ensure statewide input and  
2022 participation.

2023 Section 37. Section 381.04015, Florida Statutes, is  
2024 repealed.

2025 Section 38. Subsections (2), (3), and (4) of section  
2026 381.0403, Florida Statutes, are amended to read:

2027 381.0403 The Community Hospital Education Act.—

2028 (2) ESTABLISHMENT OF PROGRAM ~~LEGISLATIVE INTENT.~~—



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2029           ~~(a) It is the intent of the Legislature that health care~~  
2030 ~~services for the citizens of this state be upgraded and that a~~  
2031 ~~program for continuing these services be maintained through a~~  
2032 ~~plan for community medical education. The A program is intended~~  
2033 ~~established to plan for community medical education, provide~~  
2034 ~~additional outpatient and inpatient services, increase the a~~  
2035 ~~continuing supply of highly trained physicians, and expand~~  
2036 ~~graduate medical education.~~

2037           ~~(b) The Legislature further acknowledges the critical need~~  
2038 ~~for increased numbers of primary care physicians to provide the~~  
2039 ~~necessary current and projected health and medical services. In~~  
2040 ~~order to meet both present and anticipated needs, the~~  
2041 ~~Legislature supports an expansion in the number of family~~  
2042 ~~practice residency positions. The Legislature intends that the~~  
2043 ~~funding for graduate education in family practice be maintained~~  
2044 ~~and that funding for all primary care specialties be provided at~~  
2045 ~~a minimum of \$10,000 per resident per year. Should funding for~~  
2046 ~~this act remain constant or be reduced, it is intended that all~~  
2047 ~~programs funded by this act be maintained or reduced~~  
2048 ~~proportionately.~~

2049           (3) PROGRAM FOR COMMUNITY HOSPITAL EDUCATION; STATE AND  
2050 LOCAL PLANNING.—

2051           ~~(a) There is established under the Department of Health a~~  
2052 ~~program for statewide graduate medical education. It is intended~~  
2053 ~~that continuing graduate medical education programs for interns~~  
2054 ~~and residents be established on a statewide basis. The program~~  
2055 shall provide financial support for primary care specialty  
2056 interns and residents based on recommendations of policies  
2057 ~~recommended and approved by the Community Hospital Education~~



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2058 Council, herein established, and the Department of Health, as  
2059 authorized by the General Appropriations Act. Only those  
2060 programs with at least three residents or interns in each year  
2061 of the training program are qualified to apply for financial  
2062 support. Programs with fewer than three residents or interns per  
2063 training year are qualified to apply for financial support, but  
2064 only if the appropriate accrediting entity for the particular  
2065 specialty has approved the program for fewer positions. New  
2066 ~~programs added after fiscal year 1997-1998~~ shall have 5 years to  
2067 attain the requisite number of residents or interns. When  
2068 feasible and to the extent allowed through the General  
2069 Appropriations Act, state funds shall be used to generate  
2070 federal matching funds under Medicaid, or other federal  
2071 programs, and the resulting combined state and federal funds  
2072 shall be allocated to participating hospitals for the support of  
2073 graduate medical education.

2074 (b) For the purposes of this section, primary care  
2075 specialties include emergency medicine, family practice,  
2076 internal medicine, pediatrics, psychiatry,  
2077 obstetrics/gynecology, and combined pediatrics and internal  
2078 medicine, and other primary care specialties as may be included  
2079 by the council and Department of Health.

2080 (c) Medical institutions throughout the state may apply to  
2081 the Community Hospital Education Council for grants-in-aid for  
2082 financial support of their approved programs. Recommendations  
2083 for funding of approved programs shall be forwarded to the  
2084 Department of Health.

2085 (d) The program shall provide a plan for community clinical  
2086 teaching and training with the cooperation of the medical





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2087 profession, hospitals, and clinics. The plan shall also include  
2088 formal teaching opportunities for intern and resident training.  
2089 In addition, the plan shall establish an off-campus medical  
2090 faculty with university faculty review to be located throughout  
2091 the state in local communities.

2092 (4) PROGRAM FOR GRADUATE MEDICAL EDUCATION INNOVATIONS.—

2093 (a) There is established under the Department of Health a  
2094 program for fostering graduate medical education innovations.  
2095 Funds appropriated annually by the Legislature for this purpose  
2096 shall be distributed to participating hospitals or consortia of  
2097 participating hospitals and Florida medical schools or to a  
2098 Florida medical school for the direct costs of providing  
2099 graduate medical education in community-based clinical settings  
2100 on a competitive grant or formula basis to achieve state health  
2101 care workforce policy objectives, including, but not limited to:

- 2102 1. Increasing the number of residents in primary care and  
2103 other high demand specialties or fellowships;  
2104 2. Enhancing retention of primary care physicians in  
2105 Florida practice;  
2106 3. Promoting practice in medically underserved areas of the  
2107 state;  
2108 4. Encouraging racial and ethnic diversity within the  
2109 state's physician workforce; and  
2110 5. Encouraging increased production of geriatricians.

2111 (b) Participating hospitals or consortia of participating  
2112 hospitals and Florida medical schools or a Florida medical  
2113 school providing graduate medical education in community-based  
2114 clinical settings may apply to the Community Hospital Education  
2115 Council for funding under this innovations program, except when



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2116 such innovations directly compete with services or programs  
2117 provided by participating hospitals or consortia of  
2118 participating hospitals, or by both hospitals and consortia.  
2119 Innovations program funding shall be allocated ~~provide funding~~  
2120 based on recommendations of ~~policies recommended and approved by~~  
2121 the Community Hospital Education Council and the Department of  
2122 Health, as authorized by the General Appropriations Act.

2123 (c) Participating hospitals or consortia of participating  
2124 hospitals and Florida medical schools or Florida medical schools  
2125 awarded an innovations grant shall provide the Community  
2126 Hospital Education Council and Department of Health with an  
2127 annual report on their project.

2128 Section 39. Subsection (7) of section 381.0405, Florida  
2129 Statutes, is amended to read:

2130 381.0405 Office of Rural Health.—

2131 ~~(7) APPROPRIATION. The Legislature shall appropriate such~~  
2132 ~~sums as are necessary to support the Office of Rural Health.~~

2133 Section 40. Subsection (3) of section 381.0406, Florida  
2134 Statutes, is amended to read:

2135 381.0406 Rural health networks.—

2136 (3) ~~Because each rural area is unique, with a different~~  
2137 ~~health care provider mix,~~ Health care provider membership may  
2138 vary, but all networks shall include members that provide public  
2139 health, comprehensive primary care, emergency medical care, and  
2140 acute inpatient care.

2141 Section 41. Section 381.045, Florida Statutes, is repealed.

2142 Section 42. Subsection (7) of section 381.06015, Florida  
2143 Statutes, is amended to read:

2144 381.06015 Public Cord Blood Tissue Bank.—



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2145           ~~(7) In order to fund the provisions of this section the~~  
2146 ~~consortium participants, the Agency for Health Care~~  
2147 ~~Administration, and the Department of Health shall seek private~~  
2148 ~~or federal funds to initiate program actions for fiscal year~~  
2149 ~~2000-2001.~~

2150           Section 43. Section 381.0605, Florida Statutes, is  
2151 repealed.

2152           Section 44. Section 381.102, Florida Statutes, is repealed.

2153           Section 45. Section 381.103, Florida Statutes, is repealed.

2154           Section 46. Subsections (3) through (5) of section  
2155 381.4018, Florida Statutes, are renumbered as subsections (2)  
2156 through (4), respectively, and present subsection (2) and  
2157 paragraph (f) of present subsection (4) of that section are  
2158 amended to read:

2159           381.4018 Physician workforce assessment and development.—

2160           ~~(2) LEGISLATIVE INTENT. The Legislature recognizes that~~  
2161 ~~physician workforce planning is an essential component of~~  
2162 ~~ensuring that there is an adequate and appropriate supply of~~  
2163 ~~well-trained physicians to meet this state's future health care~~  
2164 ~~service needs as the general population and elderly population~~  
2165 ~~of the state increase. The Legislature finds that items to~~  
2166 ~~consider relative to assessing the physician workforce may~~  
2167 ~~include physician practice status; specialty mix; geographic~~  
2168 ~~distribution; demographic information, including, but not~~  
2169 ~~limited to, age, gender, race, and cultural considerations; and~~  
2170 ~~needs of current or projected medically underserved areas in the~~  
2171 ~~state. Long-term strategic planning is essential as the period~~  
2172 ~~from the time a medical student enters medical school to~~  
2173 ~~completion of graduate medical education may range from 7 to 10~~



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2174 ~~years or longer. The Legislature recognizes that strategies to~~  
2175 ~~provide for a well-trained supply of physicians must include~~  
2176 ~~ensuring the availability and capacity of quality medical~~  
2177 ~~schools and graduate medical education programs in this state,~~  
2178 ~~as well as using new or existing state and federal programs~~  
2179 ~~providing incentives for physicians to practice in needed~~  
2180 ~~specialties and in underserved areas in a manner that addresses~~  
2181 ~~projected needs for physician manpower.~~

2182       (3)~~(4)~~ GENERAL FUNCTIONS.—The department shall maximize the  
2183 use of existing programs under the jurisdiction of the  
2184 department and other state agencies and coordinate governmental  
2185 and nongovernmental stakeholders and resources in order to  
2186 develop a state strategic plan and assess the implementation of  
2187 such strategic plan. In developing the state strategic plan, the  
2188 department shall:

2189       (f) Develop strategies to maximize federal and state  
2190 programs that provide for the use of incentives to attract  
2191 physicians to this state or retain physicians within the state.  
2192 Such strategies should explore and maximize federal-state  
2193 partnerships that provide incentives for physicians to practice  
2194 in federally designated shortage areas. Strategies shall also  
2195 consider the use of state programs, such as the ~~Florida Health~~  
2196 ~~Service Corps established pursuant to s. 381.0302 and the~~  
2197 ~~Medical Education Reimbursement and Loan Repayment Program~~  
2198 ~~pursuant to s. 1009.65, which provide for education loan~~  
2199 ~~repayment or loan forgiveness and provide monetary incentives~~  
2200 ~~for physicians to relocate to underserved areas of the state.~~

2201       Section 47. Section 381.60225, Florida Statutes, is  
2202 repealed.



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2203           Section 48. Section 381.7352, Florida Statutes, is amended  
2204 to read:

2205           381.7352 Legislative findings and intent.—

2206           ~~(1) The Legislature finds that despite state investments in~~  
2207 ~~health care programs, certain racial and ethnic populations in~~  
2208 ~~Florida continue to have significantly poorer health outcomes~~  
2209 ~~when compared to non-Hispanic whites. The Legislature finds that~~  
2210 ~~local solutions to health care problems can have a dramatic and~~  
2211 ~~positive effect on the health status of these populations. Local~~  
2212 ~~governments and communities are best equipped to identify the~~  
2213 ~~health education, health promotion, and disease prevention needs~~  
2214 ~~of the racial and ethnic populations in their communities,~~  
2215 ~~mobilize the community to address health outcome disparities,~~  
2216 ~~enlist and organize local public and private resources, and~~  
2217 ~~faith-based organizations to address these disparities, and~~  
2218 ~~evaluate the effectiveness of interventions.~~

2219           (2) It is therefore the intent of the Legislature to  
2220 provide funds within Florida counties and Front Porch Florida  
2221 Communities, in the form of Reducing Racial and Ethnic Health  
2222 Disparities: Closing the Gap grants, to stimulate the  
2223 development of community-based and neighborhood-based projects  
2224 which will improve the health outcomes of racial and ethnic  
2225 populations. Further, it is the intent of the Legislature that  
2226 these programs foster the development of coordinated,  
2227 collaborative, and broad-based participation by public and  
2228 private entities, and faith-based organizations. Finally, it is  
2229 the intent of the Legislature that the grant program function as  
2230 a partnership between state and local governments, faith-based  
2231 organizations, and private sector health care providers,



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2232 including managed care, voluntary health care resources, social  
2233 service providers, and nontraditional partners.

2234 Section 49. Subsection (3) of section 381.7353, Florida  
2235 Statutes, is amended to read:

2236 381.7353 Reducing Racial and Ethnic Health Disparities:  
2237 Closing the Gap grant program; administration; department  
2238 duties.—

2239 ~~(3) Pursuant to s. 20.43(6), the State Surgeon General may~~  
2240 ~~appoint an ad hoc advisory committee to: examine areas where~~  
2241 ~~public awareness, public education, research, and coordination~~  
2242 ~~regarding racial and ethnic health outcome disparities are~~  
2243 ~~lacking; consider access and transportation issues which~~  
2244 ~~contribute to health status disparities; and make~~  
2245 ~~recommendations for closing gaps in health outcomes and~~  
2246 ~~increasing the public's awareness and understanding of health~~  
2247 ~~disparities that exist between racial and ethnic populations.~~

2248 Section 50. Subsections (5) and (6) of section 381.7356,  
2249 Florida Statutes, are renumbered as subsections (4) and (5),  
2250 respectively, and present subsection (4) of that section is  
2251 amended to read:

2252 381.7356 Local matching funds; grant awards.—

2253 ~~(4) Dissemination of grant awards shall begin no later than~~  
2254 ~~January 1, 2001.~~

2255 Section 51. Subsection (3) of section 381.765, Florida  
2256 Statutes, is amended to read:

2257 381.765 Retention of title to and disposal of equipment.—

2258 ~~(3) The department may adopt rules relating to records and~~  
2259 ~~recordkeeping for department-owned property referenced in~~  
2260 ~~subsections (1) and (2).~~



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2261           Section 52. Section 381.77, Florida Statutes, is repealed.  
2262           Section 53. Section 381.795, Florida Statutes, is repealed.  
2263           Section 54. Subsections (2) through (5) of section 381.853,  
2264 Florida Statutes, are renumbered as subsections (1) through (4),  
2265 respectively, and present subsection (1) of that section is  
2266 amended to read:  
2267           381.853 Florida Center for Brain Tumor Research.—  
2268           ~~(1) The Legislature finds that each year an estimated~~  
2269 ~~190,000 citizens of the United States are diagnosed with~~  
2270 ~~cancerous and noncancerous brain tumors and that biomedical~~  
2271 ~~research is the key to finding cures for these tumors. The~~  
2272 ~~Legislature further finds that, although brain tumor research is~~  
2273 ~~being conducted throughout the state, there is a lack of~~  
2274 ~~coordinated efforts among researchers and health care providers.~~  
2275 ~~Therefore, the Legislature finds that there is a significant~~  
2276 ~~need for a coordinated effort to achieve the goal of curing~~  
2277 ~~brain tumors. The Legislature further finds that the biomedical~~  
2278 ~~technology sector meets the criteria of a high-impact sector,~~  
2279 ~~pursuant to s. 288.108(6), having a high importance to the~~  
2280 ~~state's economy with a significant potential for growth and~~  
2281 ~~contribution to our universities and quality of life.~~  
2282           Section 55. Section 381.855, Florida Statutes, is repealed.  
2283           Section 56. Section 381.87, Florida Statutes, is repealed.  
2284           Section 57. Section 381.895, Florida Statutes, is amended  
2285 to read:  
2286           381.895 Standards for compressed air used for recreational  
2287 diving.—  
2288           (1) A person selling compressed air for recreational sport  
2289 diving must:



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2290 (a) maintain certification or membership in at least one of  
2291 the following organizations:

- 2292 1. Professional Association of Diving Instructors (PADI);  
2293 2. National Association of Underwater Instructors (NAUI);  
2294 3. Scuba Schools International (SSI);

2295 (b) post in a conspicuous place on the premises, a copy of  
2296 the certification or documentation of membership in the  
2297 organization; and

2298 (c) maintain Compressed Gas Association, Grade "E"  
2299 Recreational Diving Compressed Air Standards, provide medical  
2300 grade compressed air, or use constant air quality monitoring  
2301 devices which are calibrated at least every 90 days.

2302 ~~The Department of Health shall establish maximum allowable~~  
2303 ~~levels for contaminants in compressed air used for recreational~~  
2304 ~~sport diving in this state. In developing the standards, the~~  
2305 ~~department must take into consideration the levels of~~  
2306 ~~contaminants allowed by the Grade "E" Recreational Diving~~  
2307 ~~Standards of the Compressed Gas Association.~~

2308 (2) The Department of Health may adopt rules to revise or  
2309 add to the list of organizations authorized in subsection (1),  
2310 or to recognize additional standards that are nationally  
2311 recognized for ensuring compressed air is safe for recreation  
2312 sport diving.

2313 ~~The standards prescribed under this section do not apply~~  
2314 ~~to:~~

2315 ~~(a) Any person providing compressed air for his or her own~~  
2316 ~~use.~~

2317 ~~(b) Any governmental entity using a governmentally owned~~  
2318 ~~compressed air source for work related to the governmental~~





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2319 ~~entity.~~

2320 ~~(c) Foreign registered vessels upon which a compressor is~~  
2321 ~~used to provide compressed air for work related to the operation~~  
2322 ~~of the vessel.~~

2323 ~~(3) A person who does not comply with the requirements in~~  
2324 ~~subsection (1) or the rules adopted pursuant to subsection (2)~~  
2325 ~~commits a misdemeanor of the first degree, punishable as~~  
2326 ~~provided in s. 775.082 and s. 775.083, Florida Statutes.~~

2327 ~~A person or entity that, for compensation, provides~~  
2328 ~~compressed air for recreational sport diving in this state,~~  
2329 ~~including compressed air provided as part of a dive package of~~  
2330 ~~equipment rental, dive boat rental, or dive boat charter, must~~  
2331 ~~ensure that the compressed air is tested quarterly by a~~  
2332 ~~laboratory that is accredited by either the American Industrial~~  
2333 ~~Hygiene Association or the American Association for Laboratory~~  
2334 ~~Accreditation and that the results of such tests are provided~~  
2335 ~~quarterly to the Department of Health. In addition, the person~~  
2336 ~~or entity must post the certificate issued by the laboratory~~  
2337 ~~accredited by the American Industrial Hygiene Association or the~~  
2338 ~~American Association for Laboratory Accreditation in a~~  
2339 ~~conspicuous location where it can readily be seen by any person~~  
2340 ~~purchasing compressed air.~~

2341 ~~(4) The Department of Health shall maintain a record of all~~  
2342 ~~quarterly test results provided under this section.~~

2343 ~~(5) It is a misdemeanor of the second degree for any person~~  
2344 ~~or entity to provide, for compensation, compressed air for~~  
2345 ~~recreational sport diving in this state, including compressed~~  
2346 ~~air provided as part of a dive package of equipment rental, dive~~  
2347 ~~boat rental, or dive boat charter, without:~~



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2348           ~~(a) Having received a valid certificate issued by a~~  
2349 ~~laboratory accredited by the American Industrial Hygiene~~  
2350 ~~Association or the American Association for Laboratory~~  
2351 ~~Accreditation which certifies that the compressed air meets the~~  
2352 ~~standards for contaminant levels established by the Department~~  
2353 ~~of Health.~~

2354           ~~(b) Posting the certificate issued by a laboratory~~  
2355 ~~accredited by the American Industrial Hygiene Association or the~~  
2356 ~~American Association for Laboratory Accreditation in a~~  
2357 ~~conspicuous location where it can readily be seen by persons~~  
2358 ~~purchasing compressed air.~~

2359           ~~(6) The department shall adopt rules necessary to carry out~~  
2360 ~~the provisions of this section, which must include:~~

2361           ~~(a) Maximum allowable levels of contaminants in compressed~~  
2362 ~~air used for sport diving.~~

2363           ~~(b) Procedures for the submission of test results to the~~  
2364 ~~department.~~

2365           Section 58. Section 381.90, Florida Statutes, is repealed.

2366           Section 59. Subsection (1) of section 381.91, Florida  
2367 Statutes, is amended to read:

2368           381.91 Jessie Trice Cancer Prevention Program.—

2369           (1) It is the intent of the Legislature to:

2370           ~~(a) Reduce the rates of illness and death from lung cancer~~  
2371 ~~and other cancers and improve the quality of life among low-~~  
2372 ~~income African American and Hispanic populations through~~  
2373 ~~increased access to early, effective screening and diagnosis,~~  
2374 ~~education, and treatment programs.~~

2375           ~~(b) create a community faith-based disease-prevention~~  
2376 ~~program in conjunction with the Health Choice Network and other~~



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2377 community health centers to build upon the natural referral and  
2378 education networks in place within minority communities and to  
2379 increase access to health service delivery in Florida and-

2380 ~~(e)~~ establish a funding source to build upon local private  
2381 participation to sustain the operation of the program.

2382 Section 60. Subsection (5) of section 381.922, Florida  
2383 Statutes, is amended to read:

2384 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
2385 Cancer Research Program.—

2386 (5) The William G. "Bill" Bankhead, Jr., and David Coley  
2387 Cancer Research Program is funded pursuant to s. 215.5602(12).  
2388 Funds appropriated for the William G. "Bill" Bankhead, Jr., and  
2389 David Coley Cancer Research Program shall be distributed  
2390 pursuant to this section to provide grants to researchers  
2391 seeking cures for cancer and cancer-related illnesses, with  
2392 emphasis given to the goals enumerated in this section. From the  
2393 total funds appropriated, an amount of up to 10 percent may be  
2394 used for administrative expenses. ~~From funds appropriated to  
2395 accomplish the goals of this section, up to \$250,000 shall be  
2396 available for the operating costs of the Florida Center for  
2397 Universal Research to Eradicate Disease.~~

2398 Section 61. Effective January 1, 2013, section 392.51,  
2399 Florida Statutes, is amended to read:

2400 392.51 Tuberculosis control Findings and intent.—A  
2401 statewide system is established to control tuberculosis  
2402 infection and mitigate its effects. The system consists ~~The~~  
2403 ~~Legislature finds and declares that active tuberculosis is a~~  
2404 ~~highly contagious infection that is sometimes fatal and~~  
2405 ~~constitutes a serious threat to the public health. The~~



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2406 ~~Legislature finds that there is a significant reservoir of~~  
2407 ~~tuberculosis infection in this state and that there is a need to~~  
2408 ~~develop community programs to identify tuberculosis and to~~  
2409 ~~respond quickly with appropriate measures. The Legislature finds~~  
2410 ~~that some patients who have active tuberculosis have complex~~  
2411 ~~medical, social, and economic problems that make outpatient~~  
2412 ~~control of the disease difficult, if not impossible, without~~  
2413 ~~posing a threat to the public health. The Legislature finds that~~  
2414 ~~in order to protect the citizenry from those few persons who~~  
2415 ~~pose a threat to the public, it is necessary to establish a~~  
2416 ~~system of mandatory contact identification, treatment to cure,~~  
2417 ~~hospitalization, and isolation for contagious cases, and to~~  
2418 ~~provide a system of voluntary, community-oriented care and~~  
2419 ~~surveillance in all other cases. The Legislature finds that the~~  
2420 ~~delivery of Tuberculosis control services shall be provided is~~  
2421 ~~best accomplished by the coordinated efforts of the respective~~  
2422 ~~county health departments and contracted or other private health~~  
2423 ~~care providers, the A.C. Holley State Hospital, and the private~~  
2424 ~~health care delivery system.~~

2425 Section 62. Effective January 1, 2013, subsection (4) of  
2426 section 392.61, Florida Statutes, is amended to read:

2427 392.61 Community tuberculosis control programs.-

2428 ~~(4) The department shall develop, by rule, a methodology~~  
2429 ~~for distributing funds appropriated for tuberculosis control~~  
2430 ~~programs. Criteria to be considered in this methodology include,~~  
2431 ~~but are not limited to, the basic infrastructure available for~~  
2432 ~~tuberculosis control, caseload requirements, laboratory support~~  
2433 ~~services needed, and epidemiologic factors.~~

2434 Section 63. Effective January 1, 2013, section 392.62,



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2435 Florida Statutes, is amended to read:

2436 392.62 Hospitalization and placement programs.—

2437 (1) The department shall contract for operation of ~~operate~~  
2438 a program for the treatment ~~hospitalization~~ of persons who have  
2439 active tuberculosis in hospitals licensed under chapter 395 and  
2440 may provide for appropriate placement of persons who have active  
2441 tuberculosis in other health care facilities or residential  
2442 facilities. The department shall require the contractor to use  
2443 existing licensed community hospitals and other facilities for  
2444 the care and treatment to cure persons who have active  
2445 tuberculosis or a history of noncompliance with prescribed drug  
2446 regimens and require inpatient or other residential services.

2447 ~~(2) The department may operate a licensed hospital for the~~  
2448 ~~care and treatment to cure of persons who have active~~  
2449 ~~tuberculosis. The hospital may have a forensic unit where, under~~  
2450 ~~medical protocol, a patient can be held in a secure or~~  
2451 ~~protective setting. The department shall also seek to maximize~~  
2452 ~~use of existing licensed community hospitals for the care and~~  
2453 ~~treatment to cure of persons who have active tuberculosis.~~

2454 (2)(3) The program for control of tuberculosis shall  
2455 provide funding for participating facilities and require any  
2456 such facilities to meet the following conditions ~~Any licensed~~  
2457 ~~hospital operated by the department, any licensed hospital under~~  
2458 ~~contract with the department, and any other health care facility~~  
2459 ~~or residential facility operated by or under contract with the~~  
2460 ~~department for the care and treatment of patients who have~~  
2461 ~~active tuberculosis shall:~~

2462 (a) Admit patients voluntarily and under court order as  
2463 appropriate for each particular facility;



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2464 (b) Require that each patient pay the actual cost of care  
2465 provided whether the patient is admitted voluntarily or by court  
2466 order;

2467 (c) Provide for ~~a method of paying for~~ the care of patients  
2468 in the program regardless of ability to pay who cannot afford to  
2469 ~~do so~~;

2470 (d) Require a primary clinical diagnosis of active  
2471 tuberculosis by a physician licensed under chapter 458 or  
2472 chapter 459 before admitting the patient; provided that there  
2473 may be more than one primary diagnosis;

2474 (e) Provide a method of notification to the county health  
2475 department and to the patient's family, if any, before  
2476 discharging the patient from the hospital or other facility;

2477 (f) Provide for the necessary exchange of medical  
2478 information to assure adequate community treatment to cure and  
2479 followup of discharged patients, as appropriate; and

2480 (g) Provide for a method of medical care and counseling and  
2481 for housing, social service, and employment referrals, if  
2482 appropriate, for ~~all~~ patients discharged from the hospital.

2483 (3)~~(4)~~ A hospital may, pursuant to court order, place a  
2484 patient in temporary isolation for a period of no more than 72  
2485 continuous hours. The department shall obtain a court order in  
2486 the same manner as prescribed in s. 392.57. Nothing in this  
2487 subsection precludes a hospital from isolating an infectious  
2488 patient for medical reasons.

2489 (4)~~(5)~~ Any person committed under s. 392.57 who leaves the  
2490 tuberculosis hospital or residential facility without having  
2491 been discharged by the designated medical authority, except as  
2492 provided in s. 392.63, shall be apprehended by the sheriff of



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2493 the county in which the person is found and immediately  
2494 delivered to the facility from which he or she left.

2495       Section 64. The Department of Health shall develop and  
2496 implement a transition plan for the closure of A.G. Holley State  
2497 Hospital. The plan shall include specific steps to end voluntary  
2498 admissions; transfer patients to alternate facilities;  
2499 communicate with families, providers, other affected parties,  
2500 and the general public; enter into any necessary contracts with  
2501 providers; coordinate with the Department of Management Services  
2502 regarding the disposition of equipment and supplies and the  
2503 closure of the facility; and seek federal approval, if needed,  
2504 to continue Medicaid funding throughout the treatment period in  
2505 community hospitals and other facilities. The plan shall be  
2506 submitted to the Governor, the Speaker of the House of  
2507 Representatives, and the President of the Senate by May 31,  
2508 2012. The department shall fully implement the plan by January  
2509 1, 2013.

2510       Section 65. Subsections (1) and (4) of section 395.1027,  
2511 Florida Statutes, are amended to read:

2512       395.1027 Regional poison control centers.—

2513       (1) There shall be created three certified regional poison  
2514 control centers, one each in the north, central, and southern  
2515 regions of the state. Each regional poison control center shall  
2516 be affiliated with and physically located in a certified Level I  
2517 trauma center. Each regional poison control center shall be  
2518 affiliated with an accredited medical school or college of  
2519 pharmacy. The regional poison control centers shall be  
2520 coordinated under the aegis of the Division of Children's  
2521 Medical Services ~~Prevention and Intervention~~ in the department.



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2522           (4) The Legislature hereby finds and declares that it is in  
2523 the public interest to shorten the time required for a citizen  
2524 to request and receive directly from designated regional poison  
2525 control centers telephonic management advice for acute poisoning  
2526 emergencies. To facilitate rapid and direct access, telephone  
2527 numbers for designated regional poison control centers shall be  
2528 given special prominence. The local exchange telecommunications  
2529 companies shall print immediately below "911" or other emergency  
2530 calling instructions on the inside front cover of the telephone  
2531 directory the words "Poison Information Center," the logo of the  
2532 American Association of Poison Control Centers, and the  
2533 telephone number of the local, if applicable, or, if not local,  
2534 other toll-free telephone number of the Florida Poison  
2535 Information Center Network. This information shall be outlined  
2536 and be no less than 1 inch in height by 2 inches in width. Only  
2537 those facilities satisfying criteria established in the current  
2538 "Criteria for Certification of a Regional Poison Center" set by  
2539 the American Association of Poison Control Centers, and the  
2540 "Standards of the Poison Information Center Program" initiated  
2541 by the Division of Children's Medical Services ~~Prevention and~~  
2542 ~~Intervention~~ of the Department of Health shall be permitted to  
2543 list such facility as a poison information center, poison  
2544 control center, or poison center. Those centers under a  
2545 developmental phase-in plan shall be given 2 years from the date  
2546 of initial 24-hour service implementation to comply with the  
2547 aforementioned criteria and, as such, will be permitted to be  
2548 listed as a poison information center, poison control center, or  
2549 poison center during that allotted time period.

2550           Section 66. Subsection (4) of section 401.243, Florida





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2551 Statutes, is amended to read:

2552       401.243 Injury prevention.—The department shall establish  
2553 an injury-prevention program with responsibility for the  
2554 statewide coordination and expansion of injury-prevention  
2555 activities. The duties of the department under the program may  
2556 include, but are not limited to, data collection, surveillance,  
2557 education, and the promotion of interventions. In addition, the  
2558 department may:

2559       ~~(4) Adopt rules governing the implementation of grant~~  
2560 ~~programs. The rules may include, but need not be limited to,~~  
2561 ~~criteria regarding the application process, the selection of~~  
2562 ~~grantees, the implementation of injury-prevention activities,~~  
2563 ~~data collection, surveillance, education, and the promotion of~~  
2564 ~~interventions.~~

2565       Section 67. Subsection (6) of section 401.245, Florida  
2566 Statutes, is renumbered as subsection (5), and present  
2567 subsection (5) of that section is amended to read:

2568       401.245 Emergency Medical Services Advisory Council.—

2569       ~~(5) The department shall adopt rules to implement this~~  
2570 ~~section, which rules shall serve as formal operating procedures~~  
2571 ~~for the Emergency Medical Services Advisory Council.~~

2572       Section 68. Section 401.271, Florida Statutes, is amended  
2573 to read:

2574       401.271 Certification of emergency medical technicians and  
2575 paramedics who are on active duty with the Armed Forces of the  
2576 United States; spouses of members of the Armed Forces.—

2577       ~~(1) Any member of the Armed Forces of the United States on~~  
2578 ~~active duty who, at the time he or she became a member, was in~~  
2579 ~~good standing with the department and was entitled to practice~~



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2580 as an emergency medical technician or paramedic in the state  
2581 remains in good standing without registering, paying dues or  
2582 fees, or performing any other act, as long as he or she is a  
2583 member of the Armed Forces of the United States on active duty  
2584 and for a period of 6 months after his or her discharge from  
2585 active duty as a member of the Armed Forces of the United  
2586 States.

2587 ~~(2) The department may adopt rules exempting the spouse of~~  
2588 ~~a member of the Armed Forces of the United States on active duty~~  
2589 ~~from certification renewal provisions while the spouse is absent~~  
2590 ~~from the state because of the member's active duty with the~~  
2591 ~~Armed Forces.~~

2592 Section 69. Section 402.45, Florida Statutes, is repealed.

2593 Section 70. Subsection (1) of section 400.914, Florida  
2594 Statutes, is amended to read:

2595 400.914 Rules establishing standards.—

2596 (1) Pursuant to the intention of the Legislature to provide  
2597 safe and sanitary facilities and healthful programs, the agency  
2598 in conjunction with the Division of Children's Medical Services  
2599 ~~Prevention and Intervention~~ of the Department of Health shall  
2600 adopt and publish rules to implement the provisions of this part  
2601 and part II of chapter 408, which shall include reasonable and  
2602 fair standards. Any conflict between these standards and those  
2603 that may be set forth in local, county, or city ordinances shall  
2604 be resolved in favor of those having statewide effect. Such  
2605 standards shall relate to:

2606 (a) The assurance that PPEC services are family centered  
2607 and provide individualized medical, developmental, and family  
2608 training services.



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2609 (b) The maintenance of PPEC centers, not in conflict with  
2610 the provisions of chapter 553 and based upon the size of the  
2611 structure and number of children, relating to plumbing, heating,  
2612 lighting, ventilation, and other building conditions, including  
2613 adequate space, which will ensure the health, safety, comfort,  
2614 and protection from fire of the children served.

2615 (c) The appropriate provisions of the most recent edition  
2616 of the "Life Safety Code" (NFPA-101) shall be applied.

2617 (d) The number and qualifications of all personnel who have  
2618 responsibility for the care of the children served.

2619 (e) All sanitary conditions within the PPEC center and its  
2620 surroundings, including water supply, sewage disposal, food  
2621 handling, and general hygiene, and maintenance thereof, which  
2622 will ensure the health and comfort of children served.

2623 (f) Programs and basic services promoting and maintaining  
2624 the health and development of the children served and meeting  
2625 the training needs of the children's legal guardians.

2626 (g) Supportive, contracted, other operational, and  
2627 transportation services.

2628 (h) Maintenance of appropriate medical records, data, and  
2629 information relative to the children and programs. Such records  
2630 shall be maintained in the facility for inspection by the  
2631 agency.

2632 Section 71. Paragraph (d) of subsection (11) of section  
2633 409.256, Florida Statutes, is amended to read:

2634 409.256 Administrative proceeding to establish paternity or  
2635 paternity and child support; order to appear for genetic  
2636 testing.—

2637 (11) FINAL ORDER ESTABLISHING PATERNITY OR PATERNITY AND



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2638 CHILD SUPPORT; CONSENT ORDER; NOTICE TO OFFICE OF VITAL  
2639 STATISTICS.—

2640 (d) Upon rendering a final order of paternity or a final  
2641 order of paternity and child support, the department shall  
2642 notify the Office ~~Division~~ of Vital Statistics of the Department  
2643 of Health that the paternity of the child has been established.

2644 Section 72. Section 458.346, Florida Statutes, is repealed.

2645 Section 73. Subsection (3) of section 462.19, Florida  
2646 Statutes, is renumbered as subsection (2), and present  
2647 subsection (2) of that section is amended to read:

2648 462.19 Renewal of license; inactive status.—

2649 ~~(2) The department shall adopt rules establishing a~~  
2650 ~~procedure for the biennial renewal of licenses.~~

2651 Section 74. Section 464.0197, Florida Statutes, is  
2652 repealed.

2653 Section 75. Subsection (4) of section 464.208, Florida  
2654 Statutes, is amended to read:

2655 464.208 Background screening information; rulemaking  
2656 authority.—

2657 ~~(4) The board shall adopt rules to administer this part.~~

2658 Section 76. Subsections (1) and (2) of section 633.115,  
2659 Florida Statutes, are amended to read:

2660 633.115 Fire and Emergency Incident Information Reporting  
2661 Program; duties; fire reports.—

2662 (1) (a) The Fire and Emergency Incident Information  
2663 Reporting Program is created within the Division of State Fire  
2664 Marshal. The program shall:

2665 1. Establish and maintain an electronic communication  
2666 system capable of transmitting fire and emergency incident



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2667 information to and between fire protection agencies.

2668         2. Initiate a Fire and Emergency Incident Information  
2669 Reporting System that shall be responsible for:

2670             a. Receiving fire and emergency incident information from  
2671 fire protection agencies.

2672             b. Preparing and disseminating annual reports to the  
2673 Governor, the President of the Senate, the Speaker of the House  
2674 of Representatives, fire protection agencies, and, upon request,  
2675 the public. Each report shall include, but not be limited to,  
2676 the information listed in the National Fire Incident Reporting  
2677 System.

2678             c. Upon request, providing other states and federal  
2679 agencies with fire and emergency incident data of this state.

2680         3. Adopt rules to effectively and efficiently implement,  
2681 administer, manage, maintain, and use the Fire and Emergency  
2682 Incident Information Reporting Program. The rules shall be  
2683 considered minimum requirements and shall not preclude a fire  
2684 protection agency from implementing its own requirements which  
2685 shall not conflict with the rules of the Division of State Fire  
2686 Marshal.

2687         4. By rule, establish procedures and a format for each fire  
2688 protection agency to voluntarily monitor its records and submit  
2689 reports to the program.

2690         5. Establish an electronic information database which is  
2691 accessible and searchable by fire protection agencies.

2692             (b) The Division of State Fire Marshal shall consult with  
2693 the Division of Forestry of the Department of Agriculture and  
2694 Consumer Services and the Bureau of Emergency Preparedness and  
2695 Community Support ~~Medical Services~~ of the Department of Health



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2696 to coordinate data, ensure accuracy of the data, and limit  
2697 duplication of efforts in data collection, analysis, and  
2698 reporting.

2699 (2) The Fire and Emergency Incident Information System  
2700 Technical Advisory Panel is created within the Division of State  
2701 Fire Marshal. The panel shall advise, review, and recommend to  
2702 the State Fire Marshal with respect to the requirements of this  
2703 section. The membership of the panel shall consist of the  
2704 following 15 members:

2705 (a) The current 13 members of the Firefighters Employment,  
2706 Standards, and Training Council as established in s. 633.31.

2707 (b) One member from the Division of Forestry of the  
2708 Department of Agriculture and Consumer Services, appointed by  
2709 the division director.

2710 (c) One member from the Bureau of Emergency Preparedness  
2711 and Community Support ~~Medical Services~~ of the Department of  
2712 Health, appointed by the bureau chief.

2713 Section 77. Paragraph (b) of subsection (9) and paragraph  
2714 (c) of subsection (10) of section 768.28, Florida Statutes, are  
2715 amended to read:

2716 768.28 Waiver of sovereign immunity in tort actions;  
2717 recovery limits; limitation on attorney fees; statute of  
2718 limitations; exclusions; indemnification; risk management  
2719 programs.—

2720 (9)

2721 (b) As used in this subsection, the term:

2722 1. "Employee" includes any volunteer firefighter.

2723 2. "Officer, employee, or agent" includes, but is not  
2724 limited to, any health care provider when providing services



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2725 pursuant to s. 766.1115; ~~any member of the Florida Health~~  
2726 ~~Services Corps, as defined in s. 381.0302, who provides~~  
2727 ~~uncompensated care to medically indigent persons referred by the~~  
2728 ~~Department of Health;~~ any nonprofit independent college or  
2729 university located and chartered in this state which owns or  
2730 operates an accredited medical school, and its employees or  
2731 agents, when providing patient services pursuant to paragraph  
2732 (10) (f); and any public defender or her or his employee or  
2733 agent, including, among others, an assistant public defender and  
2734 an investigator.

2735 (10)

2736 (c) For purposes of this section, regional poison control  
2737 centers created in accordance with s. 395.1027 and coordinated  
2738 and supervised under the Division of Children's Medical Services  
2739 ~~Prevention and Intervention~~ of the Department of Health, or any  
2740 of their employees or agents, shall be considered agents of the  
2741 State of Florida, Department of Health. Any contracts with  
2742 poison control centers must provide, to the extent permitted by  
2743 law, for the indemnification of the state by the agency for any  
2744 liabilities incurred up to the limits set out in this chapter.

2745 Section 78. Subsections (4), (5), (6), (8), (9), (10),  
2746 (11), and (12) of section 1009.66, Florida Statutes, are amended  
2747 to read:

2748 1009.66 Nursing Student Loan Forgiveness Program.—

2749 (4) From the funds available, the Department of Education  
2750 ~~Health~~ may make loan principal repayments of up to \$4,000 a year  
2751 for up to 4 years on behalf of selected graduates of an  
2752 accredited or approved nursing program. All repayments shall be  
2753 contingent upon continued proof of employment in the designated



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2754 facilities in this state and shall be made directly to the  
2755 holder of the loan. The state shall bear no responsibility for  
2756 the collection of any interest charges or other remaining  
2757 balance. In the event that the designated facilities are  
2758 changed, a nurse shall continue to be eligible for loan  
2759 forgiveness as long as he or she continues to work in the  
2760 facility for which the original loan repayment was made and  
2761 otherwise meets all conditions of eligibility.

2762 (5) There is created the Nursing Student Loan Forgiveness  
2763 Trust Fund to be administered by the Department of Education  
2764 ~~Health~~ pursuant to this section and s. 1009.67 and department  
2765 rules. The Chief Financial Officer shall authorize expenditures  
2766 from the trust fund upon receipt of vouchers approved by the  
2767 Department of Education ~~Health~~. All moneys collected from the  
2768 private health care industry and other private sources for the  
2769 purposes of this section shall be deposited into the Nursing  
2770 Student Loan Forgiveness Trust Fund. Any balance in the trust  
2771 fund at the end of any fiscal year shall remain therein and  
2772 shall be available for carrying out the purposes of this section  
2773 and s. 1009.67.

2774 (6) In addition to licensing fees imposed under part I of  
2775 chapter 464, there is hereby levied and imposed an additional  
2776 fee of \$5, which fee shall be paid upon licensure or renewal of  
2777 nursing licensure. Revenues collected from the fee imposed in  
2778 this subsection shall be deposited in the Nursing Student Loan  
2779 Forgiveness Trust Fund of the Department of Education ~~Health~~ and  
2780 will be used solely for the purpose of carrying out the  
2781 provisions of this section and s. 1009.67. Up to 50 percent of  
2782 the revenues appropriated to implement this subsection may be





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2783 used for the nursing scholarship program established pursuant to  
2784 s. 1009.67.

2785 ~~(8) The Department of Health may solicit technical~~  
2786 ~~assistance relating to the conduct of this program from the~~  
2787 ~~Department of Education.~~

2788 ~~(8)-(9)~~ The Department of Education ~~Health~~ is authorized to  
2789 recover from the Nursing Student Loan Forgiveness Trust Fund its  
2790 costs for administering the Nursing Student Loan Forgiveness  
2791 Program.

2792 ~~(9)-(10)~~ The Department of Education ~~Health~~ may adopt rules  
2793 necessary to administer this program.

2794 ~~(10)-(11)~~ This section shall be implemented only as  
2795 specifically funded.

2796 ~~(11)-(12)~~ Students receiving a nursing scholarship pursuant  
2797 to s. 1009.67 are not eligible to participate in the Nursing  
2798 Student Loan Forgiveness Program.

2799 Section 79. Section 1009.67, Florida Statutes, is amended  
2800 to read:

2801 1009.67 Nursing scholarship program.—

2802 (1) There is established within the Department of Education  
2803 ~~Health~~ a scholarship program for the purpose of attracting  
2804 capable and promising students to the nursing profession.

2805 (2) A scholarship applicant shall be enrolled in an  
2806 approved nursing program leading to the award of an associate  
2807 degree, a baccalaureate degree, or a graduate degree in nursing.

2808 (3) A scholarship may be awarded for no more than 2 years,  
2809 in an amount not to exceed \$8,000 per year. However, registered  
2810 nurses pursuing a graduate degree for a faculty position or to  
2811 practice as an advanced registered nurse practitioner may



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2812 receive up to \$12,000 per year. These amounts shall be adjusted  
2813 by the amount of increase or decrease in the consumer price  
2814 index for urban consumers published by the United States  
2815 Department of Commerce.

2816 (4) Credit for repayment of a scholarship shall be as  
2817 follows:

2818 (a) For each full year of scholarship assistance, the  
2819 recipient agrees to work for 12 months in a faculty position in  
2820 a college of nursing or Florida College System institution  
2821 nursing program in this state or at a health care facility in a  
2822 medically underserved area as designated ~~approved~~ by the  
2823 Department of Health. Scholarship recipients who attend school  
2824 on a part-time basis shall have their employment service  
2825 obligation prorated in proportion to the amount of scholarship  
2826 payments received.

2827 (b) Eligible health care facilities include nursing homes  
2828 and hospitals in this state, state-operated medical or health  
2829 care facilities, public schools, county health departments,  
2830 federally sponsored community health centers, colleges of  
2831 nursing in universities in this state, and Florida College  
2832 System institution nursing programs in this state, family  
2833 practice teaching hospitals as defined in s. 395.805, or  
2834 specialty children's hospitals as described in s. 409.9119. The  
2835 recipient shall be encouraged to complete the service obligation  
2836 at a single employment site. If continuous employment at the  
2837 same site is not feasible, the recipient may apply to the  
2838 department for a transfer to another approved health care  
2839 facility.

2840 (c) Any recipient who does not complete an appropriate



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2841 program of studies, who does not become licensed, who does not  
2842 accept employment as a nurse at an approved health care  
2843 facility, or who does not complete 12 months of approved  
2844 employment for each year of scholarship assistance received  
2845 shall repay to the Department of Education ~~Health~~, on a schedule  
2846 to be determined by the department, the entire amount of the  
2847 scholarship plus 18 percent interest accruing from the date of  
2848 the scholarship payment. Moneys repaid shall be deposited into  
2849 the Nursing Student Loan Forgiveness Trust Fund established in  
2850 s. 1009.66. However, the department may provide additional time  
2851 for repayment if the department finds that circumstances beyond  
2852 the control of the recipient caused or contributed to the  
2853 default.

2854 (5) Scholarship payments shall be transmitted to the  
2855 recipient upon receipt of documentation that the recipient is  
2856 enrolled in an approved nursing program. The Department of  
2857 Education ~~Health~~ shall develop a formula to prorate payments to  
2858 scholarship recipients so as not to exceed the maximum amount  
2859 per academic year.

2860 (6) The Department of Education ~~Health~~ shall adopt rules,  
2861 including rules to address extraordinary circumstances that may  
2862 cause a recipient to default on either the school enrollment or  
2863 employment contractual agreement, to implement this section.

2864 (7) The Department of Education ~~Health~~ may recover from the  
2865 Nursing Student Loan Forgiveness Trust Fund its costs for  
2866 administering the nursing scholarship program.

2867 Section 80. Department of Health; type two transfer.-

2868 (1) All powers, duties, functions, records, offices,  
2869 personnel, associated administrative support positions,



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2870 property, pending issues, existing contracts, administrative  
2871 authority, administrative rules, and unexpended balances of  
2872 appropriations, allocations, and other funds relating to the  
2873 Nursing Student Loan Forgiveness Program and the nursing  
2874 scholarship program in the Department of Health are transferred  
2875 by a type two transfer, as defined in s. 20.06(2), Florida  
2876 Statutes, to the Department of Education.

2877 (2) The Nursing Student Loan Forgiveness Trust Fund is  
2878 transferred from the Department of Health to the Department of  
2879 Education.

2880 (3) Any binding contract or interagency agreement related  
2881 to the Nursing Student Loan Forgiveness Program existing before  
2882 July 1, 2012, between the Department of Health, or an entity or  
2883 agent of the agency, and any other agency, entity, or person  
2884 shall continue as a binding contract or agreement for the  
2885 remainder of the term of such contract or agreement on the  
2886 successor department, agency, or entity responsible for the  
2887 program, activity, or functions relative to the contract or  
2888 agreement.

2889 (4) Notwithstanding s. 216.292 and pursuant to s. 216.351,  
2890 Florida Statutes, upon approval by the Legislative Budget  
2891 Commission, the Executive Office of the Governor may transfer  
2892 funds and positions between agencies to implement this act.

2893 (5) The transfer of any program, activity, duty, or  
2894 function under this act includes the transfer of any records and  
2895 unexpended balances of appropriations, allocations, or other  
2896 funds related to such program, activity, duty, or function.  
2897 Unless otherwise provided, the successor organization to any  
2898 program, activity, duty, or function transferred under this act



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2899 shall become the custodian of any property of the organization  
2900 that was responsible for the program, activity, duty, or  
2901 function immediately before the transfer.

2902 Section 81. The Division of Medical Quality Assurance shall  
2903 develop a plan to improve the efficiency of its functions.  
2904 Specifically, the plan shall delineate methods to: reduce the  
2905 average length of time for a qualified applicant to receive  
2906 initial and renewal licensure, certification, or registration,  
2907 by one-third; improve the agenda process for board meetings to  
2908 increase transparency, timeliness, and usefulness for board  
2909 decisionmaking; and improve the cost-effectiveness and  
2910 efficiency of the joint functions of the division and the  
2911 regulatory boards. In developing the plan, the division shall  
2912 identify and analyze best practices found within the division  
2913 and other state agencies with similar functions, options for  
2914 information technology improvements, options for contracting  
2915 with outside entities, and any other option the division deems  
2916 useful. The division shall consult with and solicit  
2917 recommendations from the regulatory boards in developing the  
2918 plan. The division shall submit the plan to the Governor, the  
2919 Speaker of the House of Representatives, and the President of  
2920 the Senate by November 1, 2012. All executive branch agencies  
2921 are instructed, and all other state agencies are requested, to  
2922 assist the division in accomplishing its purposes under this  
2923 section.

2924 Section 82. Subsection (1), paragraph (c) of subsection  
2925 (3), and subsection (9) of section 381.0041, Florida Statutes,  
2926 are amended to read:

2927 381.0041 Donation and transfer of human tissue; testing



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2928 requirements.-

2929 (1) Every donation of blood, plasma, organs, skin, or other  
2930 human tissue for transfusion or transplantation to another shall  
2931 be tested prior to transfusion or other use for human  
2932 immunodeficiency virus infection and other communicable diseases  
2933 specified by rule of the Department of Health. Tests for the  
2934 human immunodeficiency virus infection shall be performed only  
2935 after obtaining written, informed consent from the potential  
2936 donor or the donor's legal representative. Such consent may be  
2937 given by a minor pursuant to s. 743.06. Obtaining consent shall  
2938 include a fair explanation of the procedures to be followed and  
2939 the meaning and use of the test results. Such explanation shall  
2940 include a description of the confidential nature of the test as  
2941 described in s. 381.004(2) ~~381.004(3)~~. If consent for testing is  
2942 not given, then the person shall not be accepted as a donor  
2943 except as otherwise provided in subsection (3).

2944 (3) No person shall collect any blood, organ, skin, or  
2945 other human tissue from one human being and hold it for, or  
2946 actually perform, any implantation, transplantation,  
2947 transfusion, grafting, or any other method of transfer to  
2948 another human being without first testing such tissue for the  
2949 human immunodeficiency virus and other communicable diseases  
2950 specified by rule of the Department of Health, or without  
2951 performing another process approved by rule of the Department of  
2952 Health capable of killing the causative agent of those diseases  
2953 specified by rule. Such testing shall not be required:

2954 (c) When there is insufficient time to obtain the results  
2955 of a confirmatory test for any tissue or organ which is to be  
2956 transplanted, notwithstanding the provisions of s. 381.004(2)(d)



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2957 ~~381.004(3)(d)~~. In such circumstances, the results of preliminary  
2958 screening tests may be released to the potential recipient's  
2959 treating physician for use in determining organ or tissue  
2960 suitability.

2961 (9) All blood banks shall be governed by the  
2962 confidentiality provisions of s. 381.004(2) ~~381.004(3)~~.

2963 Section 83. Paragraph (b) of subsection (3) of section  
2964 384.25, Florida Statutes, is amended to read:

2965 384.25 Reporting required.—

2966 (3) To ensure the confidentiality of persons infected with  
2967 the human immunodeficiency virus (HIV), reporting of HIV  
2968 infection and AIDS must be conducted using a system developed by  
2969 the Centers for Disease Control and Prevention of the United  
2970 States Public Health Service or an equivalent system.

2971 (b) The reporting may not affect or relate to anonymous HIV  
2972 testing programs conducted pursuant to s. 381.004(3) ~~381.004(4)~~.

2973 Section 84. Subsection (5) of section 392.56, Florida  
2974 Statutes, is amended to read:

2975 392.56 Hospitalization, placement, and residential  
2976 isolation.—

2977 (5) If the department petitions the circuit court to order  
2978 that a person who has active tuberculosis be hospitalized in a  
2979 facility operated under s. 392.62~~(2)~~, the department shall  
2980 notify the facility of the potential court order.

2981 Section 85. Subsection (2) of section 456.032, Florida  
2982 Statutes, is amended to read:

2983 456.032 Hepatitis B or HIV carriers.—

2984 (2) Any person licensed by the department and any other  
2985 person employed by a health care facility who contracts a blood-



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2986 borne infection shall have a rebuttable presumption that the  
2987 illness was contracted in the course and scope of his or her  
2988 employment, provided that the person, as soon as practicable,  
2989 reports to the person's supervisor or the facility's risk  
2990 manager any significant exposure, as that term is defined in s.  
2991 381.004(1)(c) ~~381.004(2)(e)~~, to blood or body fluids. The  
2992 employer may test the blood or body fluid to determine if it is  
2993 infected with the same disease contracted by the employee. The  
2994 employer may rebut the presumption by the preponderance of the  
2995 evidence. Except as expressly provided in this subsection, there  
2996 shall be no presumption that a blood-borne infection is a job-  
2997 related injury or illness.

2998 Section 86. Subsection (1) of section 775.0877, Florida  
2999 Statutes, is amended to read:

3000 775.0877 Criminal transmission of HIV; procedures;  
3001 penalties.—

3002 (1) In any case in which a person has been convicted of or  
3003 has pled nolo contendere or guilty to, regardless of whether  
3004 adjudication is withheld, any of the following offenses, or the  
3005 attempt thereof, which offense or attempted offense involves the  
3006 transmission of body fluids from one person to another:

3007 (a) Section 794.011, relating to sexual battery;

3008 (b) Section 826.04, relating to incest;

3009 (c) Section 800.04, relating to lewd or lascivious offenses  
3010 committed upon or in the presence of persons less than 16 years  
3011 of age;

3012 (d) Sections 784.011, 784.07(2)(a), and 784.08(2)(d),  
3013 relating to assault;

3014 (e) Sections 784.021, 784.07(2)(c), and 784.08(2)(b),





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- 3015 relating to aggravated assault;
- 3016 (f) Sections 784.03, 784.07(2)(b), and 784.08(2)(c),
- 3017 relating to battery;
- 3018 (g) Sections 784.045, 784.07(2)(d), and 784.08(2)(a),
- 3019 relating to aggravated battery;
- 3020 (h) Section 827.03(1), relating to child abuse;
- 3021 (i) Section 827.03(2), relating to aggravated child abuse;
- 3022 (j) Section 825.102(1), relating to abuse of an elderly
- 3023 person or disabled adult;
- 3024 (k) Section 825.102(2), relating to aggravated abuse of an
- 3025 elderly person or disabled adult;
- 3026 (l) Section 827.071, relating to sexual performance by
- 3027 person less than 18 years of age;
- 3028 (m) Sections 796.03, 796.07, and 796.08, relating to
- 3029 prostitution; or
- 3030 (n) Section 381.0041(11)(b), relating to donation of blood,
- 3031 plasma, organs, skin, or other human tissue,
- 3032

3033 The court shall order the offender to undergo HIV testing,

3034 to be performed under the direction of the Department of Health

3035 in accordance with s. 381.004, unless the offender has undergone

3036 HIV testing voluntarily or pursuant to procedures established in

3037 s. 381.004(2)(h)6. ~~381.004(3)(h)6.~~ or s. 951.27, or any other

3038 applicable law or rule providing for HIV testing of criminal

3039 offenders or inmates, subsequent to her or his arrest for an

3040 offense enumerated in paragraphs (a)-(n) for which she or he was

3041 convicted or to which she or he pled nolo contendere or guilty.

3042 The results of an HIV test performed on an offender pursuant to

3043 this subsection are not admissible in any criminal proceeding



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3044 arising out of the alleged offense.

3045 Section 87. Except as otherwise provided herein, this act

3046 shall take effect upon becoming law.